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FOREWORD

This volume of legislation and related material is part of a three volume set of laws and related material frequently referred to by the Committees on Foreign Relations of the Senate and Foreign Affairs of the House of Representatives, amended to date and annotated to show pertinent history or cross references.

Volumes I and II contain legislation and related material and are republished with amendments and additions at the end of each annual session of Congress. Volume III which contains treaties and related material will not be revised every year, but only as necessary.

We wish to express our appreciation to Raphael Perl of the Foreign Affairs and National Defense Division of the Congressional Research Service of the Library of Congress who, with the assistance of Winston C. Woodland, prepared this year's compilation.

CLAIBORNE PELL,
Chairman, Committee on Foreign Relations.
DANTE B. FASCELL,
Chairman, Committee on Foreign Affairs.

EXPLANATORY NOTE

All public laws included in this volume, except as noted below, are codified and in force through the first session of the 99th Congress. The texts of the public laws in this volume are printed as they appear in the United States Statutes at Large rather than the United States Code. Amendments are incorporated into the text and distinguished by a footnote.

Section 6 of the Internal Security Act of 1950 (page 1295) remains in the volume although it has been held unconstitutional.

All Executive orders and State Department delegations of authority are codified and in force as of January 1, 1987.

ABBREVIATIONS

Bevans	Treaties and Other International Agreements of the United States of America, 1776–1949, compiled under the direction of Charles I. Bevans.
CFR	Code of Federal Regulations.
EAS	Executive Agreement Series.
F.R	Federal Register.
LNTS	League of Nations Treaty Series.
I Malloy, II Malloy	Treaties, Conventions, International Acts, Protocols, and Agreements Between the United States of America and Other Powers 1776–1909, compiled under the direction of the United States Senate by William M. Malloy.
Stat	United States Statutes at Large.
TIAS	Treaties and Other International Acts Series.
TS	Treaty Series.
UNTS	United Nations Treaty Series.
U.S.C	United States Code.
UST	United States Treaties and Other International Agreements.

CONTENTS

Page

FOREWORD III

EXPLANATORY NOTE V

ABBREVIATIONS VII

A. FOREIGN ASSISTANCE [1] 1

1. Foreign Assistance and Arms Export Acts 15
2. Foreign Assistance Appropriations 488
3. Other Foreign Assistance Related Legislation 531
4. Executive Orders, Delegations of Authority, and Reorganization Plans Relating to Foreign Assistance 620
5. Armed Forces Authorizations and Appropriations 653
6. Laws Relating to Loan or Sale of Vessels to Foreign Countries 760

B. AGRICULTURAL COMMODITIES 763

1. Agricultural Trade Development and Assistance 765
2. Food for Peace Program 871
3. Agricultural Trade Act of 1978 877
4. Agricultural Act of 1980 and Related Material 883
5. Agriculture and Food Act of 1981 (Public Law 97-98) (partial text) 899
6. Omnibus Reconciliation Act of 1982 (Public Law 97-253) (partial text) 911
7. International Carriage of Perishable Foodstuffs Act (Public Law 97-325) 913

C. THE PEACE CORPS 917

1. The Peace Corps Act, as amended 919
2. Establishment of the Peace Corps as an Independent Agency (Public Law 97-113) (partial text) 947
3. Peace Corps Authorization for Fiscal Years 1986 and 1987 (Public Law 99-83) (partial text) 950
4. Independent Implementing Provisions of Public Law 89-134 951
5. Recognition of Peace Corps Volunteers and the Peace Corps on its Twenty-Fifth Anniversary, 1985-1986 (Public Law 99-111) 952
6. Executive Order 12137 (The Peace Corps) 953
7. Executive Order 11103 (Providing for the Appointment of Former Peace Corps Volunteers to the Civilian Civil Service) 958
8. Executive Order 12412 (Peace Corps Advisory Council) 959

D. ARMS CONTROL AND DISARMAMENT 961

1. Arms Control and Disarmament Act, as amended (Public Law 87-297) 963
2. Arms Control and Disarmament Act, Authorization for Fiscal Years 1986 and 1987 (Public Law 99-93) (partial text) 987
3. Arms Control and Disarmament Agency Appropriations, 1987 (Public Law 99-591) (partial text) 991
4. Executive Order 11850 (Renunciation of Certain Uses in War of Chemical Herbicides and Riot Control Agencies) 992

E. DEPARTMENT OF STATE 993

1. Authorizations and Appropriations 1001
2. Organizations and Administration 1174
3. Passport Laws and Regulations 1378
4. Foreign Service Buildings 1388
5. International Center Act (Public Law 90-553, as amended) 1398
6. Foreign Gifts and Decorations 1400
7. Migration and Refugee Assistance 1409

---

[1] A more detailed table of contents appears at the beginning of each section lettered A through F.

8. Recognition by the United States of Foreign Governments (S. Res. 205, 91st Congress) 1426
9. The Asia Foundation Act (title IV of Public Law 98-164) 1427
10. The International Environment Protection Act of 1983 (title VII of Public Law 98-164) 1429
11. Omnibus Diplomatic Security and Antiterrorism Act of 1986 (Public Law 99-399) (partial text) 1432
12. Executive Order 12576 (Victims of Terrorism Compensation) 1477

F. INFORMATION AND EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS 1479

1. United States Information and Educational Exchange Act and Related Materials 1481
2. Mutual Educational and Cultural Exchange Act and Related Materials 1543
3. United States Scholarship Program for Developing Countries Authorization, Fiscal Years 1986 and 1987 (title VI of Public Law 99-93) 1562
4. National Endowment for Democracy Act (title IV of Public Law 98-164) 1569
5. Soviet-Eastern European Research and Training Act of 1983 (title VIII of Public Law 98-164) 1574
6. United States-India Fund for Cultural, Educational, and Scientific Cooperation Act (title IX of Public Law 98-164) 1579
7. Executive Order 12517 (Delegation Concerning the United States-India Fund for Cultural, Educational and Scientific Cooperation) 1581
8. Center for Cultural and Technical Interchange Between East and West Act of 1960 (Partial Text of Mutual Security Act of 1960) 1582
9. Japan-United States Friendship Act (Public Law 94-118) 1584
10. Exchange of Materials and Objects 1590
11. Convention on Cultural Property Implementation Act (Public Law 97-446) (partial text) 1593
12. International Expositions 1608
13. Board for International Broadcasting Act of 1973 (Radio Free Europe/Radio Liberty) 1617
14. Radio Broadcasting to Cuba Act (Public Law 98-111) 1633
15. Commission on Security and Cooperation in Europe (Public Law 94-304) 1638
16. Control of Swine Influenza (Public Law 94-302) (partial text) 1646

INDEX 1649

A. FOREIGN ASSISTANCE

CONTENTS

Page
1. Foreign Assistance and Arms Export Acts ... 15
    a. The Foreign Assistance Act of 1961, as amended ... 15

Part I:

Chapter 1—Policy ... 16
Section 101—General Policy ... 16
Section 102—Development Assistance Policy ... 17
Section 103—Agriculture, Rural Development, and Nutrition ... 24
Section 103A—Agricultural Research ... 27
Section 104—Population and Health ... 27
Section 105—Education and Human Resources Development ... 31
Section 106—Energy, Private Voluntary Organizations, and Selected Development Activities ... 33
Section 107—Appropriate Technology ... 36
Section 108—Private Sector Revolving Fund ... 36
Section 109—Transfer of Funds ... 39
Section 110—Cost-Sharing and Funding Limits ... 39
Section 111—Development and Use of Cooperatives ... 40
Section 113—Integrating Women Into National Economies ... 40
Section 116—Human Rights ... 41
Section 117—Assistance for Disadvantaged South Africans ... 44
Section 117—Environment and Natural Resources ... 44
Section 118—Tropical Forests ... 45
Section 119—Endangered Species ... 48
Section 120—Sahel Development Program—Planning ... 50
Section 121—Sahel Development Program—Implementation ... 51
Section 122—General Authorities ... 52
Section 123—Private and Voluntary Organizations and Cooperatives in Overseas Development ... 53
Section 124—Relatively Least Developed Countries ... 55
Section 125—Project and Program Evaluation ... 56
Section 126—Development and Illicit Narcotics Production ... 57
Section 127—Accelerated Loan Repayments ... 57
Section 128—Targeting Assistance for Those Living in Absolute Poverty ... 58
Chapter 2—Other Programs ... 58
Title I—Multilateral and Regional Development Programs ... 59
Section 206—Regional Development in Africa ... 59
Section 209—Multilateral and Regional Programs ... 59
Title II—American Schools and Hospitals Abroad; Prototype Desalting Plant ... 60
Section 214—American Schools and Hospitals Abroad ... 60
Section 219—Prototype Desalting Plant ... 61
Title III—Housing and Other Credit Guaranty Programs ... 62
Section 221—Housing Guaranties ... 62
Section 222—Authorization ... 63
Section 222A—Agricultural and Productive Credit and Self-Help Community Development Programs ... 64
Section 223—General Provisions ... 66
Section 224—Trade Credit Insurance Program ... 69
Title IV—Overseas Private Investment Corporation ... 70
Section 231—Creation, Purpose, and Policy ... 70
Section 231A—Additional Requirements ... 73

Page
Section 232—Capital of the Corporation 73
Section 233—Organization and Management 74
Section 234—Investment Insurance and Other Programs 75
Section 234A—Facultative Reinsurance Program 79
Section 235—Issuing Authority, Direct Investment Fund and Reserves 80
Section 236—Income and Revenues 83
Section 237—General Provisions Relating to Insurance and Guaranty Program 84
Section 238—Definitions 87
Section 239—General Provisions and Powers 88
Section 240—Small Business Development 91
Section 240A—Reports to the Congress 91
Title V—Disadvantaged Children in Asia 94
Section 241—Assistance to Certain Disadvantaged Children in Asia 94
Title IX—Utilization of Democratic Institutions in Development 94
Section 281—Utilization of Democratic Institutions in Development 94
Title XII—Famine Prevention and Freedom From Hunger 95
Section 296—General Provisions 95
Section 297—General Authority 97
Section 298—Board for International Food and Agricultural Development 99
Section 299—Authorization 100
Section 300—Annual Report 100
Chapter 3—International Organizations and Programs 101
Section 301—General Authority 101
Section 302—Authorization 103
Section 303—Indus Basin Development 106
Section 305—Integration of Women 106
Section 306—Reports on International Organizations 106
Section 307—Withholding of United States Proportionate Share for Certain Programs of International Organizations 107
Chapter 4—[See Chapter 4 of Part II] 108
Chapter 5—Contingencies 108
Section 451—Contingencies 108
Chapter 6—Central America Democracy, Peace, and Development Initiative 109
Section 461—Statement of Policy 109
Section 462—Conditions on Furnishing Assistance 110
Section 463—Peace Process in Central America 110
Section 464—Economic Assistance Coordination 110
Section 465—Authorizations for Fiscal Years 1988 and 1989 112
Section 466—Definitions 112
Chapter 8—International Narcotics Control 112
Section 481—International Narcotics Control 112
Section 482—Authorization 123
Section 483—Prohibition in Use of Foreign Assistance for Reimbursements for Drug Crop Eradications 124
Section 484—Retention of Title to Aircraft 125
Section 485—Records of Aircraft Use 125
Chapter 9—International Disaster Assistance 125
Section 491—Policy and General Authority 125
Section 492—Authorization 126
Section 493—Disaster Assistance—Coordination 126
Section 494—Disaster Relief Assistance 126
Section 495—Cyprus Relief and Rehabilitation 127
Section 495B—Italy Relief and Rehabilitation 127
Section 495C—Lebanon Relief and Rehabilitation 128
Section 495D—Romanian Relief and Rehabilitation 128
Section 495E—Turkey Relief, Rehabilitation, and Reconstruction 129
Section 495F—African Rehabilitation and Resettlement 129
Section 495G—Special Caribbean Hurricane Relief Assistance 130
Section 495H—Cambodian Disaster Relief Assistance 130

Page

- Section 495I—Assistance for Displaced Persons in Central America 131
- Section 495J—Lebanon Emergency Relief, Rehabilitation, and Reconstruction Assistance 132
- Section 495K—African Famine Assistance 132
- Chapter 10—Assistance to Portugal and Portuguese Colonies in Africa Gaining Independence 133
  - Section 496—Assistance to Portugal and Portuguese Colonies in Africa Gaining Independence 133
  - Section 497—Balance of Payments Loan for Portugal 133

Part II:

- Chapter 1—Policy 134
  - Section 501—Statement of Policy 134
  - Section 502—Utilization of Defense Articles and Services 135
  - Section 502A—Excess Defense Articles 135
  - Section 502B—Human Rights 136
- Chapter 2—Military Assistance 140
  - Section 503—General Authority 140
  - Section 504—Authorization 141
  - Section 505—Conditions of Eligibility 142
  - Section 506—Special Authority 146
  - Section 511—Considerations in Furnishing Military Assistance 147
  - Section 514—Stockpiling of Defense Articles for Foreign Countries 147
  - Section 515—Overseas Management of Assistance and Sales Programs 148
  - Section 516—Modernization of Defense Capabilities of Countries of NATO's Southern Flank 150
- Chapter 3—Foreign Military Sales 150
  - Section 524—Reimbursements 151
- Chapter 4—Economic Support Fund 152
  - Section 531—Authority 152
  - Section 532—Authorization of Appropriations 153
  - Section 533—Emergency Assistance 154
  - Section 534—Administration of Justice 155
  - Section 535—Economic Support for Disadvantaged South Africans 155
- Chapter 5—International Military Education and Training 156
  - Section 541—General Authority 156
  - Section 542—Authorization 156
  - Section 543—Purposes 156
  - Section 544—Exchange Training 157
  - Section 545—Training in Maritime Skills 157
- Chapter 6—Peacekeeping Operations 157
  - Section 551—General Authority 157
  - Section 552—Authorization of Appropriations 157
  - Section 553—Administrative Authorities 158
- Chapter 7—Air Base Construction in Israel 159
  - Section 561—General Authority 159
  - Section 562—Authorization and Utilization of Funds 159
  - Section 563—Waiver Authorities 159
- Chapter 8—Antiterrorism Assistance 160
  - Section 571—General Authority 160
  - Section 572—Purposes 160
  - Section 573—Specific Authorities and Limitations 160
  - Section 574—Reports to Congress 162
  - Section 575—Appropriations 163
  - Section 576—Administrative Authorities 163

Part III:

- Chapter 1—General Provisions 163
  - Section 601—Encouragement of Free Enterprise and Private Participation 163
  - Section 602—Small Business 166
  - Section 603—Shipping on United States Vessels 167
  - Section 604—Procurement 167
  - Section 605—Retention and Use of Certain Items and Funds 168

Page
Section 606—Patents and Technical Information 169
Section 607—Furnishing of Services and Commodities 170
Section 608—Advance Acquisition of Property 172
Section 609—Special Account 173
Section 610—Transfer Between Accounts 174
Section 611—Completion of Plans and Cost Estimates 174
Section 612—Use of Foreign Currencies 175
Section 613—Accounting, Valuation, Reporting, and Administration of Foreign Currencies 177
Section 614—Special Authorities 178
Section 615—Contract Authority 179
Section 616—Availability of Funds 179
Section 617—Termination of Assistance 179
Section 620—Prohibitions Against Furnishing Assistance 180
Section 620A—Prohibition on Assistance to Countries Supporting International Terrorism 189
Section 620C—United States Policy Regarding the Eastern Mediterranean 190
Section 620D—Prohibition on Assistance to Afghanistan 192
Section 620E—Assistance to Pakistan 192
Chapter 2—Administrative Provisions 193
Section 621—Exercise of Functions 193
Section 621A—Strengthened Management Practices 194
Section 622—Coordination With Foreign Policy 194
Section 623—The Secretary of Defense 195
Section 624—Statutory Officers 195
Section 625—Employment of Personnel 197
Section 626—Experts, Consultants, and Retired Officers 199
Section 627—Detail of Personnel to Foreign Governments 200
Section 628—Detail of Personnel to International Organizations 200
Section 629—Status of Personnel Detailed 200
Section 630—Terms of Detail or Assignment 201
Section 631—Missions and Staffs Abroad 202
Section 632—Allocation and Reimbursement Among Agencies 202
Section 633—Waivers of Certain Laws 204
Section 633A—Furnishing Information 205
Section 634—Annual Report 205
Section 634A—Notification of Program Changes 208
Section 634B—Classification of Reports 209
Section 635—General Authorities 209
Section 636—Provisions on Uses of Funds 211
Section 637—Administrative Expenses 215
Section 638—Exclusions 215
Section 640A—False Claims and Ineligible Commodities 216
Section 640B—Coordination 217
Section 640C—Shipping Differential 218
Chapter 3—Miscellaneous Provisions 218
Section 641—Effective Date and Identification of Programs 218
Section 642—Statutes Repealed 218
Section 643—Saving Provisions 219
Section 644—Definitions 219
Section 645—Unexpended Balances 222
Section 646—Construction 222
Section 647—Dependable Fuel Supply 222
Section 648—Special Authorization for Use of Foreign Currencies 223
Section 650—Use of United States Armed Forces 223
Section 652—Limitation Upon Exercise of Special Authorities 223
Section 653—Change in Allocation of Foreign Assistance 224
Section 654—Presidential Findings and Determinations 224
Section 660—Prohibiting Police Training 225
Section 661—Trade and Development Program 227
Section 662—Limitation on Intelligence Activities 227
Section 663—Exchanges of Certain Materials 227

Page
Section 666—Discrimination Against United States Personnel 228
Section 667—Operating Expenses 228
Section 669—Nuclear Enrichment Transfers 229
Section 670—Nuclear Reprocessing Transfers, Illegal Exports for Nuclear Explosive Devices, Transfers of Nuclear Explosive Devices, and Nuclear Detonations 231
b. Arms Export Control Act (Public Law 90–629) 237
c. Notice to Congress of Certain Transfers of Defense Articles and Defense Services (Public Law 99–569) (partial text) 290
d. Special Foreign Assistance Act of 1986 (Public Law 99–529) (partial text) 292
e. Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415) (partial text) 297
f. International Security and Development Cooperation Act of 1985 (Public Law 99–83) (partial text) 300
Section 1. Short title and table of contents 300
Title I—Military Assistance and Sales and Related Programs 300
Section 101. Foreign military sales credits 300
Section 106. Guaranty Reserve Fund 302
Section 129. Conventional arms transfers 302
Section 130. Foreign military sales for Jordan 303
Section 131. Certification concerning AWACS sold to Saudi Arabia 304
Section 132. Cooperative agreements on air defense in Central Europe 305
Title II—Economic Support Fund 307
Section 202. Assistance for the Middle East 307
Section 203. Assistance for Cyprus 308
Section 204. Assistance for Portugal 309
Section 205. Acquisition of agricultural commodities under commodity import programs 309
Section 206. Tied aid credit program 309
Section 207. Restriction on use of funds for nuclear facilities 309
Section 208. Fiscal year 1985 supplemental authorization 309
Title III—Development Assistance 310
Section 305. Promotion of immunization and oral rehydration 310
Section 311. Use of private and voluntary organizations, cooperatives, and the private sector 310
Section 315. Minority set-aside 310
Title IV—Other Foreign Assistance Programs 311
Section 402. Voluntary contributions to international organizations and programs 311
Title V—International Terrorism and Foreign Airport Security 311

Part A—International Terrorism Generally

Section 502. Coordination of all United States anti-terrorism assistance to foreign countries 311
Section 504. Prohibition on imports from and exports to Libya 312
Section 505. Ban on importing goods and services from countries supporting terrorism 312
Section 506. International anti-terrorism committee 313
Section 507. International terrorism control treaty 313
Section 508. State terrorism 313

Part B—Foreign Airport Security

Section 551. Security standards for foreign air transportation 313
Section 552. Travel advisory and suspension of foreign assistance 317
Section 553. United States airmarshal program 317
Section 554. Enforcement of International Civil Aviation Organization standards 318
Section 555. International civil aviation boycott of countries supporting international terrorism 318

Page
Section 556. Multilateral and bilateral agreements with respect to aircraft sabotage, aircraft hijacking, and airport security ... 318
Section 557. Research on airport security techniques for detecting explosives ... 318
Section 558. Hijacking of TWA flight 847 and other acts of terrorism ... 318
Section 559. Effective date ... 319
Title VI—International Narcotics Control ... 319
Section 607. Procurement of weapons to defend aircraft involved in narcotics control efforts ... 319
Section 610. Assistance for Jamaica ... 319
Section 611. Assistance for Bolivia ... 319
Section 612. Assistance to Peru ... 321
Section 613. Reallocation of funds if conditions not met ... 321
Section 615. Latin American regional narcotics control organization ... 321
Section 616. Greater effort by United States Armed Forces to support narcotics control efforts abroad ... 322
Section 617. Cuban drug trafficking ... 322
Section 619. Drug trafficking and the problem of total confidentiality of certain foreign bank accounts ... 323
Title VII—Western Hemisphere ... 324
Section 702. El Salvador ... 324
Section 703. Assistance for Guatemala ... 326
Section 704. Refugees in Honduras ... 328
Section 705. Promoting the development of the Haitian people and providing for orderly emigration from Haiti ... 329
Section 706. Military assistance for Paraguay ... 330
Section 707. Assistance for Peru ... 330
Section 709. Comprehensive reports on assistance for Latin America and the Caribbean ... 330
Section 710. Use of private and voluntary organizations ... 331
Section 713. Use of employee stock ownership plans in development efforts ... 331
Section 714. International Advisory Commission for the Caribbean Region ... 332
Section 716. Rural electrification ... 333
Section 717. Facilitating international commerce through Mexico ... 334
Section 718. Condemning human rights violations and the subversion of other governments by the Government of Cuba ... 334
Section 719. Reports on foreign debt in Latin America ... 335
Section 720. Economic assistance for Uruguay ... 335
Section 721. Canadian exports to the United States ... 335
Section 722. Nicaragua ... 336
Title VIII—Africa ... 346
Section 801. Balance-of-payments support for countries in Africa ... 346
Section 802. Economic support assistance for Southern Africa ... 347
Section 803. Policy toward South African "homelands" ... 349
Section 804. Assistance for Zaire ... 349
Section 805. Assistance for Tunisia ... 350
Section 806. Political settlement in Sudan ... 350
Section 807. Elections in Liberia ... 350
Section 808. Western Sahara ... 351
Section 812. Failure of Ethiopian Government to responsibly ameliorate famine conditions ... 351
Section 813. Assistance for the People's Republic of Mozambique ... 352
Title IX—Asia ... 353
Section 901. The Philippines ... 353
Section 903. Disadvantaged children in Asia ... 355
Section 904. Assistance for Afghanistan ... 355
Section 905. Assistance for the Cambodian people ... 355

Page
Section 906. Prohibition on certain assistance for the Khmer Rouge 356
Section 907. Political settlement in Sri Lanka 356
Section 908. United States policy toward the Republic of Korea 357
Title X—Food and Agricultural Assistance 357
Section 1008. Long-term agricultural commodity agreements with food deficit countries 357
Title XI—Peace Corps 357
Section 1103. Limitation on length of Peace Corps employment 357
Section 1104. Peace Corps National Advisory Council 358
Title XII—Miscellaneous Provisions Relating to Foreign Assistance 358
Section 1205. Reports on economic conditions in certain countries 358
Section 1206. Egyptian-Israeli relations 359
Section 1210. Report on United States assistance to coal exporting nations 359
Title XIII—Miscellaneous Provisions 359
Section 1301. Effective date 359
Section 1302. Codification of policy prohibiting negotiations with the Palestine Liberation Organization 359
Section 1303. Commission for the Preservation of America's Heritage Abroad 360
Section 1304. Federal Coal Export Commission 362
g. Jordan Supplemental Economic Assistance Authorization Act of 1985 (Public Law 99-88) (partial text) 364
h. African Famine Relief and Recovery Act of 1985 (Public Law 99-8) (partial text) 366
i. International Security and Development Assistance Authorizations Act of 1983 (Public Law 98-151) (partial text) 369
j. Lebanon Emergency Assistance Act of 1983 (Public Law 98-43) 374
k. International Security and Development Cooperation Act of 1981 (Public Law 97-113) (partial text) 376
Section 1—Short Title 376
Title I—Military Sales and Related Programs 376
Section 108—Special Defense Acquisition Fund 376
Title II—Economic Support Fund 377
Section 203—Acquisition of Agricultural Commodities and Related Products Under Commodity Import Programs 377
Title III—Development Assistance 377
Section 301—Agriculture, Rural Development, and Nutrition 377
Title IV—Food for Peace Programs 378
Section 403—Self-Help Measures To Increase Agricultural Production; Verification of Self-Help Provisions 378
Title V—Other Assistance Programs 378
Section 502—International Narcotics Control 378
Title VI—Peace Corps 378
Section 601—Establishment as an Independent Agency 378
Section 604—Restoration of Certain Authorities Formerly Contained in the Foreign Service Act 381
Title VII—Miscellaneous Provisions 381
Section 705—Inspector General 381
Section 708—Emergency Humanitarian Help for the People of Poland 383
Section 709—Use of Certain Polish Currencies 383
Section 710—Findings Regarding Global Security 383
Section 711—World Food Security Reserves 384
Section 712—Findings and Declaration of Policy Regarding World Hunger 384
Section 713—Reaffirmation of Support for Human Rights Provisions 384
Section 714—Immigrant Visas for Taiwan 385
Section 715—Lebanon 385
Section 716—Use of Chemical and Toxic Weapons 385

Page

Section 717—Financial Obligations of the Soviet Union to the United Nations ... 386
Section 718—Condemnation of Libya for its Support of International Terrorist Movements ... 387
Section 719—United States Citizens Acting in the Service of International Terrorism ... 387
Section 720—Nonaligned Countries ... 387
Section 721—Promoting the Development of the Haitian People and Providing for Orderly Emigration from Haiti ... 388
Section 722—Comprehensive Analysis of Foreign Assistance ... 389
Section 723—External Debt Burdens of Egypt, Israel, and Turkey ... 389
Section 724—Nicaragua ... 390
Section 725—Assistance and Sales for Argentina ... 391
Section 726—Repeal of Limitations on Assistance, Sales and Sales Credits for Chile ... 391
Section 727—Assistance for El Salvador ... 392
Section 728—Restrictions on Military Assistance and Sales to El Salvador ... 393
Section 729—Reporting Requirement Relating to El Salvador ... 395
Section 730—Restrictions on Aid to El Salvador ... 395
Section 731—El Salvadoran Refugees ... 396
Section 734—Repeals ... 396
Section 735—Report on Nuclear Activities ... 396
Section 737—Prohibitions Relating to Nuclear Transfers and Nuclear Detonations ... 396

l. International Security and Development Cooperation Act of 1980 (Public Law 96-533) (partial text) ... 397
Section 1—Short Title ... 397
Title I—Military and Related Assistance and Sales Programs ... 397
Section 106—Foreign Military Sales Authorization and Aggregate Ceiling ... 397
Section 110—Exportation of Uranium Depleted in the Isotope 235 ... 398
Section 119—Prohibition on Military Assistance to Nicaragua ... 399
Title III—Development Assistance Programs ... 399
Section 313—Assistance to the Eastern Caribbean ... 399
Section 314—Assistance for Equatorial Guinea ... 399
Section 315—Caribbean Development Bank ... 399
Section 316—World Hunger ... 399
Section 317—Reduction of Postharvest Losses of Food ... 400
Title IV—Other Assistance Programs ... 400
Section 402—International Narcotics Control ... 400
Section 408—East Timor ... 400
Title V—African Development Foundation ... 401
Section 501—Short Title ... 401
Section 502—Findings ... 401
Section 503—Establishment ... 401
Section 504—Purposes ... 401
Section 505—Functions ... 402
Section 506—Powers ... 403
Section 507—Management ... 404
Section 508—Government Corporation Control Act ... 405
Section 509—Limitation on Spending Authority ... 405
Section 510—Authorization of Appropriations ... 405
Section 511—Expiration of Authorities ... 406
Title VII—Miscellaneous Provisions ... 406
Section 710—Interagency Group on Human Rights and Foreign Assistance ... 406
Section 711—Peace in the Middle East ... 406
Section 712—Assistance for Jordan ... 407
Section 715—Cuban Refugees ... 407
Section 716—Incarceration and Deportation of Certain Cubans ... 408

Page
- Section 717—Prohibition on Assistance to the Governments of Cuba, Vietnam, and Cambodia 408
- Section 718—Cooperation of Other Governments in the Boycott of the 1980 Summer Olympic Games in Moscow 408
- Section 719—Elections in Uganda 409

m. International Development Cooperation Act of 1979 (Public Law 96-53) (partial text) 410
- Section 114—International Organizations and Programs 410
- Section 125—Assistance to Latin American and Caribbean Countries 411
- Section 126—Increased Contributions for Development Assistance 411

Title IV—Institute for Scientific and Technological Cooperation 411
- Section 401—Statement of Policy 411
- Section 402—Purposes and Establishment of the Institute 412
- Section 403—Functions of the Institute 412
- Section 404—General Authorities 413
- Section 405—Director of the Institute 414
- Section 406—Deputy Director and Other Statutory Officers 414
- Section 407—Council on International Scientific and Technological Cooperation 414
- Section 408—Institute Fellowships 416
- Section 409—Conflict of Interest 417
- Section 410—Authorization of Appropriations 417
- Section 412—Conforming Amendments 417
- Section 413—Establishment in International Development Cooperation Agency 418
- Section 414—Expiration of Authorities 418

Title V—Miscellaneous Provisions 418
- Section 501—Earmarking for Lebanon of Unobligated Balances in the Middle East Special Requirements Fund 418
- Section 502—Military Assistance to Sudan 418
- Section 507—Non-Proliferation of Nuclear Weapons 419
- Section 509—Refugee Crisis in Southeast Asia 419
- Section 510—Certain Travel Expenses 420
- Section 512—Effective Dates 420

n. International Security Assistance Act of 1979 (Public Law 96-92) (partial text) 421
- Section 1—Short Title 421
- Section 17—Authorization and Aggregate Ceiling for Foreign Military Sales Credits 421
- Section 23—Transfer of War Reserve Material and Other Property to Taiwan 422
- Section 24—Ammunition Sold to Thailand 422
- Section 26- Shaba Airlift 422
- Section 27—Fiscal Year 1979 Supplemental Authorization for Turkey 423

o. Special International Security Assistance Act of 1979 (Public Law 96-35) (partial text) 424
- Section 1—Short Title 424
- Section 2—Statement of Policy and Findings 424
- Section 4—Supplemental Authorization of Foreign Military Sales Loan Guaranties for Egypt and Israel 425
- Section 5—Supplemental Authorization of Economic Support for Egypt 425
- Section 6—Transfer of Facilities of the Sinai Field Mission to Egypt 426
- Section 7—Contributions by Other Countries To Support Peace in the Middle East 426
- Section 8—Planning for Trilateral Scientific and Technological Cooperation by Egypt, Israel, and the United States 426
- Section 10—Non-Proliferation of Nuclear Weapons 427

p. International Development and Food Assistance Act of 1978 (Public Law 95-424) (partial text) 428
- Section 117—International Organizations and Programs 428
- Section 120—Locust Plagues Control in Africa 429
- Section 122—African Development Foundation 429

Page
- Title III—Coordination and Administration of the Development-Related Programs and Policies of the United States 429
  - Section 301—Declaration of Objectives 429
  - Section 302—Implementation of Objectives 430
- Title IV—Unified Personnel System 430
  - Section 401—Establishment of a Unified Personnel System 430
- Title VI—Miscellaneous Provisions 431
  - Section 601—Reduction of Authorization 431
  - Section 602—Prohibition of Assistance to Vietnam, Cambodia, and Cuba 431
  - Section 603—Reports to Congress on Debt Relief Agreements 431
  - Section 604—Miscellaneous Repeals 431
  - Section 605—Effective Date 431

q. International Security Assistance Act of 1978 (Public Law 95-384) (partial text) 432
  - Section 1—Short Title 432
  - Section 13—United States Policy Regarding the Eastern Mediterranean. 432
  - Section 23—Special Security Assistance Program for the Modernization of the Armed Forces of the Republic of Korea 433
  - Section 24—United States Relations with the Soviet Union 434
  - Section 26—United States-Republic of China Mutual Defense Treaty 435
  - Section 28—Negotiations Between Israel and Egypt 436
  - Section 30—Savings Provision 437

r. International Development and Food Assistance Act of 1977 (Public Law 95-88) (partial text) 438
  - Section 124—Inspector General, Foreign Assistance 438
  - Section 131—Future United States Development Assistance 438
  - Section 132—Limitation on Use of Funds; Missing in Action in Vietnam 439
  - Section 133—Plan for Increased Minority Business Participation in Foreign Assistance Activities 439
  - Section 215—Effective date 441

s. International Security Assistance Act of 1977 (Public Law 95-92) (partial text) 442
  - Section 1—Short Title 442
  - Section 9—Security Supporting Assistance Program for Egypt 442
  - Section 21—Fiscal Year Authorizations and Limitations 443
  - Section 24—Study of Technology Transfers 443
  - Section 26—Policy Statement on United States Arms Sales to Israel 444
  - Section 27—Review of Arms Sales Controls on Non-Lethal Items 444
  - Section 28—Republic of Korea 444
  - Section 29—Piaster Conversion 444

t. International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329) (partial text) 445
  - Section 106—International Military Education and Training 445
  - Section 201—Arms Sales Policy 446
  - Section 212—Control of Licenses with Respect to Arms Exports and Imports 446
  - Section 405—Soviet Intervention in Angola 446
  - Section 407—Control of Military Forces in the Indian Ocean 447
  - Section 408—United States Citizens Imprisoned in Mexico 447
  - Section 409—Emergency Food Needs of Portugal 448
  - Section 410—Strife in Lebanon 448
  - Section 412—Korea 448
  - Section 413—Repeal of Indochina Assistance 448
  - Section 506—Interim Quarter Authorizations 449
  - Section 601—Expedited Procedure in the Senate 450
  - Section 602—Procurements from Small Businesses 451
  - Section 605—Use of Personnel 451
  - Section 607—Extortion and Illegal Payments 452
  - Section 608—Extension of Airport at Pinecreek, Minnesota 452

Page

u. International Development and Food Assistance Act of 1975 (Public Law 94-161) (partial text) 453
    Section 320—Limitation on Assistance to Chile 453
    Section 321—Settlement of Debt Owed the United States 453
    Section 322—Participation by Other Countries in Providing Assistance to Israel or Egypt 454
v. Foreign Assistance Act of 1974 (Public Law 93-559) (partial text) 455
    Section 28—Famine or Disaster Relief 456
    Section 47—Gorgas Memorial Institute 456
    Section 48—International Commission of Control and Supervision in Vietnam 457
    Section 50—Policy on the Independence of Angola, Mozambique, and Guinea-Bissau 457
    Section 51—Conventional Arms Trade 458
    Section 52—Involvement of Puerto Rico in the Caribbean Development Bank 459
    Section 55—Policy With Respect to Countries Most Seriously Affected by Food Shortages 459
    Section 56—Repayment of Loans in Default 460
w. Foreign Assistance Act of 1973 (Public Law 93-189) (partial text) 461
    Section 28—Asian Development Bank Authorization 461
    Section 30—Termination of Indochina War 461
    Section 31—Limitation on Use of Funds 461
    Section 32—Political Prisoners 462
    Section 33—Albert Schweitzer Hospital 462
    Section 34—POW's and MIA's 462
    Section 35—Rights in Chile 463
    Section 36—Revision of Social Progress Trust Fund Agreement 463
    Section 39—World Food Shortages 464
    Section 40—Use of Local Currencies 465
x. Foreign Assistance Act of 1971 (Public Law 92-226) (partial text) 466
    Section 2—Food for Peace Program 466
    Section 403—Position of Under Secretary of State for Coordinating Security Assistance 466
    Section 407—Periodic Authorizations for State and USIA 467
    Section 410—Limitation on United Nations Assessment of United States 467
y. Special Foreign Assistance Act of 1971, as amended (Public Law 91-652) (partial text) 468
    Section 2—Authorization of Appropriations 468
    Section 3—Transfer of Defense Articles to Korea 468
    Section 4—Transfer Limitations 469
    Section 7—Limitation on Assistance to Cambodia 469
z. Foreign Military Sales Act Amendments, 1971 (Public Law 91-672) (partial text) 470
aa. Foreign Assistance Act of 1969, as amended (Public Law 91-175) (partial text) 473
    Part IV—The Inter-American Foundation Act 473
    Part V—Amendments to Other Acts 478
bb. Foreign Assistance Act of 1968 (Public Law 90-554) 480
    Part V—Reappraisal of Foreign Assistance Programs 480
cc. Foreign Assistance Act of 1967 (Public Law 90-137) 482
dd. Foreign Assistance Act of 1966 (Public Law 89-583) 483
ee. Foreign Assistance Act of 1965 (Public Law 89-171) 484
ff. Foreign Assistance Act of 1964 (Public Law 88-633) (partial text) 485
    Part V—Religious Persecution 485
gg. Foreign Assistance Act of 1963 (Public Law 88-205) 486
hh. Foreign Assistance Act of 1962 (Public Law 87-565) 487
2. Foreign Assistance Appropriations 488
a. Foreign Assistance Appropriations, 1987 (Public Law 99-591) (partial text) 488
b. Definition of Program, Project and Activity as required by Public Law 99-177 519
    (1) Continuing Appropriations Act, 1986 (Pubic Law 99-591) (partial text) 519

Page

c. Urgent Supplemental Appropriations, 1986 (Pubic Law 99-349) (partial text) 520
d. Urgent Supplemental Appropriations, 1985 (Public Law 99-10) 523
e. Foreign Assistance and Related Agencies Appropriations Act, 1984 (Deobligation of funds for Syria) (Public Law 98-151) (partial text) 526
f. Title 31, United States Code (Valid Obligation) 528

3. Other Foreign Assistance Related Legislation and Materials 531
  a. Latin American Development Act, as amended (Public Law 86-735) 531
  [The Inter-American Foundation Act is on page 473.]
  b. Mutual Security Act of 1959, as amended (partial text) (Public Law 86-108) 534
  c. Mutual Security Act of 1954, as amended (retained provisions) 535
    Sec. 402—Earmarking of Funds 535
    Sec. 408—North Atlantic Treaty Organization 535
    Sec. 417—Irish Counterpart 536
    Sec. 502—Use of Foreign Currency 536
    Sec. 514—International Educational Exchange Activities 539
    Sec. 523—Coordination With Foreign Policy 539
    Sec. 536—Joint Commission on Rural Reconstruction in China 539
  d. Use of Foreign Currencies:
    (1) 31 U.S.C. 1306. Use of Foreign Credits 540
    (2) General Government Matters Appropriation Act, 1962 (Public Law 87-125) (partial text—Sec. 508; Provision for Use of Foreign Credits by Federal Agencies) 540
    (3) Use of Reserved Coins and Currencies of Foreign Countries (31 U.S.C. 5303) 541
  e. Merchant Marine Act of 1936, as amended (50 percent of shipment on U.S.-flag vessels) 542
  f. Emergency Security Assistance Act of 1973 (Public Law 93-199) 550
  g. Amendments to Board for International Broadcasting Act of 1973 (partial text) (Public Law 94-104) 552
  h. Vessels for Humanitarian Services (Public Law 97-360) 555
  i. Activities in Nicaragua 556
    (1) Policy Toward the Government of Nicaragua and the Nicaraguan Democratic Resistance (Public Law 99-591) (partial text) 556
    (2) U.S. Involvement in Military or Paramilitary Operations Fiscal Year 1987 (sec. 9045 of Public Law 99-591) (partial text) 571
    (3) Restrictions on Use of Certain Defense Appropriations Accounts to Assist the Nicaraguan Democratic Resistance (sec. 1351 of Public Law 99-661) 572
    (4) Restrictions on Support for Military or Paramilitary Operations in Nicaragua (sec. 106 of Public Law 99-661) 573
    (5) Activities in Nicaragua—Fiscal Year 1986 (sec. 8050 of Public Law 99-190; Further Continuing Appropriations 1986) 574
    (6) Sense of Congress on Introduction of Armed Forces into Nicaragua (sec. 1451 of the Department of Defense Authorization Act, 1986) 575
    (7) Humanitarian Assistance for Nicaraguan Democratic Resistance (Pubic Law 99-88) (partial text) 576
    (8) Nicaragua: Congressional Findings, Policy, and Authority for Humanitarian Assistance (Public Law 99-83) (partial text) 582
    (9) U.S. Involvement in Military or Paramilitary Operations in Nicaragua—Fiscal Year 1985 (sec. 8066 of the Dept. of Defense Appropriation Act, 1985) 593
    (10) Activities in Nicaragua—Fiscal Year 1985 (sec. 801 of Public Law 98-618) 596
    (11) Mining of Nicaraguan Ports (sec. 2907 of Public Law 98-369) 597
    (12) Covert Assistance for Military Operations in Nicaragua—Fiscal Year 1984 (Public Law 98-215) (partial text) 598
    (13) U.S. Involvement in Military or Paramilitary Operations in Nicaragua—Fiscal Year 1984 (sec. 775 of the Dept. of Defense Appropriation Act, 1984) 600
    (14) U.S. Support for Military Activities in Nicaragua—Fiscal Year 1983 (sec. 793 of the Dept. of Defense Appropriation Act, 1983) 601
    (15) Executive Order 12530 (Establishment of Nicaraguan Humanitarian Assistance Office) 602

Page
(16) Executive Order 12570 (Delegating Authority to implement assistance for Central American Democracies and the Nicaraguan Democratic Resistance) 604
j. Clement J. Zablocki Memorial Outpatient Facility, American Children's Hospital, Krakow, Poland (Public Law 98-266) 605
k. Proposed Arms Sales to Jordan (Public Law 99-162) 606
l. Anglo-Irish Agreement Support Act of 1986 (Public Law 99-415) 607
m. International Narcotics Control Act of 1986 (Title II of Public Law 99-570) 611
4. Executive Orders, Delegations of Authority, and Reorganization Plans Relating to Foreign Assistance 620
a. Executive Order 12163 (Administration of Foreign Assistance and Related Functions) 620
b. State Department Delegation of Authority 631
c. IDCA Delegation of Authority No. 1 635
d. IDCA Delegation of Authority No. 2 639
e. Reorganization Plan No. 2 of 1979 (United States International Development Cooperation Agency) 640
f. Executive Order 11223 (Performance of Functions Authorized by the Foreign Assistance Act of 1961, as amended) 643
g. Executive Order 11579 (Overseas Private Investment Corporation) 646
h. Executive Order 12066 (Inspection of Foreign Assistance Programs) 648
i. Executive Order 11958 (Administration of Arms Export Controls) 650
5. Armed Forces Legislation 653
a. Title 10, United States Code 653
b. Department of Defense Authorization Act, 1987 (Public Law 99-661) (partial text) 667
c. Department of Defense Appropriations Act, 1987 (Public Law 99-591) (partial text) 684
d. Military Construction Appropriations Act, 1987 (Public Law 99-591) (partial text) 686
e. Department of Defense Authorization Act, 1986 (Public Law 99-145) (partial text) 687
f. MX Missile Authorization (Public Law 99-17) 710
g. MX Missile—Obligation of Funds (Public Law 99-18) 711
h. Department of Defense Authorization Act, 1985 (Public Law 98-525) (partial text) 712
i. Military Construction Authorization Act, 1986 (Public Law 99-167) (partial text) 739
j. Department of Defense Authorization Act, 1984 (Public Law 98-94) (partial text) 740
k. Department of Defense Authorization Act, 1983 (Public Law 97-252) (partial text) 748
l. Department of Defense Appropriation Authorization Act, 1979 (partial text) 751
m. Department of Defense Appropriation Act, 1976 (partial text) 752
n. Department of Defense Appropriation Authorization Act, 1975 (partial text) 753
o. Armed Forces Appropriation Authorization, 1971 (partial text) 757
p. Authorization for an Improved U.S./Soviet Direct Communications Link (Public Law 99-85) 758
6. Laws Relating to Loan or Sale of Vessels to Foreign Countries 760
a. Public Law 84-1028 (partial text) 760
b. Transfer of Certain Naval Vessels (Public Law 97-342) 762

1. Foreign Assistance and Arms Export Acts*

a. The Foreign Assistance Act of 1961, as Amended

Public Law 87-195 [S. 1983] 75 Stat. 424, approved September 4, 1961, as amended by the Foreign Assistance Act of 1962, Public Law 87-565 [S. 2996], 76 Stat. 255, approved August 1, 1962; Public Law 87-793 [Postal Service and Federal Employees Salary Act of 1962; H.R. 7927] 76 Stat. 832, approved October 11, 1962; Public Law 88-205 [H.R. 7885], 77 Stat. 379, approved December 16, 1963; Public Law 88-426 [Government Employees Salary Reform Act of 1964; H.R. 11049], 78 Stat. 400, approved August 14, 1964; Public Law 88-448 [Dual Compensation Act; H.R. 7381], 78 Stat. 484, approved August 19, 1964; Public Law 88-633 [H.R. 11380], 78 Stat. 1009, approved October 7, 1964; Public Law 88-638 [Amendments to Agricultural Trade Development and Assistance Act of 1954, as amended; S. 2687], 78 Stat. 1035, approved October 8, 1964; Public Law 89-171 [H.R. 7750], 79 Stat. 653, approved September 6, 1965; Public Law 89-371 [H.R. 12169], 80 Stat. 74, approved March 18, 1966; Public Law 89-583 [H.R. 15750], 80 Stat. 795, approved September 19, 1966; Public Law 90-137 [S. 1872], 81 Stat. 445, approved November 14, 1967; Public Law 90-554 [H.R. 15263], 82 Stat. 960, approved October 8, 1968; Public Law 90-629 [Foreign Military Sales Act; H.R. 15681], 82 Stat. 1320, approved October 22, 1968; Public Law 91-175 [H.R. 14580], 83 Stat. 805, approved December 30, 1969; Public Law 91-652 [Special Foreign Assistance Act of 1971; H.R. 19911], 84 Stat. 1942, approved January 5, 1971; Public Law 92-226 [S. 2819], 86 Stat. 20, approved February 7, 1972; Public Law 92-352 [Foreign Relations Authorization Act of 1972; H.R. 14734], 86 Stat. 489, approved July 13, 1972; Public Law 93-189 [S. 1443], 87 Stat. 714, approved December 17, 1973; Public Law 93-333 [Foreign Disaster Assistance Act of 1974; H.R. 12412], 88 Stat. 290, approved July 8, 1974; Public Law 93-390 [Overseas Private Investment Corporation Amendments Act of 1974; S. 2957], 88 Stat. 763, approved August 27, 1974; Public Law 93-559 [S. 3394], 88 Stat. 1795, approved December 30, 1974; Public Law 94-104 [S. 2230], 89 Stat. 508, approved October 6, 1975; Public Law 94-161 [International Development and Food Assistance Act of 1975; H.R. 9005], 89 Stat. 849, approved December 20, 1975; Public Law 94-273 [Fiscal Year Adjustment Act; S. 2445], 90 Stat. 375, approved April 21, 1976, Public Law 94-276 [Guatemala Relief and Rehabilitation Act of 1976; S. 3056], 90 Stat. 397, approved April 21, 1976; Public Law 94-329 [International Security Assistance and Arms Export Control Act of 1976; H.R. 13680], 90 Stat. 729, approved June 30, 1976; Public Law 95-21 [Romanian Relief and Rehabilitation; H.R. 5717], 91 Stat. 48, approved April 18, 1977; Public Law 95-23 [Supplemental Military Assistance to Portugal for Fiscal Year 1977; S. 489], 91 Stat. 54, approved April 30, 1977; Public Law 95-88 [International Development and Food Assistance Act of 1977; H.R. 6714], 91 Stat. 533, approved August 3, 1977; Public Law 95-92 [International Security Assistance Act of 1977; H.R. 6884], 91 Stat. 614, approved August 4, 1977; Public Law 95-105 [Foreign Relations Authorization Act, Fiscal Year 1978; H.R. 6689], 91 Stat. 844 at 846, approved August 17, 1977; Public Law 95-268 [OPIC Amendments Act of 1978; H.R. 9179], 92 Stat. 213, approved April 24, 1978; Public Law 95-384 [International Security Assistance Act of 1978; S. 3075], 92 Stat. 730, approved September 26, 1978; Public Law 95-424 [International Development and Food Assistance Act of 1978; H.R. 12222], 92 Stat. 937, approved October 6, 1978; Public Law 96-35 [Special International Security Assistance Act of 1979; S. 1007], 93 Stat. 89, approved July 20, 1979; Public Law 96-53 [International Development Cooperation Act of 1979; H.R. 3324], 93 Stat. 359, approved August 14, 1979; Public Law 96-92 [International Security Assistance Act of 1979; H.R. 3173], 93 Stat. 701, approved October 29, 1979; Public Law 96-109 [Caribbean Hurricane Relief Assistance Authorization; H.R. 5218], 93 Stat. 842, approved November 9, 1979; Public Law 96-110 [Cambodian Disaster Relief As-

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*Note.—The Foreign Assistance Act will be referred to as the FA Act and "this Act."

sistance Authorization; H.R. 4995], 93 Stat. 843, approved November 13, 1979; Public Law 96-257 [Special Central American Assistance Act of 1979], 94 Stat. 422, approved May 31, 1980; Public Law 96-327 [S. 1916], 94 Stat. 1026, approved August 8, 1980; Public Law 96-450 [Intelligence Authorization Act for Fiscal Year 1981; S. 2597], 94 Stat. 1975 at 1981, approved October 14, 1980; Public Law 96-465 [Foreign Service Act of 1980; H.R. 6790], 94 Stat. 2071 at 2158; Public Law 96-525 [H.R. 8388], 94 Stat. 3043, approved December 12, 1980; Public Law 96-533 [International Security and Development Cooperation Act of 1980; H.R. 6942], 94 Stat. 3131, approved December 16, 1980; Public Law 97-65 [OPIC Amendments Act of 1981; H.R. 3136], 95 Stat. 1021, approved October 16, 1981; Public Law 97-113 [International Security and Development Cooperation Act of 1981; S. 1196], 95 Stat. 1519, approved December 29, 1981; Public Law 97-164 [Federal Courts Improvement Act; H.R. 4482], 96 Stat. 25 at 48, approved April 2, 1982; Public Law 97-208 [Humanitarian Assistance for the People of Lebanon; H.R. 6631], 96 Stat. 138, approved June 30, 1982; Public Law 97-377 [Further Continuing Appropriations Act, 1983; H.J. Res. 631], 96 Stat. 1830 at 1831, approved December 21, 1982; Public Law 97-438 [H.R. 7143], 96 Stat. 2286, approved January 8, 1983; Public Law 98-151 [Further Continuing Appropriations, 1984; H.J. Res. 413], 97 Stat. 964, approved November 14, 1983; Public Law 98-164 [Department of State Authorization Act, Fiscal Years 1984 and 1985; H.R. 2915], 97 Stat. 1017, approved November 22, 1983; Public Law 98-473 [Continuing Appropriations, 1985; H.J. Res. 648], 98 Stat. 1837 at 1884, approved October 12, 1984; Public Law 99-8 [African Famine Relief and Recovery Act of 1985; S. 689], 99 Stat. 21, approved April 2, 1985; Public Law 99-64 [Export Administration Amendments Act of 1985, S. 883], 99 Stat. 156, approved July 12, 1985, Public Law 99-83 [International Security and Development Cooperation Act of 1985; S. 960], 99 Stat. 190, approved August 8, 1985; Public Law 99-93 [Foreign Relations Authorization Act, Fiscal Years 1986 and 1987; H.R. 2068], 99 Stat. 405 at 442, approved August 16, 1985; by Public Law 99-204 [Overseas Private Investment Corporation Amendments Act of 1985; S. 947] 99 Stat. 1669 approved December 23, 1985; by Public Law 99-399 [Omnibus Diplomatic Security and Antiterrorism Act of 1986; H.R. 4151] 100 Stat. 853, approved August 27, 1986; by Public Law 99-440 [Comprehensive Anti-Apartheid Act of 1986; H.R. 4868] 100 Stat. 1086, approved October 2, 1986; by Public Law 99-529 [Special Foreign Assistance Act of 1986; S. 1917] 100 Stat. 3010, approved, October 24, 1986; by Public Law 99-550 [H.R. 3614], 100 Stat. 3067, approved October 27, 1986; by Public Law 99-570 [Anti-Drug Abuse Act of 1980; H.R. 5484] 100 Stat. 3207, approved October 27, 1986; and by Public Law 99-661 [National Defense Authorization Act for Fiscal Year 1987; S. 2368] 100 Stat. 3816, approved November 14, 1986.

NOTE.—The Foreign Assistance Act will be referred to as the FA Act and "this Act."

AN ACT To promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world in their efforts toward economic development and internal and external security, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Foreign Assistance Act of 1961." [1]

PART I

Chapter 1—Policy; Development Assistance Authorizations [2]

Sec. 101.[3] General Policy.—(a) The Congress finds that fundamental political, economic, and technological changes have resulted in the interdependence of nations. The Congress declares that the individual liberties, economic prosperity, and security of the people of the United States are best sustained and enhanced in a community of nations which respect individual civil and economic rights and freedoms and which work together to use wisely the world's limited resources in an open and equitable international economic system. Furthermore, the Congress reaffirms the traditional humanitarian ideals of the American people and renews its commitment to assist people in developing countries to eliminate hunger, poverty, illness, and ignorance.

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[1] The short title was added by sec. 111 of the FA Appropriation Act, 1962.

[2] Sec. 101(a) of the FA Act of 1963 struck out the words "SHORT TITLE AND" in the chapter heading, which formerly read "SHORT TITLE AND POLICY". Sec. 2(1) of the FA Act of 1973 added the following words to the chapter heading: "DEVELOPMENT ASSISTANCE AUTHORIZATIONS".

[3] 22 U.S.C. 2151. Sec. 101 was added by sec. 101 of the International Development and Food Assistance Act of 1978 (92 Stat. 937). Previously, sec. 101 had related to the short title before being repealed by the FA Act of 1963. This general policy statement was formerly contained in sec. 102 before 1978.

Therefore, the Congress declares that a principal objective of the foreign policy of the United States is the encouragement and sustained support of the people of developing countries in their efforts to acquire the knowledge and resources essential to development and to build the economic, political, and social institutions which will improve the quality of their lives.

United States development cooperation policy should emphasize four principal goals:

(1) the alleviation of the worst physical manifestations of poverty among the world's poor majority;

(2) the promotion of conditions enabling developing countries to achieve self-sustaining economic growth with equitable distribution of benefits;

(3) the encouragement of development processes in which individual civil and economic rights are respected and enhanced; and

(4) the integration of the developing countries into an open and equitable international economic system.

The Congress declares that pursuit of these goals requires that development concerns be fully reflected in United States foreign policy and that United States development resources be effectively and efficiently utilized.

(b) Under the policy guidance of the Secretary of State, the agency primarily responsible for administering this part should have the responsibility for coordinating all United States development-related activities.[4]

Sec. 102.[5] Development Assistance Policy.—(a) The Congress finds that the efforts of developing countries to build and maintain the social and economic institutions necessary to achieve self-sustaining growth and to provide opportunities to improve the quality of life for their people depend primarily upon successfully marshalling their own economic and human resources. The Congress recognizes that the magnitude of these efforts exceeds the resources of developing countries and therefore accepts that there will be a long-term need for wealthy countries to contribute additional resources for development purposes. The United States should take the lead in concert with other nations to mobilize such resources from public and private sources.

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[4] The responsibilities of the Agency mentioned in this subsection were transferred to the Director of IDCA, pursuant to sec. 6 of Reorganization Plan No. 2 of 1979 (establishing IDCA). The responsibilities of the Secretary of State, insofar as they relate to policy guidance other than foreign policy guidance, were also transferred to the Director.

[5] 22 U.S.C. 2151-1. Sec. 101 of the International Development and Food Assistance Act of 1978 (92 Stat. 927) struck out sec. 102, which concerned a statement of policy, and added a new sec. 102.

Provision of development resources must be adapted to the needs and capabilities of specific developing countries. United States assistance to countries with low per capita incomes which have limited access to private external resources should primarily be provided on concessional terms. Assistance to other developing countries should generally consist of programs which facilitate their access to private capital markets, investment, and technical skills, whether directly through guarantee or reimbursable programs by the United States Government or indirectly through callable capital provided to the international financial institutions.

Bilateral assistance and United States participation in multilateral institutions shall emphasize programs in support of countries which pursue development strategies designed to meet basic human needs and achieve self-sustaining growth with equity.

The Congress declares that the principal purpose of United States bilateral development assistance is to help the poor majority of people in developing countries to participate in a process of equitable growth through productive work and to influence decisions that shape their lives, with the goal of increasing their incomes and their access to public services which will enable them to satisfy their basic needs and lead lives of decency, dignity, and hope. Activities shall be emphasized that effectively involve the poor in development by expanding their access to the economy through services and institutions at the local level, increasing their participation in the making of decisions that affect their lives, increasing labor-intensive production and the use of appropriate technology, expanding productive investment and services out from major cities to small towns and rural areas, and otherwise providing opportunities for the poor to improve their lives through their own efforts. Participation of the United States in multilateral institutions shall also place appropriate emphasis on these principles.

(b) Assistance under this chapter should be used not only for the purpose of transferring financial resources to developing countries, but also to help countries solve development problems in accordance with a strategy that aims to insure wide participation of the poor in the benefits of development on a sustained basis. Moreover, assistance shall be provided in a prompt and effective manner, using appropriate United States institutions for carrying out this strategy. In order to achieve these objectives and the broad objectives set forth in section 101 and in subsection (a) of this section, bilateral development assistance authorized by this Act shall be carried out in accordance with the following principles:

(1) Development is primarily the responsibility of the people of the developing countries themselves. Assistance from the United States shall be used in support of, rather than substitution for, the self-help efforts that are essential to successful development programs and shall be concentrated in those countries that take positive steps to help themselves. Maximum effort shall be made, in the administration of this part, to stimulate the involvement of the people in the development process through the encouragement of democratic participation in pri-

vate and local governmental activities and institution building appropriate to the requirements of the recipient countries.

(2) Development planning must be the responsibility of each sovereign country. United States assistance should be administered in a collaborative style to support the development goals chosen by each country receiving assistance.

(3) United States bilateral development assistance should give high priority to undertakings submitted by host governments which directly improve the lives of the poorest of their people and their capacity to participate in the development of their countries, while also helping such governments enhance their planning, technical, and administrative capabilities needed to insure the success of such undertakings.

(4) Development assistance provided under this chapter shall be concentrated in countries which will make the most effective use of such assistance to help satisfy basic human needs of poor people through equitable growth, especially in those countries having the greatest need for outside assistance. In order to make possible consistent and informed judgments in this respect, the President shall assess the commitment and progress of countries in moving toward the objectives and purposes of this chapter by utilizing criteria, including but not limited to the following:

(A) increase in agricultural productivity per unit of land through small-farm, labor-intensive agriculture;

(B) reduction of infant mortality;

(C) control of population growth;

(D) promotion of greater equality of income distribution, including measures such as more progressive taxation and more equitable returns to small farmers;

(E) reduction of rates of unemployment and underemployment; and

(F) increase in literacy.

(5) United States development assistance should focus on critical problems in those functional sectors which affect the lives of the majority of the people in the developing countries; food production and nutrition; rural development and generation of gainful employment; population planning and health; environment and natural resources; education, development administration, and human resources development; and energy development and production.[6]

(6) United States assistance shall encourage and promote the participation of women in the national economies of developing countries and the improvement of women's status as an important means of promoting the total development effort.

(7) United States bilateral assistance shall recognize that the prosperity of developing countries and effective development efforts require the adoption of an overall strategy that promotes the development, production,[6] and efficient utilization of energy and, therefore, consideration shall be given to the full

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[6] The reference to energy development and production was added by sec. 104(a) of the International Development Cooperation Act of 1979 (Public Law 96–53; 93 Stat. 360).

implications of such assistance on the price, availability, and consumption of energy in recipient countries.

(8) United States cooperation in development should be carried out to the maximum extent possible through the private sector, including those institutions which already have ties in the developing areas, such as educational institutions, cooperatives, credit unions, free labor unions, and private and voluntary agencies.

(9) To the maximum extent practicable, United States private investment should be encouraged in economic and social development programs to which the United States lends support.

(10) Assistance shall be planned and utilized to encourage regional cooperation by developing countries in the solution of common problems and the development of shared resources.

(11) Assistance efforts of the United States shall be planned and furnished to the maximum extent practicable in coordination and cooperation with assistance efforts of other countries, including the planning and implementation of programs and projects on a multilateral and multidonor basis.

(12) United States bilateral development assistance should be concentrated on projects which do not involve large-scale capital transfers. However, to the extent that such assistance does involve large-scale capital transfers, it should be furnished in association with contributions from other countries working together in a multilateral framework.

(13)[7] United States encouragement of policy reforms is necessary if developing countries are to achieve economic growth with equity.

(14)[7] Development assistance should, as a fundamental objective, promote private sector activity in open and competitive markets in developing countries, recognizing such activity to be a productive and efficient means of achieving equitable and long-term economic growth.

(15)[7] United States cooperation in development should recognize as essential the need of developing countries to have access to appropriate technology in order to improve food and water, health and housing, education and employment, and agriculture and industry.

(16)[7] United States assistance should focus on establishing and upgrading the institutional capacities of developing countries in order to promote long-term development. An important component of institution building involves training to expand the human resource potential of people in developing countries.

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[7] Paragraphs (13), (14), (15), and (16) were added by sec. 301 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 190).

(c) The Congress, recognizing the desirability of overcoming the worst aspects of absolute poverty by the end of this century by, among other measures, substantially lowering infant mortality and birth rates, and increasing life expectancy, food production, literacy, and employment, encourages the President to explore with other countries, through all appropriate channels, the feasibility of a worldwide cooperative effort to overcome the worst aspects of absolute poverty and to assure self-reliant growth in the developing countries by the year 2000.

NOTE.—The Foreign Assistance and Related Programs Appropriations Act, 1987, (sec. 101(f) of the Continuing Appropriations Act, 1987; Public Law 99-591; 100 Stat. 3341) provides the following:

"Loan allocation, Development Assistance: In order to carry out the provisions of part I, the Administrator of the Agency responsible for administering such part may furnish loan assistance pursuant to existing law and on such terms and conditions as he may determine: *Provided,* That to the maximum extent practicable, loans to private sector institutions, from funds made available to carry out the provisions of sections 103 through 106, shall be provided at or near the prevailing interest rate paid on Treasury obligations of similar maturity at the time of obligating such funds: *Provided further,* That amounts appropriated to carry out the provisions of chapter 1 of part I which are provided in the form of loans shall remain available until September 30, 1988."

NOTE.—The Foreign Assistance and Related Programs Appropriations Act, 1987, (sec. 101(f) of the Continuing Appropriations Act, 1987; Public Law 99-591; 100 Stat. 3341) provides the following:

SEC. 517. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: *Provided,* That funds appropriated for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, shall remain available until expended if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act.

NOTE.—Foreign assistance appropriations for fiscal year 1987 are included in sec. 101(f) and Sec. 101(n), Title II, Chapter II, of the Continuing Appropriations Act, 1987 (Public Law 99-591, 100 Stat. 3341). Amounts appropriated by that Act to carry out the purposes of provisions contained in the FA Act, 1961, during fiscal year 1985 are included in footnote references. For complete text of the foreign assistance provisions of Public Law 99-591, see page 488.

NOTE.—Prior Approval of Congress. Foreign Assistance and Related Programs Appropriations Act, 1987 (as contained in Public Law 99-591):

"SEC. 514. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated without the written approval of the Appropriations Committees of both Houses of the Congress."

NOTE.—Prior Notification to Congress. Foreign Assistance and Related Programs Appropriations Act, 1987 (as contained in Public Law 99-591):

"SEC. 523. None of the funds made available under this Act for 'Agriculture, rural development, and nutrition, Development Assistance,' 'Population, Development Assistance,' 'Child Survival Fund,' 'Health, Development Assistance,' 'Education and Human Resources Development, Development Assistance,' 'Energy, and Selected Development Activities, Development Assistance,' 'Science and Technology, Development Assistance,' 'International Organizations and Programs,' 'American Schools and Hospitals Abroad,' 'Sahel Development Program,' 'Trade and Development Program,' 'International Narcotics Control,' 'Economic Support Fund,' 'Peacekeeping Operations,' 'Operating Expenses of the Agency for International Development, Office of the Inspector General,' 'Anti-Terrorism Assistance,' 'Military Assistance,' 'International Military Education and Training,' 'Foreign Military Credit Sales,' 'Inter-American Foundation,' 'African Development Foundation,' 'Peace Corps,' or 'Migration and Refugee Assistance,' shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operation not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings for the current fiscal year unless the Appropriations Committees of both Houses of Congress are previously notified fifteen days in advance."

Note.—Sec. 502 of the Foreign Assistance and Related Programs Appropriations Act, 1987, as contained in the Continuing Appropriations Act, 1987 (Public Law 99-591), states:

"Sec. 502. Except for the appropriations entitled 'International disaster assistance', 'United States emergency refugee and migration assistance fund' not more than 15 per centum of any appropriation item made available by this Act for the current fiscal year shall be obligated during the last month of availability."

Note.—Deobligation/Reobligation Authority. Foreign Assistance Appropriations Act, 1986 (sec. 101(f) of the Continuing Appropriations Act, 1987; Public Law 99-591, 100 Stat. 3341):

"Sec. 515. Amounts certified pursuant to section 1311 of the Supplemental Appropriations Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961 for the same general purpose as any of the paragraphs under "Agency for International Development" are, if deobligated, hereby continued available for the same period as the respective appropriations in such paragraphs or until September 30, 1987 whichever is later, and for the same general purpose, and for countries within the same region as originally obligated: *Provided*, That the Appropriations Committees of both Houses of the Congress are notified fifteen days in advance of the deobligation or reobligation of such funds."

Sec. 103.[8] **Agriculture, Rural Development, and Nutrition.**—(a)(1) In recognition of the fact that the great majority of the people of developing countries live in rural areas and are dependent on agriculture and agricultural-related pursuits for their livelihood, the President is authorized to furnish assistance, on such terms and conditions as he may determine, for agriculture, rural development, and nutrition—

(A) to alleviate starvation, hunger, and malnutrition;

(B) to expand significantly the provision of basic services to rural poor people to enhance their capacity for self-help; and

(C) to help create productive farm and off-farm employment in rural areas to provide a more viable economic base and enhance opportunities for improved incomes, living standards, and contributions by rural poor people to the economic and social development of their countries.

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[8] 22 U.S.C. 2151a. Sec. 103, as added by sec. 2(3) of the FA Act of 1973 (87 Stat. 715), was amended and restated by sec. 103(a) of the International Development and Food Assistance Act of 1978 (92 Stat. 943). Previous amendments to sec. 103 were made by sec. 2 of Public Law 93-559 (88 Stat. 1795), sec. 302 of Public Law 94-161 (89 Stat. 856), and by sec. 102 of Public Law 95-88 (91 Stat. 534).

(2) There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $760,000,000 for the fiscal year 1986 [9] and $760,000,000 for the fiscal year 1987. Of these amounts, the President may use such amounts as he deems appropriate to carry out the provisions of section 316 of the International Security and Development Cooperation Act of 1980.[10]

(3)[11] Of the amounts authorized to be appropriated in paragraph; (2) for the fiscal year 1987, not less than $2,000,000 shall be available only for the purpose of controlling and eradicating amblyomma variegatum (heartwater) in bovine animals in the Caribbean.

(b)(1) Assistance provided under this section shall be used primarily for activities which are specifically designed to increase the productivity and income of the rural poor, through such means as creation and strengthening of local institutions linked to the regional and national levels; organization of a system of financial institutions which provide both savings and credit services to the poor; stimulation of small, labor-intensive enterprises in rural towns; improvement of marketing facilities and systems; expansion of rural infrastructure and utilities such as farm-to-market roads, water management systems, land improvement, energy, and storage facilities; establishment of more equitable and more secure land tenure arrangements; and creation and strengthening of systems to provide other services and supplies needed by farmers, such as extension, research, training, fertilizer, water, forestry, soil conservation, and improved seed, in ways which assure access to them by small farmers.

(2) In circumstances where development of major infrastructure is necessary to achieve the objectives set forth in this section, assistance for that purpose should be furnished under this chapter in association with significant contributions from other countries working together in a multilateral framework. Infrastructure projects so assisted should be complemented by other measures to ensure that the benefits of the infrastructure reach the poor.

(3) [12] The Congress recognizes that the accelerating loss of forests and tree cover in developing countries undermines and offsets ef-

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[9] The authorization figures for fiscal years 1986 and 1987 were added by sec. 302 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83: 99 Stat. 190). Authorizations for recent years included: Fiscal year 1975—$500,000,000; fiscal year 1976—$618,000,000; fiscal year 1977—$745,000,000; fiscal year 1978—$580,000,000; fiscal year 1979—$665,231,000; fiscal year 1980—$659,000,000; fiscal year 1981—$713,500,000. fiscal year 1982—$700,000,000; fiscal year 1983—$700,000,000; fiscal year 1984—$725,213,000; fiscal year 1985—no authorization.

Foreign Assistance and Related Programs Appropriations Act, 1987 (sec. 101(f) of the Continuing Appropriations Act, 1987; Public Law 99-591, 100 Stat. 3341); provides the following:

"Agriculture, rural development and nutrition, Development Assistance: For necessary expenses to carry out the provisions of section 103, $639,613,000; *Provided,* That up to $5,000,000 shall be provided for new development projects of private entities and cooperatives utilizing surplus dairy products; *Provided further,* That not less than $6,000,000 shall be provided for the Vitamin A Deficiency Program: *Provided further,* That, notwithstanding any other provision of law, up to $10,000,000 of the funds appropriated under this paragraph may be available for agricultural activities in Poland which are managed by the Polish Catholic Church or other nongovernmental organizations."

[10] Sec. 316 of the International Security and Development Cooperation Act of 1980 concerns world hunger and instructs the Director of IDCA to encourage the ongoing work of PVO's to deal with world hunger problems abroad. See page 374 for complete text of sec. 316.

[11] Paragraph 3 was added by sec. 1304 of Public Law 99-399; 100 Stat. 898.

[12] Par. (3) and subsec. (f) were added by sec. 101 of the International Development Cooperation Act of 1979 (Public Law 96-53; 93 Stat. 359).

forts to improve agricultural production and nutrition and otherwise to meet the basic human needs of the poor. Deforestation results in increased flooding, reduction in water supply for agricultural capacity, loss of firewood and needed wood products, and loss of valuable plants and animals. In order to maintain and increase forest resources, the President is authorized to provide assistance under this section for forestry projects which are essential to fulfill the fundamental purposes of this section. Emphasis shall be given to community woodlots, agroforestry, reforestation, protection of watershed forests, and more effective forest management.

(c) The Congress finds that the greatest potential for significantly expanding availability of food for people in rural areas and augmenting world food production at relatively low cost lies in increasing the productivity of small farmers who constitute a majority of the agricultural producers in developing countries. Increasing the emphasis on rural development and expanded food production in the poorest nations of the developing world is a matter of social justice and a principal element contributing to broadly based economic growth, as well as an important factor in alleviating inflation in the industrialized countries. In the allocation of funds under this section, special attention shall be given to increasing agricultural production in countries which have been designated as "least developed" by the United Nations General Assembly.

(d) Assistance provided under this section shall also be used in coordination with programs carried out under section 104 to help improve nutrition of the people of developing countries through encouragement of increased production of crops with greater nutritional value; improvement of planning, research, and education with respect to nutrition, particularly with reference to improvement and expanded use of indigenously produced foodstuffs; and the undertaking of pilot or demonstration programs explicitly addressing the problem of malnutrition of poor and vulnerable people. In particular, the President is encouraged—

(1) to devise and carry out in partnership with developing countries a strategy for programs of nutrition and health improvement for mothers and children, including breast feeding; and

(2) to provide technical, financial, and material support to individuals or groups at the local level for such programs.

(e) Local currency proceeds from sales of commodities provided under the Agricultural Trade Development and Assistance Act of 1954 which are owned by foreign governments shall be used whenever practicable to carry out the provisions of this section.

(f) [12] The Congress finds that the efforts of developing countries to enhance their national food security deserves encouragement as a matter of United States development assistance policy. Measures complementary to assistance for expanding food production in developing countries are needed to help assure that food becomes increasingly available on a regular basis to the poor in such countries. Therefore, United States bilateral assistance under this Act and the Agricultural Trade Development and Assistance Act of 1954, and United States participation in multilateral institutions, shall emphasize policies and programs which assist developing countries to increase their national food security by improving their food policies and management and by strengthening national food reserves, with particular concern for the needs of the poor, through measures encouraging domestic production, building national food reserves, expanding available storage facilities, reducing postharvest food losses, and improving food distribution.

(g)[13] (1) In order to carry out the purposes of this section, the President may continue United States participation in and may make contributions to the International Fund for Agricultural Development.

(2) Of the aggregate amount authorized to be appropriated to carry out part I of this Act, up to $50,000,000 for fiscal year 1986 and up to $50,000,000 for fiscal year 1987 may be made available, by appropriation or by transfer, for United States contributions to the second replenishment of the International Fund for Agricultural Development.".

Sec. 103A.[14] Agricultural Research.—Agricultural research carried out under this Act shall (1) take account of the special needs of small farmers in the determination of research priorities, (2) include research on the interrelationships among technology, institutions, and economic, social, environmental,[15] and cultural factors affecting small-farm agriculture, and (3) make extensive use of field testing to adapt basic research to local conditions. Special emphasis shall be placed on disseminating research results to the farms on which they can be put to use, and especially on institutional and other arrangements needed to assure that small farmers have effective access to both new and existing improved technology.

Sec. 104.[16] Population and Health.—(a) FINDINGS.—The Congress recognizes that poor health conditions and uncontrolled population growth can vitiate otherwise successful development efforts.

Large families in developing countries are the result of complex social and economic factors which change relatively slowly among the poor majority least affected by economic progress, as well as the result of a lack of effective birth control. Therefore, effective family planning depends upon economic and social change as well as the delivery of services and is often a matter of political and religious sensitivity. While every country has the right to determine its own policies with respect to population growth, voluntary population planning programs can make a substantial contribution to economic development, higher living standards, and improved health and nutrition.

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[13] Sec. 1001 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 190) amended and restated subsec. (g). Subsec. (g), in its previous form, had been added by sec. 301(c) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1582). It previously read as follows: "In order to carry out the purposes of this section, the President may continue to participate in and may provide, on such terms and conditions as he may determine, up to $180,000,000 to the International Fund for Agricultural Development. There are authorized to be appropriated to the President for the purposes of this subsection $180,000,000, except that not more than $40,500,000 may be appropriated under this subsection for the fiscal year 1982. Amounts appropriated under this subsection are authorized to remain available until expended."

The Foreign Assistance and Related Programs Appropriations Act, 1987 (sec. 101(f) of the Continuing Appropriations Act, 1987; Public Law 99-591) provides $28,710,000 for IFAD, "of which $10,000,000 shall be made available for the Special Program for Sub-Saharan African Countries Affected by Drought and Desertification."

[14] 22 U.S.C. 2151a-1. Sec. 103A was added by sec. 303 of Public Law 94-161 (89 Stat. 849).

[15] The word, "environmental," was added by sec. 103(d) of the International Development and Food Assistance Act of 1978 (92 Stat. 945).

[16] 22 U.S.C. 2151b. Sec. 104, as added by sec. 2(3) of the FA Act of 1973 (87 Stat. 715), was amended and restated by sec. 104(a) of the International Development and Food Assistance Act of 1978 (92 Stat. 945). Previous amendments to sec. 104 were made by sec. 4(1) of Public Law 93-559 (88 Stat. 1795), sec. 304 of Public Law 94-161 (89 Stat. 857), and sec. 103 of Public Law 95-88 (91 Stat. 534).

Good health conditions are a principal element in improved quality of life and contribute to the individual's capacity to participate in the development process, while poor health and debilitating disease can limit productivity.

(b) Assistance for Population Planning.—In order to increase the opportunities and motivation for family planning and to reduce the rate of population growth, the President is authorized to furnish assistance, on such terms and conditions as he may determine, for voluntary population planning. In addition to the provision of family planning information and services, including also information and services which relate to and support natural family planning methods,[17] and the conduct of directly relevant demographic research, population planning programs shall emphasize motivation for small families.

(c) Assistance for Health and Disease Prevention.—(1)[18] In order to contribute to improvements in the health of the greatest number of poor people in developing countries, the President is authorized to furnish assistance, on such terms and conditions as he may determine, for health programs. Assistance under this subsection shall be used primarily for basic integrated health services, safe water and sanitation, disease prevention and control, and related health planning and research. The assistance shall emphasize self-sustaining community-based health programs by means such as training of health auxiliary and other appropriate personnel, support for the establishment and evaluation of projects that can be replicated on a broader scale, measures to improve management of health programs, and other services and suppliers to support health and disease prevention programs.

(2)[18] (A) In carrying out the purposes of this subsection, the President shall promote, encourage, and undertake activities designed to deal directly with the special health needs of children and mothers. Such activities should utilize simple, available technologies which can significantly reduce childhood mortality, such as improved and expanded immunization programs, oral rehydration to combat diarrhoeal diseases, and education programs aimed at improving nutrition and sanitation and at promoting child spacing. In carrying out this paragraph, guidance shall be sought from knowledgeable health professionals from outside the agency primarily responsible for administering this part. In addition to government-to-government programs, activities pursuant to this paragraph should include support for appropriate activities of the types described in this paragraph which are carried out by international organizations (which may include international organizations receiving funds under chapter 3 of this part) and by private and voluntary organizations, and should include encouragement to other donors to support such types of activities.

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[17] The words, ", including also information and services which related to and support natural family planning methods," were added by sec. 302(a) of the International Security and Development Cooperation Act of 1980 (Public Law 96-533; 94 Stat. 3145).

[18] The paragraph designation "(1)" and a new par. (2) were added by sec. 541(a) of the Foreign Assistance Appropriations Act, 1985, as contained in the Continuing Appropriations Act, 1985 (Public Law 98-473). This amendment had been included as sec. 303 of H.R. 5119, the International Security and Development Cooperation Act of 1984, as passed by the House on May 10, 1984. Sec. 541(a) enacted sec. 303 of H.R. 5119.

(B) [19] In addition to otherwise available for such purpose, there are authorized to be appropriated to the President $25,000,000 for fiscal year 1986 and $75,000,000 for fiscal year 1987 for use in carrying out this paragraph. Amounts appropriated under this subparagraph are authorized to remain available until expended.[20]

(C) Appropriations pursuant to subparagraph (B) may be referred to as the "Child Survival Fund."

(3) [21] The Congress recognizes that the promotion of primary health care is a major objective of the foreign assistance program. The Congress further recognizes that simple, relatively low-cost means already exist to reduce incidence of communicable diseases among children, mothers, and infants. The promotion of vaccines for immunization, and salts for oral rehydration, therefore, is an essential feature of the health assistance program. To this end, the Congress expects the agency primarily responsible for administering this part to set as a goal the protection of not less than 80 percent of all children, in those countries in which such agency has established development programs, from immunizable diseases by January 1, 1991. Of the aggregate amounts made available for fiscal year 1987 to carry out paragraph (2) of this subsection (relating to the Child Survival Fund) and to carry out subsection (c) (relating to development assistance for health), $50,000,000 shall be used to carry out this paragraph.

(d) INTEGRATION OF ASSISTANCE PROGRAMS.—(1) Assistance under this chapter shall be administered so as to give particular attention to the interrelationship between (A) population growth, and (B) development and overall improvement in living standards in developing countries, and to the impact of all programs, projects, and activities on population growth. All appropriate activities proposed for financing under this chapter shall be designed to build motivation for smaller families through modification of economic and social conditions supportive of the desire for large families, in programs such as education in and out of school, nutrition, disease control, maternal and child health services, improvements in the status and employment of women, agricultural production, rural development, and assistance to the urban poor, and through community-based development programs which give recognition to people motivated to limit the size of their families.[22] Population planning programs shall be coordinated with other programs aimed at reducing the infant mortality rate, providing better nutrition for pregnant women and infants, and raising the standard of living of the poor.

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[19] Sec. 304 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 190), replaced an authorization figure of "$25,000,000" with "$25,000,000 for fiscal year 1986 and $25,000,000 for fiscal year 1987". Section 103(b) of Public Law 99-529; 100 Stat. 3010, replaced the $25,000,000 authorization for fiscal year 1987 with an authorization of $75,000,000.

[20] Foreign Assistance and Related Programs Appropriations Act, 1987 (sec. 101(f) of the Continuing Appropriations Act, 1987) Public Law 99-591; 100 Stat. 3341, provides the following:

"Child Survival Fund: For necessary expenses to carry out the provisions of section 104(c)(2), $75,000,000, notwithstanding section 10 of Public Law 91-672 and section 15(a) of the State Department Basic Authorities Act of 1956."

[21] Par. (3) was added by sec. 305 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 190). Sec. 305(b) of the act provides that: "Each annual report required by section 634 of the Foreign Assistance Act of 1961 shall describe the progress achieved during the preceding fiscal year in carrying out section 104(c)(3) of such Act". The last sentence of paragraph (3) was added by sec. 103(a) of Public Law 99-529; 100 Stat. 3010.

[22] The reference to community-based development programs was added by sec. 102(b) of the International Development Cooperation Act of 1979 (Public Law 96-53; 93 Stat. 360).

(2) Since the problems of malnutrition, disease, and rapid population growth are closely related, planning for assistance to be provided under subsections (b) and (c) of this section and under section 103 shall be coordinated to the maximum extent practicable.

(3) Assistance provided under this section shall emphasize low-cost integrated delivery systems for health, nutrition, and family planning for the poorest people, with particular attention to the needs of mothers and young children, using paramedical and auxiliary medical personnel, clinics and health posts, commercial distribution systems, and other modes of community outreach.

(e) RESEARCH AND ANALYSIS.—(1) Health and population research and analysis carried out under this Act shall—

> (A) be undertaken to the maximum extent practicable in developing countries by developing country personnel, linked as appropriate with private and governmental biomedical research facilities within the United States;
>
> (B) take account of the special needs of the poor people of developing countries in the determination of research priorities; and
>
> (C) make extensive use of field testing to adapt basic research to local conditions.

(2) The President is authorized to study the complex factors affecting population growth in developing countries and to identify factors which might motivate people to plan family size or to space their children.

(f) PROHIBITION ON USE OF FUNDS FOR ABORTIONS AND INVOLUNTARY STERILIZATIONS.—(1) None of the funds made available to carry out this part may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions.

(2) None of the funds made available to carry out this part may be used to pay for the performance of involuntary sterilizations as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations.

(3) [23] None of the funds made available to carry out this part may be used to pay for any biomedical research which relates, in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning.

(g) AUTHORIZATIONS OF APPROPRIATIONS.—(1) There are authorized to be appropriated to the President, in addition to funds otherwise available for such purposes—

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[23] Par. (3) was added by sec. 302(b) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1532).

The Supplemental Appropriations Act, 1985 (Public Law 99-88, 99 Stat. 293), amended Public Law 98-473 by adding at the end of the paragraph entitled "Population, Development Assistance:

"None of the funds make available in this bill nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization."

(A) $290,000,000 for fiscal year 1986 and $290,000,000 for fiscal year 1987 to carry out subsection (b) of this section; and

(B) $205,000,000 for fiscal year 1986 and $180,000,000 for fiscal year 1987 to carry out subsection (c) of this section.

(2) Funds appropriated under this subsection are authorized to remain available until expended.[24]

Sec. 105.[25] Education and Human Resources Development.—(a) [26] In order to reduce illiteracy, to extend basic education, and to increase manpower training in skills related to development, the President is authorized to furnish assistance on such terms and conditions as he may determine, for education, public administration, and human resource development. There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $180,000,000 for fiscal year 1986 and $180,000,000 for fiscal year

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[24] The authorization figures for fiscal years 1986 and 1987 to carry out subsecs. (b) and (c) were added by sec. 303 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 190). Subsequently, sec. 404 of Public Law 99-529 (100 Stat. 3341) replaced the $205,000,000 authorization for subsec. (c) with an authorization of $180,000,000. Authorizations under subsec. (b) in recent years include: Fiscal year 1978—$167,000,000; fiscal year 1979—$224,745,000; fiscal year 1980—$201,000,000; fiscal year 1981—$238,000,000; fiscal year 1982—$211,000,000; fiscal year 1983—$211,000,000; fiscal year 1984—$244,600,000; fiscal year 1985—no authorization. Authorizations under subsec. (c) in recent years include: Fiscal year 1978—$107,700,000; fiscal year 1979—$148,494,000; fiscal year 1980—$141,000,000; fiscal year 1981—$145,300,000; fiscal year 1982—$133,405,000; fiscal year 1983—$133,405,000; (of the 1982 and 1983 subsec. (c) authorizations, not less than 16 percent or $38,000,000 whichever amount is less was made available for United Nations Fund for Population Activities); fiscal year 1984—$133,404,000; fiscal year 1985—no authorization.

The Foreign Assistance and Related Programs Appropriations Act, 1987 (sec. 101(f) of the Continuing Appropriations Act, 1987) 100 stat. 3341 provides as follows:

Population, Development Assistance: For necessary expenses to carry out the provisions of section 104(b), $234,625,000: *Provided,* That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further,* That none of the funds made available under this heading may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services: *Provided further,* That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: *Provided further,* That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act.

Health, Development Assistance: For necessary expenses to carry out the provisions of section 104(c), $166,762,500.

Additionally, the Omnibus Drug Supplemental Appropriations Act of 1987, (sec. 101(n), title II, chapter II, of the Continuing Appropriations Act, 1987; Public Law 99-591, 100 Stat. 3341 provides the following:

* * * * * * *

Education and Human Resources Development, Development Assistance:

"For an additional amount to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, $3,000,000: *Provided* That these funds shall be used pursuant to section 126(b)(2) of the Foreign Assistance Act of 1961 for additional activities aimed at increasing awareness of the effects of production and trafficking of illicit narcotics on source and transit countries: *Provided further,* That funds made available by this paragraph shall be available through the regular notification procedures of the Committee on Appropriations."

[25] 22 U.S.C. 2151c. Sec. 105 was added by sec. 2(3) of the FA Act of 1973.

[26] Sec. 305 of Public Law 94-161 (89 Stat. 849) added subsection designation "(a)" and new subsecs. (b) and (c).

1987, which are authorized to remain available until expended.[27, 28]

(b)(1) [27] Assistance provided under this section shall be used primarily to expand and strengthen nonformal education methods, especially those designed to improve productive skills of rural families and the urban poor and to provide them with useful information; to increase the relevance of formal education systems to the needs of the poor, especially at the primary level, through reform of curricula, teaching materials, and teaching methods, and improved teacher training; and to strengthen the management capabilities of institutions which enable the poor to participate in development. Assistance under this section shall also be provided for advanced education and training of people of developing countries in such disciplines as are required for planning and implementation of public and private development activities.[29]

(2) [30] (A)(i) Of the amounts authorized to be appropriated to carry out this section for the fiscal years 1987, 1988, and 1989, not less than $4,000,000 shall be used in each such fiscal year to finance education, training, and scholarships for the victims of apartheid, including teachers and other educational professionals, who are attending universities and colleges in South Africa. Amounts available to carry out this subparagraph shall be provided in accordance with the provisions of section 802(c) of the International Security and Development Cooperation Act of 1985.

(ii) Funds made available for each such fiscal year for purposes of chapter 4 of part II of this Act may be used to finance such education, training, and scholarships in lieu of an equal amount made available under this subparagraph.

(B)(i) In addition to amounts used for purposes of subparagraph (A), the agency primarily responsible for administering this part, in collaboration with other appropriate departments or agencies of the United States, shall use assistance provided under this section or chapter 4 of part II of this Act to finance scholarships for students pursuing secondary school education in South Africa. The selection of scholarship recipients shall be by a nationwide panel or by regional panels appointed by the United States chief of diplomatic mission to South Africa.

(ii) Of the amounts authorized to be appropriated to carry out this section and chapter 4 of part II of this Act for the fiscal years 1987, 1988, and 1989, up to an aggregate of $1,000,000 may be used in each such fiscal year for purposes of this subparagraph.

(C)(i) In addition to the assistance authorized in subparagraph (A), the agency primarily responsible for administering this part shall provide assistance for inservice teacher training programs in

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[27] The authorization figures for fiscal years 1986 and 1987 were added by sec. 306 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 190) Authorizations for recent years include fiscal year 1975—$92,000,000; fiscal year 1976—$89,200,000; fiscal year 1977—$101,800,000; fiscal year 1978—$84,900,000; fiscal year 1979—$126,244,000; fiscal year 1980—$105,000,000; fiscal year 1981—$101,000,000; fiscal year 1982—$103,600,000; fiscal year 1983—$103,600,000; fiscal year 1985—$121,477,000; fiscal year 1985—no authorization.

[28] The Foreign Assistance and Related Programs Appropriations Act, 1987 (sec. 101(f) of the Continuing Appropriations Act, 1987; Public Law 99-591, 100 Stat. 3341), provides the following:

"Education and human resources development, Development Assistance: For necessary expenses to carry out the provisions of section 105, $155,000,000: *Provided*, That of this amount not less than $6,000,000 shall be made available only for the International Student Exchange Program."

[29] This sentence was added by sec. 103(b) of the International Development Cooperation Act of 1979 (Public Law 96-53; 93 Stat. 360).

[30] Para. (2) was added by sec. 201 of Public Law 99-440 (100 Stat. 1094).

South Africa through such nongovernmental organizations as TOPS or teachers' unions.

(ii) Of the amounts authorized to be appropriated to carry out this section and chapter 4 of part II of this Act, up to an aggregate of $500,000 for the fiscal year 1987 and up to an aggregate of $1,000,000 for the fiscal year 1988 may be used for purposes of this subparagraph, subject to standard procedures for project review and approval.

(c) [31] * * * [Repealed—1979]

Sec. 106.[32] **Energy, Private Voluntary Organizations, and Selected Development Activities.**—(a)(1)(A) [33] The Congress finds that energy development and production are vital elements in the development process, that energy shortages in developing countries severely limit the development process in such countries, that two-thirds of the developing countries which import oil depend on it for at least 90 percent of the energy which their economies require, and that the dramatic increase in world oil prices since 1973 has resulted in considerable economic hardship for many developing countries. The Congress is concerned that the value and purpose of much of the assistance provided to developing countries under sections 103, 104, and 105 are undermined by the inability of many developing countries to satisfy their energy requirements. Unless the energy deficit of the developing countries can be narrowed by more fully exploiting indigenous sources of energy such as oil, natural gas, and coal, scarce foreign exchange will increasingly have to be diverted to oil imports, primarily to the detriment of long-term development and economic growth.

(B) [33] The Congress recognizes that many developing countries lack access to the financial resources and technology necessary to locate, explore, and develop indigenous energy resources.

(C) [33] The Congress declares that there is potential for at least a moderate increase by 1990 in the production of energy for commercial use in the developing countries which are not members of the Organization of Petroleum Exporting Countries. In addition, there is a compelling need for vigorous efforts to improve the available data on the location, scale, and commercial exploitability of potential oil, natural gas, and coal reserves in developing countries, especially those which are not members of the Organization of Petroleum Exporting Countries. The Congress further declares that there are many benefits to be gained by the developing countries and by the United States and other developed countries through expanded efforts to expedite the location, exploration, and development of potential sources of energy in developing countries. These benefits include but are not limited to, the following:

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[31] Subsec. (c), which authorized funds during fiscal year 1977 and fiscal year 1978 for the southern African student program and the southern African training program, was repealed by sec. 122 of the International Development Cooperation Act of 1979 (Public Law 96–53; 93 Stat. 366).

[32] 22 U.S.C. 2151d. Sec. 106, as added by Public Law 94–161 (89 Stat. 849), was amended by sec. 104 of the International Development Cooperation Act of 1979 (Public Law 96–53; 93 Stat. 360) by redesignating subsecs. (a) and (b) as (c) and (d) and by adding new subsecs. (a) and (b). A prior version of sec. 106 (added in 1973 by Public Law 93–189) had also been repealed by Public Law 94–161. Before its repeal, sec. 106 had concerned "Selected Development Problems", authorizing the President to furnish assistance to help solve economic and social development problems in fields such as transportation, power, industry, urban development, and export development. Sec. 304(a) of the International Security and Development Cooperation Act of 1980 (Public Law 96–533; 94 Stat. 3146) substituted the current section heading in lieu of "Technical Assistance, Energy, Research, Reconstruction, and Selected Development Activities".

[33] Sec. 304(b) of the International Security and Development Cooperation Act of 1980 (Public Law 96–533; 94 Stat. 3146) redesignated pars. (1), (2), (3), and (4) of subsec. (a) as subpars. (A), (B), (C), and (D), respectively; redesignated subpars. (A), (B), and (C) of former par. (3) as clauses (i), (ii), and (iii), respectively; and added a new par. (2).

(i) [33] The world's energy supply would be increased and the fear of abrupt depletion would be lessened with new energy production. This could have a positive impact upon energy prices in international markets as well as a positive effect upon the balance of payments problems of many developing countries.

(ii) [33] Diversification of the world's supplies of energy from fossil fuels would make all countries, developing and developed, less susceptible to supply interruptions and arbitrary production and pricing policies.

(iii) [33] Even a moderate increase in energy production in the developing countries would improve their ability to expand commercial trade, foreign investment, and technology transfer possibilities with the United States and other developed countries.

(D) [33] Assistance for the production of energy from indigenous resources, as authorized by subsection (b) of this section, would be of direct benefit to the poor in developing countries because of the overwhelming impact of imported energy costs upon the lives of the poor and their ability to participate in development.

(2) [33] The Congress also finds that energy production from renewable, decentralized sources and energy conservation are vital elements in the development process. Inadequate access by the poor to energy sources as well as the prospect of depleted fossil fuel reserves and higher energy prices require an enhanced effort to expand the energy resources of developing countries through greater emphasis on renewable sources. Renewable and decentralized energy technologies have particular applicability for the poor, especially in rural areas.

(b)(1) [34] In order to help developing countries alleviate their energy problems by improving their ability to use indigenous energy resources to produce the energy needed by their economies, the President is authorized to furnish assistance, on such terms and conditions as he may determine, to enable such countries to prepare for and undertake development of their energy resources. Such assistance may include data collection and analysis, the training of skilled personnel, research on and development of suitable energy sources, and pilot projects to test new methods of energy production.

(2) [34] The President is authorized to furnish assistance under this chapter for cooperative programs with developing countries in energy production and conservation through research on and devel-

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[34] Sec. 304(c) of the International Security and Development Cooperation Act of 1980 (Public Law 96–533; 94 Stat. 3146) redesignated pars. (1) and (2) of subsec. (b) as subpars. (A) and (B), respectively, substituted the reference to fiscal year 1981 in lieu of a reference to fiscal year 1980, and added a new par. (2). Subsequently, subpar. (B) was repealed by sec. 1211(a)(2) of the International Security and Development Cooperation Act of 1985 (Public Law 99–83; 99 Stat. 190). It previously read as follows: "Of the funds made available to carry out this section, up to $7,000,000 for the fiscal year 1981 shall be used for purposes of paragraph (A) to facilitate geological and geophysical survey work to locate potential oil, natural gas, and coal reserves and to encourage exploration for potential oil, natural gas, and coal reserves in developing countries which are not members of the Organization of Petroleum Exporting Countries".

opment and use of small-scale, decentralized, renewable energy sources for rural areas carried out as integral parts of rural development efforts in accordance with section 103 of this Act. Such programs shall also be directed toward the earliest practicable development and use of energy technologies which are environmentally acceptable, require minimum capital investment, are most acceptable to and affordable by the people using them, are simple and inexpensive to use and maintain, and are transferable from one region of the world to another. Such programs may include research on and the development, demonstration, and application of suitable energy technologies (including use of wood); analysis of energy uses, needs, and resources; training and institutional development; and scientific interchange.

(c)[35] The agency primarily responsible for administering this part and the Department of Energy shall coordinate with one another, to the maximum extent possible, the planning and implementation of energy programs under this chapter.

(d)[35] The President is authorized to furnish assistance, on such terms and conditions as he may determine, for the following activities, to the extent that such activities are not authorized by sections 103, 104, and 105 of this Act:

(1) programs of technical cooperation and development, particularly the development efforts of United States private and voluntary agencies and regional and international development organizations;

(2)[36] programs of research into, and evaluation of, the process of economic development in less developed countries and areas, into the factors affecting the relative success and costs of development activities, and into the means, techniques, and such other aspects of development assistance as the President may determine in order to render such assistance of increasing value and benefit;

(3) programs of reconstruction following natural or manmade disasters and programs of disaster preparedness, including the prediction of and contingency planning for natural disasters abroad;[37]

(4) programs designed to help solve special development problems in the poorest countries and to make possible proper utilization of infrastructure and related projects funded with earlier United States assistance; and

(5) programs of urban development, with particular emphasis on small, labor intensive enterprises, marketing systems for small producers, and financial and other institutions which

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[35] Sec. 304 of the International Security and Development Cooperation Act of 1980 (Public Law 96–533; 94 Stat. 3146) redesignated subsec. (c) as subsec. (d), amended former subsec. (d) and redesignated it as subsec. (e), and added a new subsec. (c). Subsec. (f) was added by sec. 307(b) of the International Security and Development Cooperation Act of 1985 (Public Law 99–83; 99 Stat. 190).

[36] Sec. 104(b)(1) of the International Development Cooperation Act of 1979 (Public Law 96–53; 93 Stat. 360) struck out par. (2), which concerned various programs designed to alleviate energy problems experienced by developing countries, and redesignated pars. (3) through (6) as pars. (2) through (5), respectively.

[37] The reference to the program of disaster preparedness was added by sec. 304(a) of the International Security and Development Cooperation Act of 1981 (Public Law 97–113; 95 Stat. 1533).

enable the urban poor to participate in the economic and social development of their country.

(e) [35] (1) There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $207,000,000 for fiscal year 1986 and $207,000,000 for fiscal year 1987.[38]

(2) Amounts appropriated under this section are authorized to remain available until expended.

(f) [35] Of the amounts authorized to be appropriated to carry out this chapter $5,000,000 for fiscal year 1986 and $5,000,000 for fiscal year 1987 shall be used to finance cooperative projects among the United States, Israel, and developing countries.

Sec. 107.[39] **Appropriate Technology.**—(a) In carrying out activities under this chapter, the President shall place special emphasis on the use of relatively smaller, cost-saving, labor-using technologies that are generally most appropriate for the small farms, small businesses, and small incomes of the poor.

(b) Funds made available to carry out this chapter should be used to the extent practicable for activities in the field of appropriate technology, including support of an expanded and coordinated private effort to promote the development and dissemination of appropriate technology in developing countries.

Sec. 108.[40] **Application of Existing Provision.**—* * * [Repealed—1978]

Sec. 108.[41] **Private Sector Revolving Fund.**—(a) The Congress finds that the development of private enterprise, including cooperatives, is a vital factor in the stable growth of developing countries and in the development and stability of a free, open, and equitable international economic system. It is therefore in the best interests of the United States to assist the development of the private sector in developing countries and to engage the United States private sector in that process. In order to promote such private sector development, the President is authorized to establish a revolving fund account in the United States Treasury. All funds deposited in such account shall, notwithstanding any provision in an appropriation Act to the contrary, be free from fiscal year limitations.

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[38] The authorization figures for fiscal years 1986 and 1987 were added by sec. 309(b) of the International Security and Development Act of 1985 (Public Law 99-83; 99 Stat. 190). Authorizations for recent years included the following: Fiscal year 1976—$99,550,000; fiscal year 1977—$104,500,000; fiscal year 1978—$105,000,000; fiscal year 1979—$126,244,000; fiscal year 1980—$125,000,000; fiscal year 1981—$140,000,000; fiscal year 1982—$147,200,000; fiscal year 1983—$147,200,000; fiscal year 1984—$160,000,000; fiscal year 1985—no authorization.

Foreign Assistance and Related Programs Appropriations Act, 1987 (sec. 101(f) of the Continuing Appropriations Act, 1987; Public Law 99-591; 100 Stat. 3341) provides the following:

"Energy and selected development activities, Development Assistance: For necessary expenses to carry out the provisions of section 106, $140,328,500: *Provided*, That not less than $5,000,000 shall be made available only for cooperative projects among the United States, Israel and developing countries: *Provided further*, That not less than $5,000,000 shall be made available only for the Central American Rural Electrification Support project."

"Science and Technology, Development Assistance: For necessary expenses to carry out the provisions of section 106, $9,661,500."

Sec. 105 of Public Law 96-53 struck out language in subsec. (e) which provided $30,000,000 during the period July 1, 1975, to Sept. 3, 1977, for reimbursement to private voluntary agencies of the United States for costs incurred with respect to the shipment of food and nonfood commodities provided through private donations.

[39] 22 U.S.C. 2151e. sec. 107, as added by sec. 306 of Public Law 94-161, was amended and restated by sec. 107 of the International Development and Food Assistance Act of 1978 (Public Law 95-424; 92 Stat. 947).

[40] Sec. 108, as added by the FA Act of 1973, was repealed by sec. 102(g)(2)(K)(i) of the International Development and Food Assistance Act of 1978 (92 Stat. 943).

[41] 22 U.S.C. 2151f. Sec. 108 was added by the International Security and Development Assistance Authorizations Act of 1983 (sec. 101(b)(2) of the Further Continuing Appropriations, 1984; Public Law 98-151; 97 Stat. 972). Sec. 101(b)(2) of Public Law 98-151 stipulated that sec. 108 would be enacted as contained in sec. 407 of H.R. 2992, as reported by the House Committee on Foreign Affairs on May 17, 1983.

(b) Of the funds made available under this chapter in each of the fiscal years 1986 and 1987 up to $18,000,000 may be deposited in this account.[42] Such funds used in accordance with the policies and authorities of this section shall be in addition to other funds available for private sector activities under other authorities in this Act. Any reflows and income arising from activities carried out pursuant to this section, including loan repayments and fee income (as provided in subsection (e) of this section), shall be deposited into the revolving fund and remain available to carry out the purposes of this section. All funds in such account may be invested in obligations of the United States.

(c)(1) The agency primarily responsible for administering this part is authorized to use the funds maintained in this revolving fund account to furnish assistance in furtherance of the policy of subsection (a) on such terms and conditions as it may determine. Amounts in the revolving fund account shall be available for obligation for assistance under this section only to such extent as may be provided in advance in appropriation Acts. Assistance may be provided under this section without regard to section 604(a) and 620(r) of this Act.

(2) Assistance under this section may be provided only to support private sector activities which—

(A) are consistent with the United States development assistance policies set forth in section 102 of this Act and with the development priorities of the host country;

(B) are the types of activities for which assistance may be provided under sections 103 through 106 of this Act;

(C) will have a demonstration effect;

(D) will be innovative;

(E) are financially viable;

(F) will maximize the development impact appropriate to the host country, particularly in employment and the use of appropriate technology; and

(G) are primarily directed to making available to small business enterprises and cooperatives necessary support and services which are not otherwise generally available.

In determining whether an enterprise is a small business enterprise, the agency primarily responsible for administering this part shall take into consideration the enterprise's total net fixed assets and number of employees, together with the relevant definition utilized by the host country government and the International Bank for Reconstruction and Development and other international organizations.

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[42] Foreign Assistance and Related Programs Appropriations Act, 1987 (sec. 101(f) of the Continuing Appropriations Act, 1987, Public Law 99–591, 100 stat. 3341) provides:

"Private sector revolving fund: For necessary expenses to carry out the provisions of section 108 of the Foreign Assistance Act of 1961, as amended, not to exceed $15,553,000 to be derived by transfer from funds appropriated to carry out the provisions of chapter 1 of part I of such Act, to remain available until expended. During fiscal year 1987, obligations for assistance from amounts in the revolving fund account under section 108 shall not exceed $15,553,000."

(3)(A) Not more than $3,000,000 may be made available under this section to support any one project.

(B) Not more than 50 per centum of the financial support for any project may be provided under this section, and a substantial portion of the financial support for a project assisted under this section must be provided by sources within the host country.

(C) Not more than 20 per centum of the assets of the revolving fund account under this section may be used to support projects in any one country.

(D) In order to maximize the impact on institution building, loans under this section shall be made primarily to intermediary entities which provide necessary support and services for private sector activities.

(E) Loans under this section shall be at or near the interest rate otherwise available to the recipient.

(d)(1) If at any time the assets of the revolving fund account exceeds $100,000,000, the President shall remit the amount in excess of $100,000,000 to the United States Treasury.

(2) As used in this section, "assets" includes amounts in the revolving fund account plus the value of investments made with amounts from the fund plus the current value of outstanding obligations under loans under this section.

(3) In addition to the requirement of paragraph (1), at the end of any fiscal year, the agency primarily responsible for administering this part may determine that amounts in the revolving fund are sufficient to permit the remittance to the United States Treasury of an amount equal to a portion or the total amount of appropriated funds deposited in the revolving fund. Any such remittance shall be deemed to be a decrease in the appropriated funds in the revolving fund. After remittance has been made of an amount equal to the total amount of appropriated funds, the revolving fund shall consist and be deemed to consist entirely of nonappropriated funds.

(e) A fee may be charged, where appropriate, in carrying out activities with funds from the revolving fund authorized in this section. The amount of any such fee shall be determined by the agency primarily responsible for administering this part.

(f) In the event the revolving fund is terminated, all unobligated money in the fund at the time of such termination shall be transferred to and become part of the miscellaneous receipts account of the Treasury.

(g) As part of its annual congressional presentation documents submitted to the Congress, the agency primarily responsible for administering this part shall include a description of projects proposed to be funded from the revolving fund account for that fiscal year. To the extent that projects are proposed for funding which are not contained in the annual congressional presentation documents, at least fifteen days' advance notification shall be provided to the Congress in accordance with section 634A of this Act.

(h) Not later than December 31 of each year, the President shall submit a comprehensive report which details all projects funded under this section during the previous fiscal year, all reflows to the revolving fund account, a status report on all projects currently contained in the fund's portfolio. Such reports shall include, but not be limited to, information regarding numbers and kinds of beneficiaries reached, amounts and kinds of benefits provided by the funded projects to targeted populations, and a justification for projects within the context of the goals and objectives of the United States development assistance program.

Sec. 109.[43] **Transfer of Funds.**—Whenever[44] the President determines it to be necessary for the purposes of this chapter, not to exceed 15 per centum of the funds made available for any provision of this chapter may be transferred to, and consolidated with, the funds made available for any other provision of this chapter, and may be used for any of the purposes for which such funds may be used, except that the total in the provision for the benefit of which the transfer is made shall not be increased by more than 25 per centum of the amount of funds made available for such provision. The authority of sections 610(a) and 614(a) of this Act may not be used to transfer funds made available under this chapter for use for purposes of any other provision of this Act except that the authority of such sections may be used to transfer for the purposes of section 667 not to exceed five per centum of the amount of funds made available for section 667(a)(1).[45]

Sec. 110.[46] **Cost-Sharing and Funding Limits.**—No assistance shall be furnished by the United States Government to a country under sections 103 through 106 of this Act until the country provides assurances to the President, and the President is satisfied, that such country provide at least 25 per centum of the costs of the entire program, project, or activity with respect to which such assistance is to be furnished, except that such costs borne by such country may be provided on an "in-kind" basis.[47, 48]

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[43] 22 U.S.C. 2151g. Sec. 109 was added by sec. 2(3) of the FA Act of 1973.

[44] The words "Notwithstanding sec. 108 of this Act," which had previously appeared in front of "whenever," were struck by sec. 102(g)(2)(K)(ii) of the International Development and Food Assistance Act of 1978 (92 Stat. 943).

[45] The words to this point beginning with "except that the authority of such sections * * *" were added by sec. 129(b) of the International Development and Food Assistance Act of 1977 (91 Stat. 543).

[46] 22 U.S.C. 2151h. Sec. 110 was added by sec. 2(3) of the FA Act of 1973. (Sec. 1211(a)(3) of the International Security and Development Cooperation Act of 1985 deleted par. (b) and removed the "(a)" designation from the preceding paragraph. Par. (b) previously read as follows:

"No grant assistance shall be disbursed by the United States Government under sections 103 through 106 of this Act for a project, for a period exceeding thirty-six consecutive months, without further justification satisfactory to the Congress and efforts being made to obtain sources of financing within that country and from other foreign countries and multilateral organizations.".

The initial phrase of subsec. (b), which had been added by Public Law 95–88 (91 Stat. 535), was struck by sec. 112(b)(2) of the International Development and Food Assistance Act of 1978 (92 Stat. 949). It previously read as follows:

"Except for grants to countries determined to be relatively least developed based on the United Nations Conference on Trade and Development list of 'relatively least developed countries',".

[47] The following phrase, which had been added by Public Law 94–161 (89 Stat. 849) and previously appeared at this point, was struck by sec. 112(b)(1) of the International Development and Food Assistance Act of 1978 (92 Stat. 949): "and except that the President may waive this cost-sharing requirement in the case of a project or activity in a country which the agency primarily responsible for administering part I of this Act determines is relatively least developed based on the United Nations Conference on Trade and Development list of 'relatively least developed countries.' "

[48] 22 U.S.C. 2151i. Sec. 111, which was added by sec. 2(3) of the FA Act of 1973 was amended by sec. 308 of Public Law 94–161 (89 Stat. 849). It formerly read as follows: "In order to strengthen the participation of the urban and rural poor in their country's development, not less than $20,000,000 of the funds made available for the purposes of this chapter shall be available during the fiscal years 1974 and 1975 only for assistance in the less developed countries which will enable and encourage greater numbers of the poor to help themselves toward a better life."

Sec. 111.[48] **Development and Use of Cooperatives.**—In order to strengthen the participation of the rural and urban poor in their country's development, high priority shall be given to increasing the use of funds made available under this Act for technical and capital assistance in the development and use [49] of cooperatives in the less developed countries which will enable and encourage greater numbers of the poor to help themselves toward a better life.[50]

Sec. 112.[51] **Prohibiting Police Training.**—* * * [Repealed—1974]

Sec. 113.[52] **Integrating Women Into National Economies.**—(a) In recognition of the fact that women in developing countries play a significant role in economic production, family support, and the overall development process of the national economies of such countries, this part shall be administered so as to give particular attention to those programs, projects, and activities which tend to integrate women into the national economies of developing countries, thus improving their status and assisting the total development effort.

(b) [52] (1) Up to $10,000,000 of the funds made available each fiscal year under this chapter shall be used, in addition to funds otherwise available for such purposes, for assistance on such terms and conditions as the President may determine to encourage and promote the participation and integration of women as equal partners in the development process in the developing countries. These funds shall be used primarily to support activities which will increase the economic productivity and income earning capacity of women.

(2) Nothing in this section shall be construed to authorize the establishment of a separate development assistance program for women.

(c) [52] Not less than $500,000 of the funds made available under this chapter for fiscal year 1982 shall be expended on international programs which support the original goals of the United Nations Decade for Women.

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[49] The words "technical and capital assistance in the development and use" were inserted in lieu of "assistance in the development" by sec. 107(a) of the International Development and Food Assistance Act of 1977 (Public Law 95–88; 91 Stat. 535).

[50] A sentence, which earmarked funds specifically for technical assistance to carry out the purposes of this section and had previously appeared at this point, was repealed by sec. 122 of the International Development Cooperation Act of 1979 (Public Law 96–53; 93 Stat. 366).

[51] Sec. 112, which was added by sec. 2(3) of the FA Act of 1973, was repealed by sec. 30(b) of the FA Act of 1974. (See sec. 660 of this Act, "Prohibiting Police Training," p. 225.)

[52] 22 U.S.C. 2151k. Sec. 113, as added by sec. 2(3) of the FA Act of 1973, was amended and restated by sec. 108 of the International Development and Food Assistance Act of 1977 (Public Law 95–88; 91 Stat. 536). Sec. 113 formerly read as follows:

"SEC. 113. INTEGRATING WOMEN INTO NATIONAL ECONOMIES.—Part I of this Act shall be administered so as to give particular attention to those programs, projects, and activities which tend to integrate women into the national economies of foreign countries, thus improving their status and assisting the total development effort."

Subsecs. (b) and (c), as added by Public Law 95–88 and which required a report from the President concerning the impact of development programs, projects, and activities on the integration of women into the developing economies of countries receiving assistance under this part, were repealed by sec. 122 of the International Development Cooperation Act of 1979 (Public Law 96–53; 93 Stat. 366) (such report was submitted to the Congress on Aug. 3, 1978). This subsec. (b), originally added as subsec. (d) by Public Law 95–424 (92 Stat. 947), was redesignated as subsec. (b) by Public Law 96–53.

The current text of subsec. (c) was added by sec. 305 of the International Security and Development Cooperation Act of 1981 (Public Law 97–113; 95 Stat. 1533).

Sec. 114.[53] **Limiting Use of Funds for Abortions or Involuntary Sterilization.**—* * * [Repealed—1978]

Sec. 115.[54] **Prohibiting Use of Funds for Certain Countries.**—* * * [Repealed—1978]

Sec. 116.[55] **Human Rights.**—(a) No assistance may be provided under this part to the government of any country which engages in a consistent pattern of gross violations of internationally recognized human rights, including torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges, causing the disappearance of persons by the abduction and clandestine detention of those persons,[56] or other flagrant denial of the right to life, liberty, and the security of person, unless such assistance will directly benefit the needy people in such country.

(b) In determining whether this standard is being met with regard to funds allocated under this part, the Committee on Foreign Relations of the Senate or the Committee on International Relations of the House of Representatives may require the Administrator primarily responsible for administering part I of this Act to submit in writing information demonstrating that such assistance will directly benefit the needy people in such country, together with a detailed explanation of the assistance to be provided (including the dollar amounts of such assistance) and an explanation of how such assistance will directly benefit the needy people in such country. If either committee or either House of Congress disagrees with the Administrator's justification it may initiate action to terminate assistance to any country by a concurrent resolution under section 617 of this Act.

(c) [57] In determining whether or not a government falls within the provisions of subsection (a) and in formulating development assistance programs under this part, the Administrator shall consider, in consultation with the Assistant Secretary [58] for Human Rights and Humanitarian Affairs—

(1) the extent of cooperation of such government in permitting an unimpeded investigation of alleged violations of internationally recognized human rights by appropriate inter-

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[53] Sec. 114, as added by the FA Act of 1973, was repealed by sec. 104(b) of the International Development and Food Assistance Act of 1978 (Public Law 95–424; 92 Stat. 947). See sec. 104(f) (page 23) of this Act for new language concerning this issue.

[54] Sec. 115, as added by the FA Act of 1974 was repealed by sec. 102(f) of the International Development and Food Assistance Act of 1978 (Public Law 95–424; 92 Stat. 942).

[55] 22 U.S.C. 2151n. Sec. 116 was added by sec. 310 of Public Law 94–161 (89 Stat. 849).

[56] This phrase beginning with "causing the disappearance of * * *" was added by sec. 701(a) of the International Security and Development Cooperation Act of 1980 (Public Law 96–533; 94 Stat. 3156).

[57] Sec. 111 of the International Development and Food Assistance Act of 1977 (Public Law 95–88; 91 Stat. 537) amended and restated subsecs. (c) and (d), and added a new subsec. (e). Subsecs. (c) and (d) formerly read as follows:

"(c) In determining whether or not a government falls within the provisions of subsection (a), consideration shall be given to the extent of cooperation of such government in permitting an unimpeded investigation of alleged violations of internationally recognized human rights by appropriate international organizations, including the International Committee of the Red Cross, or groups or persons acting under the authority of the United Nations or of the Organization of American States.

"(d) The President shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, in the annual presentation materials on proposed economic development assistance programs, a full and complete report regarding the steps he has taken to carry out the provisions of this section."

[58] The words "Assistant Secretary" were inserted in lieu of "Coordinator" by sec. 109(a)(2) of the Foreign Relations Authorization Act, Fiscal Year 1978 (Public Law 95–105; 91 Stat. 846).

national organizations, including the International Committee of the Red Cross, or groups or persons acting under the authority of the United Nations or of the Organization of American States; and

(2) specific actions which have been taken by the President or the Congress relating to multilateral or security assistance to a less developed country because of the human rights practices or policies of such country.

(d) [57] The Secretary of State shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, by January 31 of each year, a full and complete report regarding—

(1) [59] the status of internationally recognized human rights, within the meaning of subsection (a)—

(A) in countries that receive assistance under this part, and

(B) in all other foreign countries which are members of the United Nations and which are not otherwise the subject of a human rights report under this Act; and

(2) the steps the Administrator has taken to alter United States programs under this part in any country because of human rights considerations.

(e) [57] (1) [60] The President is authorized and encouraged to use not less than $3,000,000 of the funds made available under this chapter and chapter 4 of part II for each fiscal year for studies to identify, and for openly carrying out, programs and activities which will encourage or promote increased adherence to civil and political rights, as set forth in the Universal Declaration of Human Rights, in countries eligible for assistance under this chapter. None of these funds may be used, directly or indirectly, to influence the outcome of any election in any country.

(2) [60] (A) Of the amounts made available to carry out this subsection, $500,000 for the fiscal year 1984, $1,000,000 for the fiscal year 1985, and $1,500,000 for the fiscal year 1986 and for each fiscal year therafter shall be used for grants to nongovernmental organizations in South Africa promoting political, economic, social, juridi-

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[59] Par. (1) was amended and restated by sec. 504 of the International Development Cooperation Act of 1979 (Public Law 96-53; 93 Stat. 378) by adding the requirement contained in clause (B). Sec. 504 also required a report from the Secretary of State by Nov. 15, 1979, on the impact on the foreign relations of the United States of the reports required by this Act on the human rights practices of foreign governments.

[60] The first phrase in par. (1) "The President is authorized and encouraged to use not less than", was added by sec. 109(1) of the International Development and Food Assistance Act of 1978 (Public Law 94-424; 92 Stat. 947).

The authorization level of $3,000,000 and the reference to funds available under chapter 4 of part II were added by sec. 1002(a)(1) of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (Public Law 98-164; 97 Stat. 1052). Previously, amendments by sec. 306 of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1533), sec. 504 of Public Law 96-533 (94 Stat. 378), and sec. 109(2) of Public Law 94-424 (92 Stat. 947) authorized the use of $1,500,000 for this purpose in fiscal years 1982/1983, fiscal year 1981, and fiscal year 1979, respectively. The original text of subsec. (e), added by sec. 111 of Public Law 95-88 (91 Stat. 537), authorized the use of $750,000 for this purpose during fiscal year 1978.

The authorization level of $1,500,000 for the fiscal year 1986 and for each fiscal year thereafter was added by sec. 202 of Public Law 99-440 (100 Stat. 1095).

The paragraph designation "(1)" and a new par. (2) were added by sec. 1002(a)(3) of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (Public Law 98-164; 97 Stat. 1052).

cal, and humanitarian efforts to foster a just society and to help victims of apartheid.

(B) In making grants under this paragraph, priority should be given to those organizations or activities which contribute, directly or indirectly, to promoting a just society, to aiding victims of official discrimination, and to the nonviolent elimination of apartheid. Priority should also be given to those organizations whose programs and activities evidence community support. Grants may be made only for organizations whose character and membership reflect the objective of a majority of South Africans for an end to the apartheid system of separate development and for interracial cooperation and justice. Grants may not be made under this paragraph to governmental institutions or organizations or to organizations financed or controlled by the Government of South Africa.

(C)(i) Except as provided in clause (ii), grants under this paragraph may not exceed $10,000.

(ii) Of the amounts allocated to carry out this paragraph, $100,000 shall be available each fiscal year only for grants to organizations which have available for their use resources whose value is at least equal to the amount of the grant under this paragraph. Grants of up to $30,000 may be made to such organizations. For purposes of this clause, the term "resources" includes, in addition to cash assets, in-kind assets and contributions such as equipment, materials, and staff and volunteer time.

(D) Within 9 months after the date of enactment of this paragraph, the Administrator of the Agency for International Development shall prepare, in consultation with the Secretary of State, and shall submit to the Congress a report detailing grants and proposed grants under this paragraph and their conformity with the provisions of this paragraph.

(f)[61] (1) Of the funds made available to carry out subsection (e)(2)(A) for each fiscal year, not less than $500,000 shall be used for direct legal and other assistance to political detainees and prisoners and their families, including the investigation of the killing of protesters and prisoners, and for support for actions of black-led community organizations to resist, through nonviolent means, the enforcement of apartheid policies such as—

(A) removal of black populations from certain geographic areas on account of race or ethnic origin,

(B) denationalization of blacks, including any distinctions between the South African citizenships of blacks and whites,

(C) residence restrictions based on race or ethnic origin,

(D) restrictions on the rights of blacks to seek employment in South Africa and to live wherever they find employment in South Africa, and

(E) restrictions which make it impossible for black employees and their families to be housed in family accommodations near their place of employment.

(2)(A) No grant under this subsection may exceed $100,000.

(B) The average of all grants under this paragraph made in any fiscal year shall not exceed $70,000.

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[61] Subsections (f) and (g) were added by sec. 202(b) of Public Law 99-440 (100 Stat. 1095).

(g)[61] Of the funds made available to carry out subsection (e)(2)(A) for each fiscal year, $175,000 shall be used for direct assistance to families of victims of violence such as "necklacing" and other such inhumane acts. An additional $175,000 shall be made available to black groups in South Africa which are actively working toward a multi-racial solution to the sharing of political power in that country through nonviolent, constructive means.

Sec. 117.[62] Assistance for Disadvantaged South Africans.—In providing assistance under this chapter or under chapter 4 of part II of this Act for disadvantaged South Africans, priority shall be given to working with and through South African nongovernmental organizations whose leadership and staff are selected on a nonracial basis, and which have the support of the disadvantaged communities being served. The measure of this community support shall be the willingness of a substantial number of disadvantaged persons to participate in activities sponsored by these organizations. Such organizations to which such assistance may be provided include the Educational Opportunities Council, the South African Institute of Race Relations, READ, professional teachers' unions, the Outreach Program of the University of the Western Cape, the Funda Center in Soweto, SACHED, UPP Trust, TOPS, the Wilgespruit Fellowship Center (WFC), and civic and other organizations working at the community level which do not receive funds from the Government of South Africa.

Sec. 117.[63] Environment and Natural Resources.—(a) The Congress finds that if current trends in the degradation of natural resources in developing countries continue, they will severely undermine the best efforts to meet basic human needs, to achieve sustained economic growth, and to prevent international tension and conflict. The Congress also finds that the world faces enormous, urgent, and complex problems, with respect to natural resources, which require new forms of cooperation between the United States and developing countries to prevent such problems from becoming unmanageable. It is, therefore, in the economic and security interests of the United States to provide leadership both in thoroughly reassessing policies relating to natural resources and the environment, and in cooperating extensively with developing countries in order to achieve environmentally sound development.

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[62] Sec. 117 was added by sec. 201(b) of Public Law 99-440 (100 Stat. 1094). A previous version of sec. 117, "Infant Nutrition", was repealed in 1978.

[63] 22 U.S.C. 2151p. Sec. 117 was redesignated from being sec. 118 by sec. 301(1) of Public Law 99-529, apparently resulting in the creation of two section 117's. Sec. 301(2) of Public Law 99-529 (100 Stat. 3010) further deleted subsection (d) of that section which dealt with tropical forests, and then sec. 301(3) of Public Law 99-529 added a new section 118 entitled "Tropical Forests". This section, as added by sec. 113 of Public Law 95-88 (91 Stat. 537) and amended by sec. 110 of Public Law 95-424 (92 Stat. 948) and sec. 122 of Public Law 96-53 (93 Stat. 948), was amended and restated by sec. 307 of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1533). This section previously read as follows:

"Sec. 118. Environment and Natural Resources.—(a) The President is authorized to furnish assistance under this part for developing and strengthening the capacity of less developed countries to protect and manage their environment and natural resources. Special efforts shall be made to maintain and where possible restore the land, vegetation, water, wildlife and other resources upon which depend economic growth and human well-being especially that of the poor.

"(b) In carrying out programs under this chapter, the President shall take into consideration the environmental consequence of development actions."

(b) In order to address the serious problems described in subsection (a), the President is authorized to furnish assistance under this part for developing and strengthening the capacity of developing countries to protect and manage their environment and natural resources. Special efforts shall be made to maintain and where possible to restore the land, vegetation, water, wildlife, and other resources upon which depend economic growth and human well-being, especially of the poor.

(c)(1) The President, in implementing programs and projects under this chapter, shall take fully into account the impact of such programs and projects upon the environment and natural resources of developing countries. Subject to such procedures as the President considers appropriate, the President shall require all agencies and officials responsible for programs or projects under this chapter—

(A) to prepare and take fully into account an environmental impact statement for any program or project under this chapter significantly affecting the environment of the global commons outside the jurisdiction of any country, the environment of the United States, or other aspects of the environment which the President may specify; and

(B) to prepare and take fully into account an environmental assessment of any proposed program or project under this chapter significantly affecting the environment of any foreign country.

Such agencies and officials should, where appropriate, use local technical resources in preparing environmental impact statements and environmental assessments pursuant to this subsection.

(2) The President may establish exceptions from the requirements of this subsection for emergency conditions and for cases in which compliance with those requirements would be seriously detrimental to the foreign policy interests of the United States.

SEC. 118.[64] TROPICAL FORESTS.

(a) IMPORTANCE OF FORESTS AND TREE COVER.—In enacting section 103(b)(3) of this Act the Congress recognized the importance of forests and tree cover to the developing countries. The Congress is particularly concerned about the continuing and accelerating alteration, destruction, and loss of tropical forests in developing countries, which pose a serious threat to development and the environment. Tropical forest destruction and loss—

(1) result in shortages of wood, especially wood for fuel; loss of biologically productive wetlands; siltation of lakes, reservoirs, and irrigation systems; floods; destruction of indigenous peoples; extinction of plant and animal species; reduced capacity for food production; and loss of genetic resources; and

(2) can result in desertification and destabilization of the earth's climate.

Properly managed tropical forests provide a sustained flow of resources essential to the economic growth of developing countries, as well as genetic resources of value to developed and developing countries alike.

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[64] Sec. 118 was added by sec. 301(3) of Public Law 99-529 (100 Stat. 3010). See also explanation at beginning of previous footnote.

(b) PRIORITIES.—The concerns expressed in subsection (a) and the recommendations of the United States Interagency Task Force on Tropical Forests shall be given high priority by the President—

(1) in formulating and carrying out programs and policies with respect to developing countries, including those relating to bilateral and multilateral assistance and those relating to private sector activities; and

(2) in seeking opportunities to coordinate public and private development and investment activities which affect forests in developing countries.

(c) ASSISTANCE TO DEVELOPING COUNTRIES.—In providing assistance to developing countries, the President shall do the following:

(1) Place a high priority on conservation and sustainable management of tropical forests.

(2) To the fullest extent feasible, engage in dialogues and exchanges of information with recipient countries—

(A) which stress the importance of conserving and sustainably managing forest resources for the long-term economic benefit of those countries, as well as the irreversible losses associated with forest destruction, and

(B) which identify and focus on policies of those countries which directly or indirectly contribute to deforestation.

(3) To the fullest extent feasible, support projects and activities—

(A) which offer employment and income alternatives to those who otherwise would cause destruction and loss of forests, and

(B) which help developing countries identify and implement alternatives to colonizing forested areas.

(4) To the fullest extent feasible, support training programs, educational efforts, and the establishment or strengthening of institutions which increase the capacity of developing countries to formulate forest policies, engage in relevant land-use planning, and otherwise improve the management of their forests.

(5) To the fullest extent feasible, help end destructive slash-and-burn agriculture by supporting stable and productive farming practices in areas already cleared or degraded and on lands which inevitably will be settled, with special emphasis on demonstrating the feasibility of agroforestry and other techniques which use technologies and methods suited to the local environment and traditional agricultural techniques and feature close consultation with and involvement of local people.

(6) To the fullest extent feasible, help conserve forests which have not yet been degraded, by helping to increase production on lands already cleared or degraded through support of reforestation, fuelwood, and other sustainable forestry projects and practices, making sure that local people are involved at all stages of project design and implementation.

(7) To the fullest extent feasible, support projects and other activities to conserve forested watersheds and rehabilitate those which have been deforested, making sure that local

people are involved at all stages of project design and implementation.

(8) To the fullest extent feasible, support training, research, and other actions which lead to sustainable and more environmentally sound practices for timber harvesting, removal, and processing, including reforestation, soil conservation, and other activities to rehabilitate degraded forest lands.

(9) To the fullest extent feasible, support research to expand knowledge of tropical forests and identify alternatives which will prevent forest destruction, loss, or degradation, including research in agroforestry, sustainable management of natural forests, small-scale farms and gardens, small-scale animal husbandry, wider application of adopted traditional practices, and suitable crops and crop combinations.

(10) To the fullest extent feasible, conserve biological diversity in forest areas by—

(A) supporting and cooperating with United States Government agencies, other donors (both bilateral and multilateral), and other appropriate governmental, intergovernmental, and nongovernmental organizations in efforts to identify, establish, and maintain a representative network of protected tropical forest ecosystems on a worldwide basis;

(B) whenever appropriate, making the establishment of protected areas a condition of support for activities involving forest clearance of degradation; and

(C) helping developing countries identify tropical forest ecosystems and species in need of protection and establish and maintain appropriate protected areas.

(11) To the fullest extent feasible, engage in efforts to increase the awareness of United States Government agencies and other donors, both bilateral and multilateral, of the immediate and long-term value of tropical forests.

(12) To the fullest extent feasible, utilize the resources and abilities of all relevant United States Government agencies.

(13) Require that any program or project under this chapter significantly affecting tropical forests (including projects involving the planting of exotic plant species)—

(A) be based upon careful analysis of the alternatives available to achieve the best sustainable use of the land, and

(B) take full account of the environmental impacts of the proposed activities on biological diversity,

as provided for in the environmental procedures of the Agency for International Development.

(14) Deny assistance under this chapter for—

(A) the procurement or use of logging equipment, unless an environmental assessment indicates that all timber harvesting operations involved will be conducted in an environmentally sound manner which minimizes forest destruction and that the proposed activity will produce positive economic benefits and sustainable forest management systems; and

(B) actions which significantly degrade national parks or similar protected areas which contain tropical forests or introduce exotic plants or animals into such areas.

(15) Deny assistance under this chapter for the following activities unless an environmental assessment indicates that the proposed activity will contribute significantly and directly to improving the livelihood of the rural poor and will be conducted in an environmentally sound manner which supports sustainable development:

(A) Activities which would result in the conversion of forest lands to the rearing of livestock.

(B) The construction, upgrading, or maintenance of roads (including temporary haul roads for logging or other extractive industries) which pass through relatively undegraded forest lands.

(C) The colonization of forest lands.

(D) The construction of dams or other water control structures which flood relatively undegraded forest lands.

(d) PVOs AND OTHER NONGOVERNMENTAL ORGANIZATIONS.—Whenever feasible, the President shall accomplish the objectives of this section through projects managed by private and voluntary organizations or international, regional, or national nongovernmental organizations which are active in the region or country where the project is located.

(e) COUNTRY ANALYSIS REQUIREMENTS.—Each country development strategy statement or other country plan prepared by the Agency for International Development shall include an analysis of—

(1) the actions necessary in that country to achieve conservation and sustainable management of tropical forests, and

(2) the extent to which the actions proposed for support by the Agency meet the needs thus identified.

(f) ANNUAL REPORT.—Each annual report required by section 634(a) of this Act shall include a report on the implementation of this section.

Sec. 119.[65] Renewable and Unconventional Energy Technologies. * * * [Repealed—1980]

Sec. 119.[66] Endangered Species.—(a) The Congress finds the survival of many animal and plant species is endangered by overhunting, by the presence of toxic chemicals in water, air and soil, and by the destruction of habitats. The Congress further finds that the extinction of animal and plant species is an irreparable loss with potentially serious environmental and economic consequences for developing and developed countries alike. Accordingly, the preservation of animal and plant species through the regulation of the hunting and trade in endangered species, through limitations on the pollution of natural ecosystems, and through the protection of wildlife habitats should be an important objective of the United States development assistance.

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[65] Sec. 119, which had been added by Public Law 95-88 (91 Stat. 528) and amended by sec. 111 of the International Development and Food Assistance Act of 1978 (92 Stat. 948) and by sec. 107 of the International Development Cooperation Act of 1979 (93 Stat. 362), was repealed by sec. 304(g) of the International Security and Development Cooperation Act of 1980 (Public Law 96-533; 94 Stat. 3147). See sec. 106 of this Act for text concerning energy technologies.

[66] 22 U.S.C. 2151q. Sec. 119, paragraphs (a) and (b) were added by sec. 702 of the International Environment Protection Act of 1983 (title VII of the Department of State Authorization Act, Fiscal Years 1984 and 1985; Public Law 98-164; 97 Stat. 1045). Paragraphs (c) through (h) were added by sec. 302 of Public Law 99-529 (100 Stat. 3010).

(b) In order to preserve biological diversity, the President is authorized to furnish assistance under this part to assist countries in protecting and maintaining wildlife habitats and in developing sound wildlife management and plant conservation programs. Special efforts should be made to establish and maintain wildlife sanctuaries, reserves, and parks; to enact and enforce anti-poaching measures; and to identify, study, and catalog animal and plant species, especially in tropical environments.

(c) FUNDING LEVEL.—For fiscal year 1987, not less than $2,500,000 of the funds available to carry out this part (excluding funds made available to carry out section 104(c)(2), relating to the Child Survival Fund) shall be allocated for assistance pursuant to subsection (b) for activities which were not funded prior to fiscal year 1987. In addition, the Agency for International Development shall, to the fullest extent possible, continue and increase assistance pursuant to subsection (b) for activities for which assistance was provided in fiscal years prior to fiscal year 1987.

(d) COUNTRY ANALYSIS REQUIREMENTS.—Each country development strategy statement or other country plan prepared by the Agency for International Development shall include an analysis of—

(1) the actions necessary in that country to conserve biological diversity, and

(2) the extent to which the actions proposed for support by the Agency meet the needs thus identified.

(e) LOCAL INVOLVEMENT.—To the fullest extent possible, projects supported under this section shall include close consultation with and involvement of local people at all stages of design and implementation.

(f) PVOs AND OTHER NONGOVERNMENTAL ORGANIZATIONS.—Whenever feasible, the objectives of this section shall be accomplished through projects managed by appropriate private and voluntary organizations, or international, regional, or national nongovernmental organizations, which are active in the region or country where the project is located.

(g) ACTIONS BY AID.—The Administrator of the Agency for International Development shall—

(1) cooperate with appropriate international organizations, both governmental and nongovernmental;

(2) look to the World Conservation Strategy as an overall guide for actions to conserve biological diversity;

(3) engage in dialogues and exchanges of information with recipient countries which stress the importance of conserving biological diversity for the long-term economic benefit of those countries and which identify and focus on policies of those countries which directly or indirectly contribute to loss of biological diversity;

(4) support training and education efforts which improve the capacity of recipient countries to prevent loss of biological diversity;

(5) whenever possible, enter into long-term agreements in which the recipient country agrees to protect ecosystems or other wildlife habitats recommended for protection by relevant governmental or nongovernmental organizations or as a result of activities undertaken pursuant to paragraph (6), and the United States agrees to provide, subject to obtaining the necessary appropriations, additional assistance necessary for the establishment and maintenance of such protected areas;

(6) support, as necessary and in cooperation with the appropriate governmental and nongovernmental organizations, efforts to identify and survey ecosystems in recipient countries worthy of protection;

(7) cooperate with and support the relevant efforts of other agencies of the United States Government, including the United States Fish and Wildlife Service, the National Park Service, the Forest Service, and the Peace Corps;

(8) review the Agency's environmental regulations and revise them as necessary to ensure that ongoing and proposed actions by the Agency do not inadvertently endanger wildlife species or their critical habitats, harm protected areas, or have other adverse impacts on biological diversity (and shall report to the Congress within a year after the date of enactment of this paragraph on the actions taken pursuant to this paragraph);

(9) ensure that environmental profiles sponsored by the Agency include information needed for conservation of biological diversity; and

(10) deny any direct or indirect assistance under this chapter for actions which significantly degrade national parks or similar protected areas or introduce exotic plants or animals into such areas.

(h) ANNUAL REPORTS.—Each annual report required by section 634(a) of this Act shall include, in a separate volume, a report on the implementation of this section.

Sec. 120.[67] **Sahel Development Program—Planning.**—(a) The Congress reaffirms its support of[67] the initiative of the United States Government in undertaking consultations and planning with the countries concerned, and with other nations providing assistance, with the United Nations, and with other concerned international and regional organizations, toward the development and support of a comprehensive long-term African Sahel development program.

(b)[68] The President is authorized to develop a long-term comprehensive development program for the Sahel and other drought-stricken nations in Africa.

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[67] 22 U.S.C. 2151r. Sec. 120, originally added as sec. 639B of this Act by sec. 20 of the FA Act of 1973 and later redesignated as sec. 494B by sec. 101(5) of Public Law 94–161 (89 Stat. 849), was again redesignated as sec. 120 by sec. 115(1) of the International Development and Food Assistance Act of 1977 (Public Law 95–88; 91 Stat. 539).

The title caption "Sahel Development Program—Planning" was inserted in lieu of "African Development Program" by sec. 115(2) of the International Development and Food Assistance Act of 1977 (Public Law 95–88; 91 Stat. 539).

The words in the first sentence of subsec. (a), "reaffirms its support of", were substituted in lieu of "supports" by sec. 101(7)(C) of Public Law 94–161 (89 Stat. 849).

[68] Subsecs. (b), (c), and (d) were added by sec. 101(7)(D) of Public Law 94–161 (89 Stat. 849). Subsec. (d) was subsequently repealed by sec. 502(d)(1) of the International Development and Food Assistance Act of 1978 (Public Law 95–424; 92 Stat. 959).

(c) [68] In developing this long-term program, the President shall—

(1) consider international coordination for the planning and implementation of such program;

(2) seek greater participation and support by African countries and organizations in determining development priorities; and

(3) begin such planning immediately.

(d) [68] * * * [Repealed—1978]

Sec. 121. [69] Sahel Development Program—Implementation.—(a) The President is authorized to furnish assistance, on such terms and conditions as he may determine, for the long-term development of the Sahelian region. Assistance furnished under this section shall be in accordance with a long-term, multidonor development plan which calls for equitable burden sharing with other donors and shall be furnished, whenever appropriate, in cooperation with an international coordinating mechanism.

(b) The President shall prepare an annual report on the Sahel Development Program concerning the allocation of the United States contribution to the Program, the extent of the contributions from other donor countries, the effectiveness of the integrated effort through the Club des Amis du Sahel, and the progress made in achieving the objectives of the program.

(c) There are authorized to be appropriated to the President for purposes of this section beginning in the fiscal year 1978, in addition to funds otherwise available for such purposes, $200,000,000, except that not to exceed $50,000,000, may be appropriated under this section for the fiscal year 1978. In addition to the amount authorized in the preceding sentence and to funds otherwise available for such purposes, there are authorized to be appropriated to the President for purposes of this section $25,000,000.[70] In addition to the amounts authorized in the preceding sentences and to funds otherwise available for such purposes, there are authorized to be appropriated to the President for purposes of this section $86,558,000 for the fiscal year 1986 and $87,750,000 for the fiscal year 1987.[71] Amounts appropriated under this section are authorized to remain available until expended.

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[69] 22 U.S.C. 2151s. Sec. 121 was added by sec. 115(3) of the International Development and Food Assistance Act of 1977 (Public Law 95–88; 91 Stat. 539).

[70] This sentence was added by sec. 108 of the International Development Cooperation Act of 1979 (Public Law 96–53; 93 Stat. 363).

[71] The International Security and Development Cooperation Act of 1985 (sec. 809(a), Public Law 99–83, 99 Stat. 263) provided the authorization for fiscal year 1986 and fiscal year 1987. The International Security and Development Assistance Authorizations Act of 1983 (sec. 101(b)(2) of the Further Continuing Appropriations, 1984; Public Law 98–151; 97 Stat. 969) provided an authorization for the fiscal year 1984 of $103,000,000 to carry out sec. 121. An authorization for fiscal year 1985 was not enacted.

The authorizations for fiscal years 1982 and 1983 were $86,558,000 for each of the years and were added by sec. 308(a) of the International Security and Development Cooperation Act of 1981 (Public Law 97–113; 95 Stat. 1535). This amendment replaced an authorization of $88,442,000 for fiscal year 1981, as added by sec. 306 of Public Law 96–533 (94 Stat. 363).

Foreign Assistance and Related Programs Appropriations Act, 1987 (sec. 101(f) of the Continuing Appropriations Act, 1987; Public Law 99–591, 100 Stat. 3341), provides the following:

"Sahel development program: For necessary expenses to carry out the provisions of section 121, $70,000,000, to remain available until expended: *Provided*, That no part of such appropriation may be available to make any contribution of the United States to the Sahel development program in excess of 10 percent of the total contributions to such program."

(d)[72] Funds available to carry out this section (including foreign currencies acquired with funds appropriated to carry out this section) may not be made available to any foreign government for disbursement unless the Administrator of the Agency for International Development determines that the foreign government will maintain a system of accounts with respect to those funds which will provide adequate identification of and control over the receipt and expenditure of those funds.

(e)[72a] Grants shall be made under this section to Sahel Development Program host governments in order to help them enhance their administrative capabilities to meet the administrative requirements resulting from donor country projects and activities.

Sec. 122.[73] **General Authorities.**—(a) In order to carry out the purposes of this chapter, the President is authorized to furnish assistance, on such terms and conditions as he may determine, to countries and areas through programs of grant and loan assistance, bilaterally or through regional, multilateral, or private entities.

(b) The President is authorized to make loans payable as to principal and interest in United States dollars on such terms and conditions as he may determine, in order to promote the economic development of countries and areas, with emphasis upon assisting long range plans and programs designed to develop economic resources and increase productive capacities. The President shall determine the interest payable on any loan. In making loans under this chapter, the President shall consider the economic circumstances of the borrower and other relevant factors, including the capacity of the recipient country to repay the loan at a reasonable rate of interest, except that loans may not be made at a rate of interest of less than 3 per centum per annum commencing not later than ten years following the date on which the funds are initially made available under the loan, during which ten-year period the rate of interest shall not be lower than 2 per centum per annum, nor higher than the applicable legal rate of interest of the country in which the loan is made.

(c)[74] Dollar receipts paid during any fiscal year from loans made under this part or from loans made under predecessor foreign assistance legislation shall be deposited in the Treasury as miscellaneous receipts.

(d)[74] Not to exceed $10,000,000 of the funds made available each fiscal year for the purposes of this chapter may be used for assistance on such terms and conditions as the President may determine, to research and educational institutions in the United States for the purpose of strengthening their capacity to develop and carry out programs concerned with the economic and social development of developing countries.

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[72] Subsec. (d) was added by sec. 308(b) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1535).

[72a] Subsec. (e) was added by sec. 809(b) of Public Law 99-83, 99 Stat. 264.

[73] 22 U.S.C. 2151t. Subsec. (a) of sec. 122 was added by sec. 102(a) of the International Development and Food Assistance Act of 1978 (Public Law 95-424; 92 Stat. 940). Sec. 102(b) of that same Act substantially amended subsecs. (b), (c), and (d) of sec. 201 of this Act, consolidating them into one subsec. (b), and then moving it to become subsec. (b) of sec. 122.

[74] Subsecs. (c) and (d) were added by sec. 102(c)(1) of the International Development and Food Assistance Act of 1978 (Public Law 95-424; 92 Stat. 941).

(e)[75] The President shall establish an interagency Development Loan Committee, consisting of such officers from such agencies of the United States Government as he may determine, which shall, under the direction of the President, establish standards and criteria for lending operations under this chapter in accordance with the foreign and financial policies of the United States. Except in the case of officers serving in positions to which they were appointed by the President by and with the advice and consent of the Senate, officers assigned to the Committee shall be so assigned by the President by and with the advice and consent of the Senate.

Sec. 123.[76] **Private and Voluntary Organizations and Cooperatives in Overseas Development.**—(a) The Congress finds that the participation of rural and urban poor people in their countries' development can be assisted and accelerated in an effective manner through an increase in activities planned and carried out by private and voluntary organizations and cooperatives. Such organizations and cooperatives, embodying the American spirit of self-help and assistance to others to improve their lives and incomes, constitute an important means of mobilizing private American financial and human resources to benefit poor people in developing countries. The Congress declares that it is in the interest of the United States that such organizations and cooperatives expand their overseas development efforts without compromising their private and independent nature. The Congress further declares that the financial resources of such organizations and cooperatives should be supplemented by the contribution of public funds for the purpose of undertaking development activities in accordance with the principles set forth in section 102 and, if necessary and determined on a case-by-case basis, for the purpose of sharing the cost of developing programs related to such activities.[77] The Congress urges the Administrator of the agency primarily responsible for administering this part, in implementing programs authorized under this part, to draw on the resources of private and voluntary organizations and cooperatives to plan and carry out development activities and to establish simplified procedures for the development and approval of programs to be carried out by such private and voluntary organizations and cooperatives as have demonstrated a capacity to undertake effective development activities.[78]

(b) In order to further the efficient use of United States voluntary contributions for development, relief, and rehabilitation of friendly peoples, the President is authorized to use funds made available for the purposes of this chapter to pay transportation charges on shipments by the American National Red Cross and by

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[75] Subsec. (e) formerly appeared in this Act as sec. 204. Such sec. 204 was redesignated as subsec. (e) of this section by sec. 102(d) of the International Development and Food Assistance Act of 1978 (Public Law 95–424; 92 Stat. 941).

[76] 22 U.S.C. 2151u. Sec. 123 was added by sec. 102(e) of the International Development and Food Assistance Act of 1978 (Public Law 95–424; 92 Stat. 941).

[77] The words to this point beginning with "and, if necessary * * * " were added by sec. 307(1) of the International Security and Development Cooperation Act of 1980 (Public Law 96–533; 94 Stat. 3147).

[78] The words to this point beginning with "and to establish * * *" were added by sec. 307(2) of the International Security and Development Cooperation Act of 1980 (Public Law 96–533; 94 Stat. 3147).

United States voluntary agencies registered with the Agency for International Development.[79]

(c) Reimbursement under this section may be provided for transportation charges on shipments from United States ports, or in the case of excess or surplus property supplied by the United States from foreign ports, to ports of entry abroad or to points of entry abroad in cases (1) of landlocked countries, (2) where ports cannot be used effectively because of natural or other disturbances, (3) where carriers to a specified country are unavailable, or (4) where a substantial savings in costs or time can be effected by the utilization of points of entry other than ports.

(d) Where practicable, the President shall make arrangements with the receiving country for free entry of such shipments and for the making available by the country of local currencies for the purpose of defraying the transportation costs of such shipments from the port or point of entry of the receiving country to the designated shipping point of the consignee.

(e) [80] Prohibitions on assistance to countries contained in this or any other Act shall not be construed to prohibit assistance by the agency primarily responsible for administering this part in support of programs of private and voluntary organizations and cooperatives already being supported prior to the date such prohibition becomes applicable. The President shall take into consideration, in any case in which statutory prohibitions on assistance would be applicable but for this subsection, whether continuation of support for such programs is in the national interest of the United States. If the President continues such support after such date, he shall prepare and transmit, not later than one year [81] after such date, to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate a report setting forth the reasons for such continuation.

(f) [82] For each of the fiscal years 1986 through 1989 [82] funds in an amount not less than thirteen and one half percent of the aggregate amount appropriated for that fiscal year to carry out sections 103(a), 104(b), 104(c), 105, 106, 121, and 491 of this Act shall be made available for the activities of private and voluntary organizations, and the President shall seek to channel funds in an amount not less than sixteen percent of such aggregate amount for the activities of private and voluntary organizations. Funds made available under chapter 4 of part II of this Act for the activities of private and voluntary organizations may be considered in determining compliance with the requirements of this subsection.[82]

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[79] This reference to the Agency for International Development was substituted in lieu of a reference to the Advisory Committee on Voluntary Foreign Aid by sec. 121 of the International Development Cooperation Act of 1979 (Public Law 96–53; 93 Stat. 366).

[80] Subsec. (e) was added by sec. 307(3) of the International Security and Development Cooperation Act of 1980 (Public Law 96–533; 94 Stat. 3147).

[81] Sec. 309(a) of the International Security and Development Cooperation Act of 1985 (Public Law 99–83; 99 Stat. 190), substituted the words "one year" in lieu of "thirty days".

[82] Subsecs. (f) and (g) were added by sec. 309 of the International Security and Development Cooperation Act of 1981 (Public Law 97–113; 95 Stat. 1535).

Sec. 309(b) of the International Security and Development Cooperation Act of 1985 (Public Law 99–83; 99 Stat. 190), amended sec. 123(f) by striking out "1982, 1983 and 1984" and substituting "1986 through 1989"; by striking out "twelve" and by inserting in lieu thereof "thirteen and one half", and by adding the current last sentence. Subsec. (h) was added by sec. 310 of Public Law 99–83 (99 Stat. 190)

Foreign Assistance and Related Programs Appropriations Act, 1987 (sec. 101(f) of the Continuing Appropriations Act, 1987; Public Law 99–591; 100 Stat. 1341), provides:

"Private and Voluntary Organizations: None of the funds appropriated or otherwise made available in this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 per centum of its total annual funding for international activities from sources other than the United States Government: *Provided*, That the requirements of the provisions of section 123(g) of the Foreign Assistance Act of 1961 and the provisions on private and voluntary organizations in title II of the 'Foreign Assistance and Related Programs Appropriations Act, 1985' (as enacted in Public Law 98–473) shall be superseded by the provisions of this section."

(g)[82] After December 31, 1984, funds made available to carry out section 103(a), 104(b), 104(c), 105, 106, 121, or 491 of this Act may not be made available for programs of any United States private and voluntary organization which does not obtain at least 20 percent of its total annual financial support for its international activities from sources other than the United States Government, except that this restriction does not apply with respect to programs which, as of that date, are receiving financial support from the agency primarily responsible for administering this part. The Administrator of the agency primarily responsible for administering this part may, on a case-by-case basis, waive the restriction established by this subsection, after taking into account the effectiveness of the overseas development activities of the organization, its level of volunteer support, its financial viability and stability, and the degree of its dependence for its financial support on the agency primarily responsible for administering this part.

(h)[82] The Congress recognizes that, in addition to their role in social and economic development, cooperatives provide an opportunity for people to participate directly in democratic decisionmaking. Therefore, assistance under this chapter shall be provided to rural and urban cooperatives which offer large numbers of low- and middle-income people in developing countries an opportunity to participate directly in democratic decisionmaking. Such assistance shall be designed to encourage the adoption of self-help, private sector cooperative techniques and practices which have been successful in the United States.

Sec. 124.[83] Relatively Least Developed Countries.—(a) Relatively least developed countries (as determined on the basis of criteria comparable to those used for the United Nations General Assembly list of "least developed countries") are characterized by extreme poverty, very limited infrastructure, and limited administrative capacity to implement basic human needs growth strategies. In such countries special measures may be necessary to insure the full effectiveness of assistance furnished under this part.

(b) For the purpose of promoting economic growth in these countries, the President is authorized and encouraged to make assistance under this chapter available on a grant basis to the maximum extent that is consistent with the attainment of United States development objectives.

(c)[84] (1) The Congress recognizes that the relatively least developed countries have virtually no access to private international capital markets. Insofar as possible, prior assistance terms should be consistent with present grant assistance terms for relatively least developed countries. Therefore, notwithstanding section 620(r) of this Act and section 321 of the International Development and Food Assistance Act of 1975 but subject to paragraph (2) of this subsection, the President on a case-by-case basis, taking into account the needs of the country for financial resources and the commitment of the country to the development objectives set forth in sections 101 and 102—

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[83] 22 U.S.C. 2151v. Sec. 124 was added by sec. 112(a)(1) of the International Development and Food Assistance Act of 1978 (Public Law 95–424; 92 Stat. 948).

[84] Sec. 112(a)(2) of the International Development and Food Assistance Act of 1978 (92 Stat. 949) stated that the authority granted by subsec. (c) shall not become effective until Oct. 1, 1979.

(A) may permit a relatively least developed country to place amounts, which would otherwise be paid to the United States as payments on principal or interest on liability incurred by that country under this part (or any predecessor legislation) into local currency accounts (in equivalent amounts of local currencies as determined by the official exchange rate for United States dollars) for use by the relatively least developed country, with the concurrence of the Administrator of the agency primarily responsible for administering this part, for activities which are consistent with section 102; and

(B) may waive interest payments on liability incurred by a relatively least developed country under this part (or any predecessor legislation) if the President determines that that country would be unable to use for development purposes the equivalent amounts of local currencies which could be made available under subparagraph (A).

(2) The aggregate amount of interest waived and interest and principal paid into local currency accounts under this subsection in any fiscal year may not exceed the amount approved for such purpose in an Act appropriating funds to carry out this chapter for that fiscal year, which amount may not exceed the amount authorized to be so approved by the annual authorizing legislation for development assistance programs. Amounts due and payable during fiscal year 1981 to the United States from relatively least developed countries on loans made under this part (or any predecessor legislation) are authorized to be approved for use, in accordance with the provisions of paragraph (1) of this subsection, in an amount not to exceed $10,845,000.[85]

(3) In exercising the authority granted by this subsection, the President should act in concert with other creditor countries.

(d) The President may on a case-by-case basis waive the requirement of section 110(a) for financial or "in kind" contributions in the case of programs, projects, or activities in relatively least developed countries.

(e) Section 110(b) shall not apply with respect to grants to relatively least developed countries.

Sec. 125.[86] Project and Program Evaluation.—(a) The Administrator of the agency primarily responsible for administering this part is directed to improve the assessment and evaluation of the programs and projects carried out by that agency under this chapter. The Administrator shall consult with the appropriate committees of the Congress in establishing standards for such evaluations.

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[85] This sentence was added by sec. 109 of the International Development Cooperation Act of 1979 (Public Law 96-53; 93 Stat. 363). The authorization figure for fiscal year 1981 was substituted in lieu of the fiscal year 1980 authorization ($18,800,000) by sec. 308 of the International Security and Development Cooperation Act of 1980 (Public Law 96-533; 94 Stat. 3147).

[86] 22 U.S.C. 2151w. Sec. 125 was added by sec. 113 of the International Development and Food Assistance Act of 1978 (Public Law 95-424; 92 Stat. 950). The responsibility of the Administrator mentioned in this section was transferred to the Director of IDCA, pursuant to sec. 6 of Reorganization Plan No. 2 of 1979 (establishing IDCA).

(b)[87] * * * [Repealed—1981]

Sec. 126.[88] **Development and Illicit Narcotics Production.**—(a) The Congress recognizes that illicit narcotics cultivation is related to overall development problems and that the vast majority of all individuals employed in the cultivation of illicit narcotics reside in the developing countries and are among the poorest of the poor in those countries and that therefore the ultimate success of any effort to eliminate illicit narcotics production depends upon the availability of alternative economic opportunities for those individuals, upon other factors which assistance under this chapter could address, as well as upon direct narcotics control efforts.

(b)(1)[89] In planning programs of assistance under this chapter and under chapter 4 of part II[89] for countries in which there is illicit narcotics cultivation, the agency primarily responsible for administering this part should give priority consideration to programs which would help reduce illicit narcotics cultivation by stimulating broader development opportunities.

(2)[89] The agency primarily responsible for administering this part may utilize resources for activities aimed at increasing awareness of the effects of production and trafficking of illicit narcotics on source and transit countries.

(c) In furtherance of the purposes of this section, the agency primarily responsible for administering this part shall cooperate fully with, and share its expertise in development matters with, other agencies of the United States Government involved in narcotics control activities abroad.

Sec. 127.[90] **Accelerated Loan Repayments.**—The Administrator of the agency primarily responsible for administering this part shall conduct an annual review of bilateral concessional loan balances and shall determine and identify those countries whose financial resources make possible accelerated loan repayments. In particular, European countries that were recipients of concessional loans by predecessor agencies to the agency primarily responsible for administering this part shall be contacted to negotiate accelerated repayments. The criteria used by the Administrator in making these determinations shall be established in conjunction with the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

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[87] Subsec. (b), which required the President to report to Congress on improvements to the evaluation of projects and programs conducted by the international financial institutions and the United Nations Development Program, was repealed by sec. 734(a)(1) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560). Such report was submitted on Mar. 26, 1979.

[88] 22 U.S.C. 2151x. Sec. 126 was added by sec. 110 of the International Development Cooperation Act of 1979 (Public Law 96-53; 93 Stat. 363).

[89] Sec. 603 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 190), amended subsec. (b) by inserting the words: "and under chapter 4 of Part II" and by inserting the paragraph designation "(1)", and by adding a new paragraph (2).

The Omnibus Drug Supplemental Appropriations Act of 1987, (sec. 101(n), title II, chapter II, of the Continuing Appropriations Act, 1987; Public Law 99-591, 100 Stat. 3341 provides the following:

* * * * * * *

"Education and Human Resources Development, Development Assistance:

For an additional amount to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, $3,000,000: *Provided*, That these funds shall be used pursuant to section 126(b)(2) of the Foreign Assistance Act of 1961 for additional activities aimed at increasing awareness of the effects of production and trafficking of illicit narcotics on source and transit countries: *Provided futher*, That funds made available by this paragraph shall be available through the regular notification procedures of the Committee on Appropriations."

[90] 22 U.S.C. 2151y. Sec. 127 was added by sec. 508(a) of the International Development Cooperation Act of 1979 (Public Law 96-53; 93 Stat. 379). Subsec. (b) of sec. 508 called on the administration to describe the efforts made to negotiate accelerated loan repayments in accordance with sec. 127 within the annual reports on foreign assistance submitted to Congress in 1980 and 1981 pursuant to sec. 634 of this act.

Sec. 128.[91] **Targeted Assistance.**—(a) The President shall use poverty measurement standards, such as those developed by the International Bank for Reconstruction and Development, and other appropriate measurements in determining target populations for United States development assistance, and shall strengthen United States efforts to assure that a substantial percentage of development assistance under this chapter directly improves the lives of the poor majority, with special emphasis on those individuals living in absolute poverty.

(b) To the maximum extent possible, activities under this chapter that attempt to increase the institutional capabilities of private organizations or governments, or that attempt to stimulate scientific and technological research, shall be designed and monitored to ensure that the ultimate beneficiaries of these activities are the poor majority.

Chapter 2—Other Programs [92]

Sec. 201.[93] **General Authority.**—* * * [Repealed—1978]

Sec. 202.[93] **Authorization.**—* * * [Repealed—1978]

Sec. 203.[93] **Fiscal Provisions.**—* * * [Repealed—1978]

Sec. 204.[93] **Development Loan Committee.**—* * * [Repealed—1978]

Sec. 205.[94] **Relating to transfers to international financial institutions** [Repealed—1972]

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[91] 22 U.S.C. 2151z. Sec. 128 was added by sec. 101(b)(2) of Public Law 97-377 (96 Stat. 1832). Sec. 121(b)(2) of such Act also required a report to Congress within six months from the Administrator of AID on the implementation of this provision, the types of projects determined to meet these requirements, and the effect on the overall U.S. foreign assistance program.

Sec. 312(a) of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 190) amended sec. 128 by replacing its previous text into new paragraphs "(a)" and "(b)." Previously sec. 128 read as follows:

"Sec. 128. Targeting Assistance for Those Living in Absolute Poverty.—In carrying out this chapter, the President in fiscal year 1983, shall attempt to use not less than 40 per centum of the funds made available to carry out this chapter to finance productive facilities, goods, and services which will expeditiously and directly benefit those living in absolute poverty (as determined under the standards for absolute poverty adopted by the International Bank for Reconstruction and Development and the International Development Association). Such facilities, goods, and services may include, for example, irrigation facilities, extension services, credit for small farmers, roads, safe drinking water supplies, and health services. Such facilities, goods, and services may not include studies, reports, technical advice, consulting services, or any other items unless (A) they are used primarily by those living in absolute poverty themselves, or (B) they constitute research which produces or aims to produce techniques, seeds, or other items to be primarily used by those living in absolute poverty. Research shall not constitute the major part of such facilities, goods, and services."

Sec. 312(b) of Public Law 99-83, 99 Stat. 190, requires that annual reports to Congress under sec. 634(a)(1) include an evaluation of the extent to which programs under chapter 1 part I directly benefit the poor majority.

[92] The chapter heading "Other Programs" was substituted in lieu of "Development Assistance" by sec. 102(g)(1)(B) of the International Development and Food Assistance Act of 1978 (Public Law 95-424; 92 Stat. 942).

[93] Secs. 201, 202, 203, 204, 207, and 208 were repealed by sec. 102(g)(1)(A) of the International Development and Food Assistance Act of 1978 (Public Law 95-424; 92 Stat. 942). The text of sec. 204 was subequently reinserted as subsec. (e) of sec. 122 of this Act.

[94] Sec. 205, which related to transfers to international financial institutions, was repealed by sec. 101(d) of the FA Act of 1971 (Public Law 92-226; 86 Stat. 21).

Title I—Multilateral and Regional Development Programs [95]

Sec. 206.[96] **Regional Development in Africa.**—The President is requested to seek and to take appropriate action, in cooperation and consultation with African and other interested nations and with international development organizations, to further and assist in the advancement of African regional development institutions, including the African Development Bank, with the view toward promoting African economic development.

Sec. 207.[94] **Purposes of Development Assistance.**—* * * [Repealed—1978]

Sec. 208.[94] **Self-Help Criteria.**—* * * [Repealed—1978]

Sec. 209.[97] **Multilateral and Regional Programs.**—(a) The Congress recognizes that the planning and administration of development assistance by, or under the sponsorship of the United Nations, multilateral lending institutions, and other multilateral organizations may contribute to the efficiency and effectiveness of that assistance through participation of other donors in the development effort, improved coordination of policies and programs, pooling of knowledge, avoidance of duplication of facilities and manpower, and greater encouragement of self-help performance.

(b) [98] It is further the sense of the Congress (1) that where problems or opportunities are common to two or more countries in a region, in such fields as agriculture, education, transportation, communications, power, watershed development, disease control, and establishment of development banks, these countries often can more effectively resolve such problems and exploit such opportunities by joining together in regional organizations or working together on regional programs, (2) that assistance often can be utilized more efficiently in regional programs than in separate country programs, and (3) that to the maximum extent practicable consistent with the purposes of this Act assistance under this Act should be furnished so as to encourage less developed countries to cooperate with each other in regional development programs.

(c) [99] It is the sense of the Congress that the President should increase, to the extent practicable, the funds provided by the United States to multilateral lending institutions and multilateral organizations in which the United States participates for use by such institutions and organizations in making loans to foreign countries.

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[95] Sec. 102(g)(1)(C) of the International Development and Food Assistance Act of 1978 (92 Stat. 942) added this new title heading.

[96] 22 U.S.C. 2166. Sec. 206 was added by sec. 102(b) of the FA Act of 1965.

[97] 22 U.S.C. 2169. Sec. 209 was added by sec. 102(e) of the FA Act of 1967. Sec. 101(c)(1) of the FA Act of 1971 (Public Law 92-226; 86 Stat. 21) amended subsection (a), which formerly read as follows:

"(a) Multilateral Programs.—The Congress recognizes that planning and administration of development assistance by, or under the sponsorship of, multilateral lending institutions and other international organizations may, in some instances, contribute to the efficiency and effectiveness of that assistance through participation of other donors in the development effort, improved coordination of policies and programs, pooling of knowledge, avoidance of duplication of facilities and manpower, and greater encouragement of self-help performance."

[98] The words "Regional Programs.—," which appeared at this point, were struck out by sec. 101(c)(3) of the FA Act of 1971 (Public Law 92-226; 86 Stat. 21).

[99] Subsec. (c), which was added by sec. 101(c)(2) of the FA Act of 1971 (Public Law 92-226; 86 Stat. 21), was amended by sec. 311 of Public Law 94-161 (89 Stat. 849). It formerly read as follows: "Notwithstanding any other provision of law, the President should reduce the amounts and numbers of loans made by the United States directly to individual foreign countries with the objective of reducing the total amount of bilateral loans made under this Act so that, by not later than June 30, 1975, such total amount shall not exceed $100,000,000."

(d)[100] In furtherance of the provisions of subsection (a) of this section, any funds appropriated under this part I may be transferred by the President to the International Development Association, the International Bank for Reconstruction and Development, the International Finance Corporation, the Asian Development Bank or other multilateral lending institutions and multilateral organizations in which the United States participates for the purpose of providing funds to enable any such institution or organization to make loans to foreign countries.

Sec. 211.[101] **General Authority.**—* * * [Repealed—1978]

Sec. 212.[102] **Authorization.**—* * * [Repealed—1978]

Sec. 213.[103] **Atoms for Peace.**—* * * [Repealed—1962]

Title II—American Schools and Hospitals Abroad; Prototype Desalting Plant[103]

Sec. 214.[104] **American Schools and Hospitals Abroad.**—(a) The President is authorized to furnish[105] assistance, on such terms and conditions as he may specify, to schools and libraries outside the United States founded or sponsored by United States citizens and serving as study and demonstration centers for ideas and practices of the United States.

(b) The President is authorized,[106] notwithstanding the provisions of the Mutual Defense Assistance Control Act of 1951 (22 U.S.C. 1611 et seq.)[107] to furnish[108] assistance, on such terms and conditions as he may specify, to institutions referred to in subsection (a) of this section, and to hospital centers for medical education and research outside the United States, founded or sponsored by United States citizens.[109]

(c)[110] (1) To carry out the purposes of this section, there are authorized to be appropriated to the President $35,000,000 for fiscal year 1986 and $35,000,000 for fiscal year 1987.

(2) Amounts appropriated under paragraph (1) are authorized to remain available until expended.[111]

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[100] Subsec. (d) was added by sec. 101(c)(2) of the FA Act of 1971. Foreign Assistance and Related Programs Appropriations Act, 1987 (sec. 101(f) of the Continuing Appropriations Act, 1987, Public Law 99-591, 100 Stat. 3341) provides:

"Sec. 506. None of the funds contained in title II of this Act may be used to carry out the provisions of section 209(d) of the Foreign Assistance Act of 1961."

[101] Secs. 211, 212, 215, 216, 217, 218, 220, and 220A were repealed by sec. 102(g)(1)(A) of the International Development and Food Assistance Act of 1978 (Public Law 95–424; 92 Stat. 942).

[102] Sec. 213 was repealed by sec. 103(c) of the FA Act of 1962 (76 Stat. 256).

[103] This new title heading was added by sec. 102(g)(1)(D) of the International Development and Food Assistance Act of 1978 (Public Law 95–424; 92 Stat. 942).

[104] 22 U.S.C. 2174.

[105] Sec. 103(b)(1) of the FA Act of 1963 substituted the word "furnish" for the words "use, in addition to other funds available for such purposes, funds made available for the purposes of sec. 211 for".

[106] Sec. 103(b)(2) of the FA Act of 1963 struck out the words "to use" which appeared at this point.

[107] Superseded by the Export Administration Act of 1979.

[108] Sec. 103(b)(2) of the FA Act of 1963 substituted the words "to furnish" for the words "foreign currencies accruing to the United States Government under any Act, for purposes of subsection (2) of this section, and for".

[109] Sec. 103(c)(1) of the FA Act of 1966 substituted the words to this point, beginning with "to institutions referred to" in lieu of "to hospitals outside the United States founded or sponsored by United States citizens and serving as centers for medical education and research".

[110] 22 U.S.C. 2174. Sec. 4(2) of the FA Act of 1973 amended and restated subsec. (c).

[111] The authorization figure for fiscal years 1986 and 1987 were added by sec. 401 of the International Security and Development Cooperation Act of 1985 (Public Law 99–83; 99 Stat. 190). Authorizations under Sec. 214 for recent years included the following: Fiscal year 1975—$19,000,000; fiscal year 1976—$25,000,000; fiscal year 1977—$25,000,000; fiscal year 1978—

Continued

(d)[112] Notwithstanding the provisions of subsection (b), funds appropriated under this section may be used for assistance to centers for pediatric plastic and reconstructive surgery established by Children's Medical Relief International, except that assistance may not be furnished for the domestic operations of any such center located in the United States, its territories or possessions.

Sec. 215.[101] **Loans to Small Farmers.**—* * * [Repealed—1978]

Sec. 216.[101] **Voluntary Agencies.**—* * * [Repealed—1978]

Sec. 217.[101] **Used Equipment.**—* * * [Repealed—1978]

Sec. 218.[101] **Fish and Other Protein Concentrates.**—* * * [Repealed—1978]

Sec. 219.[113] **Prototype Desalting Plant.**—(a) In furtherance of purposes of this part and for the purpose of improving existing, and developing and advancing new technology and experience in the design, construction, and operation of large-scale desalting plants of advanced concepts which will contribute materially to low-cost desalination in all countries, including the United States, the President, if he determines it to be feasible, is authorized to participate in the development of a large-scale water treatment and desalting prototype plant and necessary appurtenances to be constructed in Israel as an integral part of a dual-purpose power generating and desalting project. Such participation shall include financial, technical, and such other assistance as the President deems appropriate to provide for the study, design, construction, and, for a limited demonstration period of not to exceed five years, operation and maintenance of the water treatment and desalting facilities of the dual-purpose project.

(b) Any agreement entered into under subsection (a) of this section shall include such terms and conditions as the President deems appropriate to insure, among other things, that all information, products, uses, processes, patents, and other developments obtained or utilized in the development of this prototype plant will be available without further cost to the United States for the use and benefit of the United States throughout the world, and to insure that the United States, its officers and employees have a permanent right to review data and have access to such plant for the purpose of observing its operations and improving science and technology in the field of desalination.

(c) In carrying out the provisions of this section, the President may enter into contracts with public or private agencies and with any person without regard to sections 3648 and 3709 of the Revised Statutes of the United States (31 U.S.C. 529 and 41 U.S.C. 5).

$25,000,000; fiscal year 1979—$25,000,000; fiscal year 1980—$25,000,000; fiscal year 1981—$30,000,000; fiscal year 1982—$20,000,000; fiscal year 1983—$20,000,000; fiscal year 1984—$30,000,000; fiscal year 1985—no authorization.

Foreign Assistance and Related Programs Appropriations Act, 1987 (sec. 101(f) of the Continuing Appropriations, 1987; Public Law 99-591; 100 Stat. 3341), provides the following:

"American schools and hospitals abroad: For necessary expenses to carry out the provisions of section 214, $35,000,000."

[112] Sec. 114(2) of the International Development and Food Assistance Act of 1978 (Public Law 95-424; 92 Stat. 950) repealed subsecs. (d) and (e) (which had been added by the FA Act of 1973), and redesignated subsec. (f) (which had been added by Public Law 95-88, 91 Stat. 539) as subsec. (d).

[113] 22 U.S.C. 2179. Sec. 219 was added by sec. 104 of the FA Act of 1969 (Public Law 91-175; 83 Stat. 806).

(d) Nothing in this section shall be construed as intending to deprive the owner of any background patent or any right which such owner may have under that patent.

(e) In carrying out the provisions of this section, the President may utilize the personnel, services, and facilities of any Federal agency.

(f) The United States costs, other than its administrative costs, for the study, design, construction, and operation of a prototype plant under this section shall not exceed either 50 per centum of the total capital costs of the facilities associated with the production of water, and 50 per centum of the operation and maintenance costs for the demonstration period, or $20,000,000, whichever is less. There are authorized to be appropriated, subject to the limitations of this subsection, such sums as may be necessary to carry out the provisions of this section, including administrative costs thereof. Such sums are authorized to remain available until expended.

(g) No funds appropriated for the Office of Saline Water pursuant to the appropriation authorized by the Act of July 11, 1969 (83 Stat. 45, Public Law 91-43), or prior authorization Acts, shall be used to carry out the purposes of this section.

Sec. 220.[101] **Programs for Peaceful Communication.**—* * * [Repealed—1978]

Sec. 220A.[101] **Suez Canal.**—* * * [Repealed—1978]

Title III—Housing and Other Credit Guaranty Programs [114]

Sec. 221.[115] **Housing Guaranties.**—The Congress recognizes that shelter, including essential urban development services, is [116] among the most fundamental of human needs. Shelter for most people in the developing countries consists largely of domestic materials assembled by local labor. While recognizing that most financing for such shelter [117] must come from domestic resources, the Congress finds that carefully designed programs involving United States capital and expertise can increase the availability of domestic financing for improved shelter [117] and related services for low-income people by demonstrating to local entrepreneurs and institutions that providing low-cost shelter [117] can be financially viable. The Congress reaffirms, therefore, that the United States should continue to assist developing countries in marshalling resources for low-cost shelter [117]. Particular attention should be given to programs which will support pilot projects for low-cost shelter or which will have a maximum demonstration impact on local institutions and national policy. The Congress declares that the long run goal of all such programs should be to develop domestic construction capabilities and to stimulate local credit institutions to make available domestic capital and other management and technological resources required for effective low-cost shelter programs and policies.

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[114] Title III was added by sec. 105 of the FA Act of 1969. sec. 8(a)(1) of the FA Act of 1974 substituted the title heading "Housing and Other Credit Guaranty Programs" in lieu of "Housing Guaranties".

[115] 22 U.S.C. 2181. Sec. 221, which was added by the FA Act of 1969, was amended and restated by sec. 115(a) of the International Development and Food Assistance Act of 1978 (Public Law 95–424; 92 Stat. 950).

[116] The words "including essential urban development services, is" were substituted in lieu of the words "requirements are" by sec. 541(a) of the Foreign Assistance Appropriations Act, 1985, as contained in the Continuing Appropriations Act, 1985 (Public Law 98–473; 98 Stat. 1903). This amendment had been included as sec. 311(a)(1) of H.R. 5119, the International Security and Development Cooperation Act of 1984, as passed by the House on May 10, 1984. Sec. 541(a) enacted sec. 311 of H.R. 5119.

[117] The word "shelter" was substituted in lieu of the word "housing" by sec. 541(a) of the Foreign Assistance Appropriations Act, 1985, as contained in the Continuing Appropriations Act, 1985 (Public Law 98–473; 98 Stat. 1903). This amendment had been included as sec. 311(a)(2) of H.R. 5119, the International Security and Development Cooperation Act of 1984, as passed by the House on May 10, 1984. Sec. 541(a) enacted sec. 311 of H.R. 5119.

Sec. 222.[118] **Authorization.**—(a) To carry out the policy of section 221, the President is authorized to issue guaranties to eligible investors (as defined in section 238(c)) assuring against losses incurred in connection with loans made for projects meeting the criteria set forth in section 221. The total principal amount of guaranties issued under this title or heretofore issued under prior housing guaranty authorities, which are outstanding at any one time, shall not exceed $2,158,000,000.[119] The authority of this section shall continue through September 30, 1988.[120] The President may issue regulations from time to time with regard to the terms and conditions upon which such guaranties shall be issued and the eligibility of lenders.

(b) Activities carried out under this section shall emphasize—

(1) projects which provide improved home sites to poor families on which to build shelter, and related services;

(2) projects comprised of expandable core shelter units on serviced sites;

(3) slum upgrading projects designed to conserve and improve existing shelter;

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[118] 22 U.S.C. 2182. Sec. 222, which was added by the FA Act of 1969 and had concerned housing projects in Latin American countries, was amended and restated by sec. 115(a) of the International Development and Food Assistance Act of 1978 (Public Law 95–424; 92 Stat. 950).

Sec. 313(c) of the International Security and Development Cooperation Act of 1985 (Public Law 99–83; 99 Stat 190) added subsec. (k) This subsection should probably be labeled "(d)" instead of "(k)".

[119] This figure was increased from $1,958,000,000 by sec. 313(a) of the International Security and Development Cooperation Act of 1985 (Public Law 99–83; 99 Stat. 190). This figure was previously increased from $1,718,000,000 by sec. 541(a) of the Foreign Assistance Appropriations Act, 1985, as contained in the Continuing Appropriations Act, 1985 (Public Law 98–473; 98 Stat. 1903). This amendment had been included as sec. 311(b)(1) of H.R. 5119, the International Security and Development Cooperation Act of 1984, as passed by the House on May 10, 1984. Sec. 541(a) enacted sec. 311 of H.R. 5119. Previously, the amount was raised from $1,555,000,000 to $1,718,000,000 by sec. 310(a) of the International Security and Development Cooperation Act of 1981 (Public Law 97–113; 95 Stat. 1535) and from $1,180,000,000 to $1,155,000,000 by sec. 112(a)(1) of Public Law 96–53 (93 Stat. 363).

Foreign Assistance and Related Programs Appropriations Act, 1987 (sec. 101(f) of the Continuing Appropriations Act, 1987; Public Law 99–591; 100 Stat. 3341), provides:

"Housing and other credit guaranty programs: During the fiscal year 1987, total commitments to guarantee loans shall not exceed $145,464,000 of contingent liability for loan principal: *Provided*, That the President shall enter into commitments to guarantee such loans in the full amount provided by this paragraph, subject only to the availability of qualified applicants for such guarantees."

The authority of this section was extended from September 30, 1986 by sec. 313(b) of the International Security and Development Cooperation Act of 1985 (Public Law 99–83; 99 Stat. 190).

[120] The authority of this section was previously extended from Sept. 30, 1984, by sec. 541(a) of the Foreign Assistance Appropriations Act, 1985 as contained in the Continuing Appropriations Act, 1985 (Public Law 98–473; 98 Stat. 1903). This amendment had been included as sec. 311(b)(2) of H.R. 5119, the International Security and Development Cooperation Act of 1984, as passed by the House on May 10, 1984. Sec. 541(a) enacted sec. 311 of H.R. 5119. This authority had been extended previously from Sept. 30, 1982, by sec. 310(a) of the International Security and Development Cooperation Act of 1981 (Public Law 97–113; 95 Stat. 1535) from Sept. 30, 1980, by sec. 112(a)(2) of Public Law 96–53 (93 Stat. 364).

(4) shelter projects for low income people designed for demonstration or institution building purposes; and

(5) community facilities and services in support of projects authorized under this section to improve the shelter occupied by the poor.

(c) In issuing guaranties under this section with respect to projects in a country which require the use or conservation of energy, the President shall give consideration to the use of solar energy technologies, where such technologies are economically and technically feasible. Technologies which may be used include solar hot water systems, solar heating and cooling, passive solar heating, biomass conversion, photovoltaic and wind applications, and community-scale solar thermal applications.

(k) [118] The total principal amount of guaranties issued under this section for each of the fiscal years 1986 and 1987 shall be comparable to the total principal amount of such guaranties issued for fiscal year 1984, subject to the dollar limitations on the issuance of guaranties under this section which are contained in subsection (a) and in appropriation Acts.

Sec. 222A.[121] **Agricultural and Productive Credit and Self-Help Community Development Programs.**—(a) It is the sense of the Congress that in order to stimulate the participation of the private sector in the economic development of less-developed countries,[122] the authority conferred by this section should be used to establish pilot programs [123] to encourage private banks, credit institutions, similar private lending organizations, cooperatives, and private nonprofit development organizations to make loans on reasonable terms to organized groups and individuals residing in a community for the purpose of enabling such groups and individuals to carry out agricultural credit and self-help community development projects for which they are unable to obtain financial assistance on reasonable terms. Agricultural credit and assistance for self-help community development projects should include, but not be limited to, material and such projects as wells, pumps, farm machinery, improved seed, fertilizer, pesticides, vocational training, food industry development, nutrition projects, improved breeding stock for farm animals, sanitation facilities, and looms and other handicraft aids.

(b) To carry out the purposes of subsection (a), the agency primarily responsible for administering part I is authorized to issue guaranties, on such terms and conditions as it shall determine, to private lending institutions, cooperatives, and private nonprofit development organizations [124] assuring against loss of not to exceed

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[121] 22 U.S.C. 2182a. Sec. 222A was added by sec. 8(a)(2) of the FA Act of 1974.

[122] The words "in not more than six Latin American countries" and the words "in Latin America" were deleted by sec. 541(a) of the Foreign Assistance Appropriations Act, 1985, as contained in the Continuing Appropriations Act, 1985 (Public Law 98–473; 98 Stat. 1903). This amendment had been included as sec. 312(a)(1) of H.R. 5119, the International Security and Development Cooperation Act of 1984, as passed by the House on May 10, 1984. Sec. 541(a) enacted sec. 312 of H.R. 5119.

[123] Previously such programs were limited to not more than six Latin American countries (Public Law 99–53, 99 Stat. 364).

[124] The words "in not more than five Latin American countries", that previously appeared at this point, were struck out by sec. 541(a) of the Foreign Assistance Appropriations Act, 1985, as contained in the Continuing Appropriations Act, 1985 (Public Law 98–473; 98 Stat. 1903). This

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50 per centum of the portfolio of such loans made by any lender to organized groups or individuals residing in a community to enable such groups or individuals to carry out agricultural credit and self-help community development projects for which they are unable to obtain financial assistance on reasonable terms. In no event shall the liability of the United States exceed 75 per centum of any one loan.

(c) The total face amount of guaranties issued under this section outstanding at any one time shall not exceed $20,000,000.[125] Not more than 10 per centum of such sum shall be provided for any one institution, cooperative, or organization.

(d) The Inter-American Foundation shall be consulted in developing criteria for making loans eligible for guaranty coverage in Latin America under this section.

(e) Not to exceed $3,000,000 of the guaranty reserve established under section 223(b) shall be available to make such payments as may be necessary to discharge liabilities under guaranties issued under this section or any guaranties previously issued under section 240 of this Act.

(f) Funds held by the Overseas Private Investment Corporation pursuant to section 236 may be available for meeting necessary administrative and operating expenses for carrying out the provisions of this section through June 30, 1976.

(g) The Overseas Private Investment Corporation shall, upon enactment of this subsection, transfer to the agency primarily responsible for administering part I all obligations, assets, and related rights and responsibilities arising out of, or related to the predecessor program provided for in section 240 of this Act.

(h) [126] The authority of this section shall continue through September 30, 1988.[127]

(i) Notwithstanding the limitations in subsection (c) of this section, foreign currencies owned by the United States and determined by the Secretary of the Treasury to be excess to the needs of the United States may be utilized to carry out the purposes of this section, including the discharge of liabilities under this subsection. The authority conferred by this subsection shall be in addition to authority conferred by any other provision of law to implement guaranty programs utilizing excess local currency.[128]

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amendment had been included as sec. 312(a)(2) of H.R. 5119, the International Security and Development Cooperation Act of 1984, as passed by the House on May 10, 1984. Sec. 541(a) enacted sec. 312 of H.R. 5119.

[125] This figure was increased from $15,000,000 by sec. 112(b)(2) of the International Development Cooperation Act of 1979 (Public Law 96–53; 93 Stat. 364).

[126] 22 U.S.C. 2184.

[127] This authority was extended from Sept. 30, 1986, to Sept. 30, 1988, by sec. 313 (d) of the International Security and Development Cooperation Act of 1985 (Public Law 99–83, 99 Stat. 190). This authority was previously extended from Sept. 30, 1983 to Sept. 30, 1986, by sec. 541(a) of the Foreign Assistance Appropriations Act, 1985 (Public Law 98–473). This amendment had been included as sec. 312(b) of H.R. 5119, the International Security and Development Cooperation Act of 1984, as passed by the House on May 10, 1984. Sec. 541(a) enacted sec. 312 of H.R. 5119. Such authority had previously been extended from Dec. 31, 1977 to Sept. 30, 1978 by Public Law 95–88 (91 Stat. 540), from Sept. 30, 1978 to Sept. 30, 1979, by Public Law 95–424 (92 Stat. 951), from Sept. 30, 1979 to Sept. 30, 1982 by Public Law 96–53 (93 Stat. 364), and from Sept. 30, 1982 to Sept. 30, 1983, by Public Law 97–438 (96 Stat. 2286).

[128] Subsec. (j), which previously appeared at this point and concerned a one-time reporting requirement, was repealed by sec. 502(d)(1) of the International Development and Food Assistance Act of 1978 (Public Law 95–424; 92 Stat. 959).

Sec. 223.[129] **General Provisions.**—(a) A fee shall be charged for each guaranty issued under section 222 or 222A [130] in an amount to be determined by the President. In the event the fee to be charged for such type guaranty is reduced, fees to be paid under existing contracts for the same type of guaranty may be similarly reduced.

(b) The amount of $50,000,000 of fees accumulated under prior investment guaranty provisions repealed by the Foreign Assistance Act of 1969, together with all fees collected in connection with guaranties issued under section [130] 222 or under prior housing guaranty authorities,[131] shall be available for meeting necessary administrative and operating expenses of carrying out the provisions of section 222 and administering housing guaranties heretofore authorized under this title and under [132] prior housing guaranty provisions repealed by the Foreign Assistance Act of 1969 (including, but not limited to expenses pertaining to personnel, supplies, and printing), subject to such limitations as may be imposed in annual appropriation Acts; for meeting management and custodial costs incurred with respect to currencies or other assets acquired under guaranties made pursuant to section 222 [129] or heretofore pursuant to this title or [133] prior Latin American and other housing guaranty authorities repealed by the Foreign Assistance Act of 1969; and to pay the cost of investigating and adjusting (including cost of arbitration) claims under such guaranties; and shall be available for expenditure in discharge of liabilities under such guaranties until such time as all such property has been disposed of and all such liabilities have been discharged or have expired, or until all such fees have been expended in accordance with the provisions of this subsection. Fees collected in connection with guaranties issued under section 222A [134] shall likewise be available to meet similar expenses, costs, or liabilities incurred in connection with the programs authorized by that section.[135] All of the foregoing fees referred to in this section together with earnings thereon and other income arising from guaranty operations under this title shall be held in a revolving fund account maintained in the Treasury of the United States. All funds in such account may be invested in obligations of the United States. Any interest or other receipts derived from such investments shall be credited to such account and may be used for the purposes cited in this section.[136]

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[129] 22 U.S.C. 2183. Sec. 223 was added by sec. 105 of the FA Act of 1969.

[130] Sec. 8(a)(3) of the FA Act of 1974 substituted "section 221, 222, or 222A" in lieu of "section 221 or section 222". Subsequently, the reference to sec. 221 was struck by sec. 115 of the International Development and Food Assistance Act of 1978 (Public Law 95–424; 92 Stat. 951).

[131] Sec. 117(b)(2)(A) of the International Development and Food Assistance Act of 1977 (Public Law 95–88; 91 Stat. 540) struck out the word "hereunder" and inserted the words "under section 221 or 222 or under prior housing guaranty authorities". See also footnote 135.

[132] The words to this point beginning with "222 and administering * * *" were substituted in lieu of "221 and section 222 of" by sec. 115(d)(2) of the International Development and Food Assistance Act of 1978 (Public Law 95–424; 92 Stat. 951).

[133] The words "this title or" were added by sec. 115(d)(4) of the International Development and Food Assistance Act of 1978 (Public Law 95–424; 92 Stat. 951).

[134] See p. 64. for text.

[135] This sentence was added by sec. 117(b)(2) of the International Development and Food Assistance Act of 1977 (Public Law 95–88; 91 Stat. 540).

[136] The final three sentences of subsec. (b) were added by sec. 310(b) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1535).

(c) Any payments made to discharge liabilities under guaranties issued under this title or [137] section 222 or heretofore under prior Latin American or other housing guaranty authorities repealed by the Foreign Assistance Act of 1969, shall be paid first out of fees referred to in subsection (b) (excluding amounts required for purposes other than the discharge of liabilities under guaranties) as long as such fees are available, and thereafter shall be paid out of funds, if any, realized from the sale of currencies or other assets acquired in connection with any payment made to discharge liabilities under such guaranties as long as funds are available, and finally out of funds hereafter made available pursuant to subsection (e).

(d) All guaranties issued under section 222 or 222A or previously under section 240 of this Act [138] or heretofore under this title or [139] under prior Latin American or other housing guaranty authority repealed by the Foreign Assistance Act of 1969 shall constitute obligations, in accordance with the terms of such guaranties of the United States of America and the full faith and credit of the United States of America is hereby pledged for the full payment and performance of such obligations.

(e)(1) [140] There is hereby authorized to be appropriated to the President such amounts, to remain available until expended, as may be necessary from time to time to carry out the purposes of this title.

(2) [140] (A) In order to meet obligations incurred for the payment of claims pursuant to loan guaranties described in subsection (d), the Administrator of the agency primarily responsible for administering part I may, to the extent that reserves are not sufficient, borrow from time to time from the Treasury except that—

(i) the Administrator may exercise the authority to borrow under this paragraph only to such extent or in such amounts as are provided in advance in appropriation Acts; and

(ii) the amount borrowed under this paragraph which is outstanding at any one time may not exceed $40,000,000.[141]

(B) Any such borrowing shall bear interest at a rate determined by the Secretary of the Treasury, taking into account the current average market yield on outstanding marketable obligations of the United States of comparable maturities. The Secretary of the Treasury shall make loans under this paragraph and for such purpose may borrow on the credit of the United States in accordance with subchapter I of chapter 31 of title 31 of the United States Code.

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[137] The words "under this title or" were substituted in lieu of "section 221 or" by sec. 115(e) of the International Development and Food Assistance Act of 1978 (Public Law 95–424; 92 Stat. 951).

[138] Sec. 8(a)(5) of the FA Act of 1974 substituted "section 221, 222, 222A, or previously under section 240 of this Act" in lieu of "section 221 or section 222." See also footnote 108.

[139] The words "under this title or" were added by sec. 115(f)(2) of the International Development and Food Assistance Act of 1978 (Public Law 95–424; 92 Stat. 951).

[140] The para. designation "(1)" and a new para. (2) were added by sec. 541(a) of the Foreign Assistance Appropriations Act, 1985, as contained in the Continuing Appropriations Act, 1985 (Public Law 98–473; 98 Stat. 1903). This amendment had been included as sec. 311(c) of H.R. 5119, the International Security and Development Cooperation Act of 1984, as passed by the House on May 10, 1984. Sec. 541(a) enacted sec. 311 of H.R. 5119.

[141] Foreign Assistance Appropriations Act, 1987 (sec. 101(f) of the Continuing Appropriations Act, 1987; Public Law 99–591; 100 Stat. 3341), provides:

Provided further, That pursuant to section 223(e)(2) of the Foreign Assistance Act of 1961, as amended, borrowing authority provided therein may be exercised in such amounts as may be necessary to retain an adequate level of contingency reserves for the fiscal year 1987."

(f) In the case of any loan investment guaranteed under [129] section 222, the agency primarily responsible for administering part I shall prescribe the maximum rate of interest allowable to the eligible investor, which maximum rate shall not exceed by more than 1 per centum the then current rate of interest applicable to housing mortgages insured by the Department of Housing and Urban Development.[142] The maximum allowable rate of interest under this subsection shall be prescribed by the agency as of the date the project covered by the investment is officially authorized and, prior to the execution of the contract, the agency may amend such rate at its discretion, consistent with the provisions of subsection (f).

(g) Housing guaranties committed, authorized, or outstanding heretofore under this title or [143] under prior housing guaranty authorities repealed by the Foreign Assistance Act of 1969 shall continue subject to provisions of law originally applicable thereto and fees collected hereafter with respect to such guaranties shall be available for the purposes specified in subsection (b).

(h) No payment may be made under any guaranty issued pursuant to this title for any loss arising out of fraud or misrepresentation for which the party seeking payment is responsible.

(i) [144] * * * [Repealed—1978]

(j) [145] Guaranties shall be issued under section 222 [129] only for housing projects which are coordinated with and complementary to any development assistance being furnished under chapter 1 of this part and which [146] are specifically designed to demonstrate the feasibility and suitability of particular kinds of housing or of financial or other institutional arrangements. Of the aggregate face value of housing guaranties hereafter issued under this title, not less than 90 per centum shall be issued for housing suitable for families with income below the median income (below the median urban income for housing in urban areas) in the country in which the housing is located. The face value of guaranties issued with respect to housing in any country shall not exceed $25,000,000 in any fiscal year, and the average face value of guaranties issued in any fiscal year shall not exceed $15,000,000. Of the total amount of housing guaranties authorized to be issued under section 222 through September 30, 1982, not less than a face amount of $25,000,000 shall be issued for projects in Israel and not less than a face amount of $25,000,000 shall be issued for projects in Egypt.[147]

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[142] Language which specified that the maximum rate of interest should not be less than one-half of 1 per centum above the then current rate of interest applicable to housing mortgages insured by HUD, was struck out by sec. 112(c) of the International Development Cooperation Act of 1979 (Public Law 96–53; 93 Stat. 364).

[143] The words "heretofore under this title or" were added by sec. 115(h) of the International Development and Food Assistance Act of 1978 (Public Law 95–424; 92 Stat. 951).

[144] Subsec. (i), which had authorized sections 221 and 222 to continue in force until Sept. 30, 1979, was repealed by sec. 115(i) of the International Development and Food Assistance Act of 1978 (Public Law 95–424; 92 Stat. 952).

[145] Sec. 311(5)(B) of Public Law 94–161 (89 Stat. 849) added subsection (j).

[146] The words to this point beginning with "are coordinated with and" were substituted by sec. 112(d)(1) of the International Development Cooperation Act of 1979 (Public Law 96–53; 93 Stat. 364) in lieu of the following: "(1) except for regional projects are in countries which are receiving, or which in the previous two fiscal years have received, development assistance under chapter 1 of part I of this Act, (2) are coordinated with and complementary to such assistance, and (3)".

Sec. 224.[148] Trade Credit Insurance Program.—(a) In order to enable the Export-Import Bank of the United States (hereafter in this section referred to as the "Bank") to determine that there exists reasonable assurance of repayment as required under section 2(b)(1)(B) of the Export-Import Bank Act of 1945,[149] the agency primarily responsible for administering part I of this Act (hereafter in this section referred to as the "Agency") is authorized to provide guarantees to the Bank for liabilities to be incurred by the Bank in connection with guarantees or insurance provided under the Export-Import Bank Act of 1945 for financing for transactions involving the export of goods and services for the use of the private sector in Central American countries.

(b)(1) Guarantees provided by the Agency pursuant to the authority of subsection (a) shall be for short-term guarantees and insurance extended by the Bank which shall be repayable within a period not to exceed one year from the date of arrival at the port of importation of the goods and services covered by such guarantees or insurance. Guarantees or insurance extended by the Bank and guaranteed by the Agency pursuant to subsection (a) shall be provided by the Bank in accordance with criteria and procedures agreed to by the Agency and the Bank. Such agreement shall also provide for the establishment of a reserve fund by the Agency, with such funds made available to the reserve as the Agency deems necessary to discharge liabilities under guarantees provided by the Agency pursuant to subsection (a).

(2) The administrator of such agency shall transmit a copy of such agreement to the Speaker of the House of Representatives and to the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(c) The Agency shall not enter into any commitments to guarantee under subsection (a) after September 30, 1989.

(d) Of the funds authorized to be appropriated for chapter 4 of part II of this Act, there are authorized to be made available such sums as may be deemed necessary by the Agency to discharge liabilities under guarantees entered into under subsection (a).

(e) Commitments to guarantee under subsection (a) are authorized only to the extent and in the amounts provided in appropriations Acts, except that the aggregate amount of outstanding commitments under subsection (a) may not exceed $300,000,000 of contingent liability for loan principal during fiscal year 1986 and may not exceed $400,000,000 of contingent liability for loan principal during fiscal year 1987.[150]

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[147] This sentence was amended and restated by sec. 112(d)(2) of the International Development Cooperation Act of 1979 (Public Law 96-53; 93 Stat. 364). It formerly read as follows:

"Notwithstanding the provisions of the first sentence of this subsection, the President is authorized to issue housing guaranties until September 30, 1978, as follows: In Israel, not exceeding a face amount of $75,000,000, in Portugal, not exceeding a face amount of $30,000,000, and in Lebanon, not exceeding a face amount of $30,000,000."

[148] 22 U.S.C. 2184. Sec. 224 was added by sec. 541(a) of the Foreign Assistance Appropriations Act, 1985, as contained in the Continuing Appropriations Act, 1985 (Public Law 98-473; 98 Stat. 1903). This amendment had been included as sec. 1011 of H.R. 5119, the International Security and Development Cooperation Act of 1984, as passed by the House on May 10, 1984. Sec. 541(a) enacted sec. 1011 of H.R. 5119.

[149] For text, see vol. II. sec. H.

(f) To the extent that any of the funds made available pursuant to subsection (d) are paid out for a claim arising out of liabilities guaranteed under subsection (a), amounts received after the date of such payment, with respect to such claim, shall be credited to the reserve fund referred to in subsection (b), shall be merged with the funds in such reserve, and shall be available for the purpose of payments by the Agency to the Bank for guarantees under subsection (a).

(g) Beginning on a date six months after the date of enactment of this section, and at intervals of six months thereafter, the administrator of the agency primarily responsible for administering part I of this Act and the President of the Export-Import Bank of the United States shall prepare and transmit to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate a report on the amount and extension of credits during the preceding six-month period.

(h) The Export-Import Bank shall provide without reimbursement such administrative and technical assistance to the Agency as the Bank and the Agency deem appropriate to assist the Agency in carrying out this section.

Title IV—Overseas Private Investment Corporation [151]

Sec. 231.[152] Creation, Purpose and Policy.—To mobilize and facilitate the participation of United States private capital and skills in the economic and social development [153] of less developed friendly countries and areas, thereby complementing the development assistance objectives of the United States, there is hereby created the Overseas Private Investment Corporation (hereinafter called the "Corporation"), which shall be an agency of the United States under the policy guidance of the Secretary of State.

The [154] Corporation, in determining whether to provide insurance, financing, or reinsurance for a project, shall especially—

(1) be guided by the economic and social development impact and benefits of such a project and the ways in which such a project complements, or is compatible with, other development assistance programs or projects of the United States or other donors;

(2) give preferential consideration to investment projects in less developed countries that have per capita incomes of $896 or less in 1983 United States dollars, and restrict its activities

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[150] Sec. 314 of the International Security and Development Cooperation Act of 1985 substituted the text following the word "Acts," in lieu of the words "not to exceed $300,000,000 in the "fiscal year 1985.". Foreign Assistance Appropriations Act, 1987 (sec. 101(f) of the Continuing Appropriations Act, 1987; Public Law 99-591; 100 Stat. 3341), provides:

"Trade Credit Insurance Program: During fiscal year 1987, total commitments to guarantee or insure loans for the 'Trade Credit Insurance Program' shall not exceed $275,000,000 of contingent liability for loan principal."

[151] A new title IV was added by sec. 105 of the FA Act of 1969. Prior to this, title IV had been titled "Surveys of Investment Opportunities." For Executive order concerning OPIC, see page 646.

[152] 22 U.S.C. 2191. Sec. 231 was added by sec. 105 of the FA Act of 1969.

[153] Sec. 2(1)(A) of the OPIC Amendments Act of 1974 (Public Law 93-390, 83 Stat. 809) substituted "development" in lieu of "progress".

[154] This paragraph was added by sec. 2(1) of Public Law 95-268 (92 Stat. 213).

with respect to investment projects in less developed countries that have per capita incomes of $3,887 or more in 1983 United States dollars; and [155]

(3) [156] ensures that the project is consistent with the provisions of sections 118 and 119 of this Act relating to the environment and natural resources of, and biological diversity in, developing countries, and consistent with the intent of regulations issued pursuant to section 118 and 119 of this Act.

In carrying out its purpose, the Corporation, utilizing broad criteria, shall undertake—

(a) [157] to conduct financing, insurance, and reinsurance operations on a self-sustaining basis, taking into account in its financing operations the economic and financial soundness of projects;

(b) to utilize private credit and investment institutions and the Corporation's guaranty authority as the principal means of mobilizing capital investment funds;

(c) to broaden private participation and revolve its funds through selling its direct investments to private investors whenever it can appropriately do so on satisfactory terms;

(d) to conduct its insurance operations with due regard to principles of risk management including [158] efforts to share its insurance risks and reinsurance [159] risks;

(e) [160] to the maximum degree possible consistent with its purposes—

(1) to give preferential consideration in its investment insurance, reinsurance, and guaranty activities to investment projects sponsored by or involving United States small business; and

(2) to increase the proportion of projects sponsored by or significantly involving United States small business to at least 30 percent of all projects insured, reinsured, or guaranteed by the Corporation;

(f) [161] to consider in the conduct of its operations the extent to which less developed country governments are receptive to

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[155] The per capita income levels were increased from $680 and $2,950 in 1979 U.S. dollars to $896 and $3,887 in 1983 U.S. dollars by sec. 3 of the Overseas Private Investment Corporation Amendments Act of 1985 (Public Law 99-204, 99 Stat. 1669). Previously the per capita income levels were increased from $520 and $1,000 in 1975 U.S. dollars to $680 and $2,950 in 1979 U.S. dollars, respectively, by sec. 2(1) of the OPIC Amendments Act of 1981 (Public Law 97-65; 95 Stat. 1021).

[156] Para (3) was added by sec. 4(a)(1)(C) of the Overseas Private Investment Corporation Amendments Act of 1985 (Public Law 99-204, 99 Stat. 1669).

[157] Subsec. (a) was amended by sec. 2(1)(B) of the OPIC Amendments Act of 1974 (Public Law 93-390; 83 Stat. 809). It formerly read as follows: "(a) to conduct financial soundness of projects and the availability of financing from other sources on appropriate terms;".

[158] Sec. 2(1)(C) of the OPIC Amendments Act of 1974 (Public Law 93-390) struck the words, "when appropriate," which appeared at this point.

[159] Sec. 2(1)(C) of the OPIC Amendments Act of 1974 (Public Law 93-390) added the words "and reinsurance".

[160] Subsec. (e), as amended by Public Law 93-390, was amended and restated by sec. 2(2) of Public Law 95-268 (92 Stat. 213). It formerly read as follows:

"(e) to give preferential consideration in its investment insurance, financing, and reinsurance activities (to the maximum extent practicable consistent with the Corporation's purposes) to investment projects involving businesses of not more than $2,500,000 net worth or with not more than $7,500,000 in total assets;".

[161] Sec. 2(5) of Public Law 95-268 (92 Stat. 214) struck subsecs. (f) and (l) and redesignated subsecs. (g) through (n) as (f) through (l), respectively. Subsecs. (f) and (l) formerly read as follows:

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private enterprise, domestic and foreign, and their willingness and ability to maintain conditions which enable private enterprise to make its full contribution to the development process;

(g) [161] to foster private initiative and competition and discourage monopolistic practices;

(h) [161] to further to the greatest degree possible, in a manner consistent with its goals, the balance-of-payments and employment [162] objectives of the United States;

(i) [161] to conduct its activities in consonance with the activities of the agency primarily responsible for administering part I and the international trade, investment, and financial policies of the United States Government, and to seek to support those developmental projects having positive trade benefits for the United States; [163]

(j) [161] to advise and assist, within its field of competence, interested agencies of the United States and other organizations, both public and private, national and international, with respect to projects and programs relating to the development of private enterprise in less developed countries and areas;

(k) [164] (1) to decline to issue any contract of insurance or reinsurance, or any guaranty, or to enter into any agreement to provide financing for an eligible investor's proposed investment if the Corporation determines that such investment is likely to cause such investor (or the sponsor of an investment project in which such investor is involved) significantly to reduce the number of his employees in the United States because he is replacing his United States production with production from such investment which involves substantially the same product for substantially the same market as his United States production; and (2) to monitor conformance with the representations of the investor on which the Corporation relied in making the determination required by clause (1);

(l) [165] to decline to issue any contract of insurance or reinsurance, or any guaranty, or to enter into any agreement to provide financing for an eligible investor's proposed investment if the Corporation determines that such investment is likely to cause a significant reduction in the number of employees in the United States; and

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"(f) to encourage and support only those private investments in less developed friendly countries and areas which are sensitive and responsive to the special needs and requirements of their economies, and which contribute to the social and economic development of their people;

"(l) to the maximum extent practicable, to give preferential consideration in the Corporation's investment insurance, financing, and reinsurance activities to investment projects in the less developed friendly countries which have per capita incomes of $450 or less in 1973 United States dollars; and".

[162] Sec. 2(1)(E) of the OPIC Amendments Act of 1974 (Public Law 93-390) added the words "and employment".

[163] The words ", and to seek to support those developmental projects having positive trade benefits for the United States" were added by sec. 2(2) of the OPIC Amendments Act of 1981 (Public Law 97-65; 95 Stat. 1021).

[164] This subsection was originally added as subsec. (m) by sec. 2(1)(H) of the OPIC Amendments Act of 1974 (Public Law 93-390). It was redesignated as subsec. (k) by sec. 2(5) of Public Law 95-268 (92 Stat. 214).

[165] This subsection was added as subsec. (n) by sec. 2(4) of Public Law 95-268 (92 Stat. 213) and redesignated as subsec. (1) by sec. 2(5) of the same Act.

(m)[166] to refuse to insure, reinsure, or finance any investment subject to performance requirements which would reduce substantially the positive trade benefits likely to accrue to the United States from the investment.

(n)[167] to refuse to insure, reinsure, guarantee, or finance any investment in connection with a project which the Corporation determines will pose an unreasonable or major environmental, health, or safety hazard, or will result in the significant degradation of national parks or similar protected areas.

Sec. 231A.[168] **Additional Requirements.**—(a) Worker Rights.—

(1) Limitation on OPIC Activities.—The Corporation may insure, reinsure, guarantee, or finance a project only if the country in which the project is to be undertaken is taking steps to adopt and implement laws that extend internationally recognized worker rights, as defined in section 502(a)(4) of the Trade Act of 1974 (19 U.S.C. 2462(a)(4)), to workers in that country (including any designated zone in that country).

(2) Use of Annual Reports on Workers Rights.—The Corporation shall, in making its determinations under paragraph (1), use the reports submitted to the Congress pursuant to section 505(c) of the Trade Act of 1974 (19 U.S.C. 2465(c)). The restriction set forth in paragraph (1) shall not apply until the first such report is submitted to the Congress.

(3) Waiver.—Paragraph (1) shall not prohibit the Corporation from providing any insurance, reinsurance, guaranty, or financing with respect to a country if the President determines that such activities by the Corporation would be in the national economic interests of the United States. Any such determination shall be reported in writing to the Congress, together with the reasons for the determination.

(b) Public Hearings.—The Board shall hold at least one public hearing each year in order to afford an opportunity for any person to present views as to whether the Corporation is carrying out its activities in accordance with section 231 and this section or whether any investment in a particular country should have been or should be extended insurance, reinsurance, guarantees, or financing under this title.

Sec. 232.[169] **Capital of the Corporation.**—The President is authorized to pay in as capital of the Corporation, out of dollar receipts made available through the appropriation process from loans made pursuant to this part and from loans made under the Mutual Security Act of 1954, as amended, for the fiscal year 1970 not to exceed $20,000,000 and for the fiscal year 1971 not to exceed $20,000,000. Upon the payment of such capital by the President, the Corporation shall issue an equivalent amount of capital stock to the Secretary of the Treasury.

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[166] Subsec. (m) was added by sec. 2(3)(C) of the OPIC Amendments Act of 1981 (Public Law 97-65; 95 Stat. 1021).

[167] Sec. 4(a)(4) of the Overseas Private Investment Corporation Amendments Act of 1985 (Public Law 99-204; 99 Stat. 1669 added subsec. (n)).

[168] 22 U.S.C. Sec. 231A. was add by sec. 5(a) of the Overseas Private Investment Corporation Amendments Act of 1985 (Public Law 99-204; 99 Stat. 1670). Sec. 5(b) of the Act provides that sec. 231A(a) "shall not apply to projects insured, reinsured, guaranteed, or financed before the date of the enactment of this Act."

[169] 22 U.S.C. 2192. Sec. 232 was added by sec. 105 of the FA Act of 1969.

Sec. 233.[170] Organization and Management.—(a) STRUCTURE OF THE CORPORATION.—The Corporation shall have a Board of Directors, a President, an Executive Vice President, and such other officers and staff as the Board of Directors may determine.

(b) BOARD OF DIRECTORS.—All powers of the Corporation shall vest in and be exercised by or under the authority of its Board of Directors ("the Board") which shall consist of fifteen Directors,[171] including the Chairman, with eight Directors [172] constituting a quorum for the transaction of business. The Administrator of the Agency for International Development shall be the Chairman of the Board, ex-officio.[173] The United States Trade Representative shall be the Vice Chairman of the Board, ex officio, except that the United States Trade Representative may designate the Deputy United States Trade Representative to serve as Vice Chairman of the Board in place of the United States Trade Representative.[174] Eight Directors [172] (other than the President of the Corporation, appointed pursuant to subsection (c) who shall serve as a Director ex officio [175]) shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and shall not be officials or employees of the Government of the United States. At least two of the eight Directors [176] appointed under the preceding sentence shall be experienced in small business, one in organized labor, and one in cooperatives. Each such Director shall be appointed for a term of no more than three years. The terms of no more than three such Directors [177] shall expire in any one year. Such Directors shall serve until their successors are appointed and qualified and may be reappointed.

The other Directors shall be officials of the Government of the United States, including an official of the Department of Labor,[178] designated by and serving at the pleasure of the President of the United States.

All Directors who are not officers of the Corporation or officials of the Government of the United States shall be compensated at a rate equivalent to that of level IV of the Executive Schedule (5 U.S.C. 5315) [179] when actually engaged in the business of the Corporation and may be paid per diem in lieu of subsistence at the applicable rate prescribed in the standardized Government travel regulations, as amended, from time to time, while away from their homes or usual places of business.

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[170] 22 U.S.C. 2193. Sec. 233 was added by sec. 105 of the FA Act of 1969.

[171] The number of Directors was increased from 11 to 15 by sec. 3(a)(1) of the OPIC Amendments Act of 1981 (Public Law 97-65; 95 Stat. 1021), effective Oct. 1, 1981.

[172] The number of Directors was increased from six to eight by sec. 3(a) of the OPIC Amendments Act of 1981 (Public Law 97-65; 95 Stat. 1021), effective Oct. 1, 1981.

[173] This function of the Administrator was transferred to the Director of IDCA, pursuant to sec. 6 of Reorganization Plan No. 2 of 1979 (establishing IDCA).

[174] This sentence was added by sec. 3(a)(2) of the OPIC Amendments Act of 1981 (Public Law 97-65; 95 Stat. 1021), effective Oct. 1, 1981.

[175] The words "ex officio" were added by sec. 3(a)(5) of the OPIC Amendments Act of 1981 (Public Law 97-65; 95 Stat. 1022), effective Oct. 1, 1981.

[176] The number of Directors was increased from one of the six to two of the eight by sec. 3(a) of the OPIC Amendments Act of 1981 (Public Law 97-65; 95 Stat. 1022), effective Oct. 1, 1981.

[177] The number of Directors was increased from two to three by sec. 3(a)(3) of the OPIC Amendments Act of 1981 (Public Law 97-65; 95 Stat. 1022), effective Oct. 1, 1981.

[178] The reference to an official of the Department of Labor was added by sec. 3(b) of the OPIC Amendments Act of 1981 (Public Law 97-65; 95 Stat. 1022), effective Oct. 1, 1981.

[179] The current rate of compensation at level IV of the Executive Schedule is $72,300 per annum.

(c) **President of the Corporation.**—The President of the Corporation shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and shall serve at the pleasure of the President. In making such appointment, the President shall take into account private business experience of the appointee. The President of the Corporation shall be its Chief Executive Officer and responsible for the operations and management of the Corporation, subject to bylaws and policies established by the Board.

(d) **Officers and Staff.**—The Executive Vice President of the Corporation shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and shall serve at the pleasure of the President. Other officers, attorneys, employees, and agents shall be selected and appointed by the Corporation, and shall be vested with such powers and duties as the Corporation may determine. Of such persons employed by the Corporation, not to exceed twenty may be appointed, compensated, or removed without regard to the civil service laws and regulations: *Provided,* That under such regulations as the President of the United States may prescribe, officers and employees of the United States Government who are appointed to any of the above positions may be entitled, upon removal from such position, except for cause, to reinstatement to the position occupied at the time of appointment or to a position of comparable grade and salary. Such positions shall be in addition to those otherwise authorized by law, including those authorized by section 5108 of title 5 of the United States Code.

Sec. 234.[180] Investment Insurance and Other Programs.[181]—The Corporation is hereby authorized to do the following:

(a)[182] **Investment Insurance.**—(1) To issue insurance, upon such terms and conditions as the Corporation may determine, to eligible investors assuring protection in whole or in part against any or all of the following risks with respect to projects which the Corporation has approved—

(A) inability to convert into United States dollars other currencies, or credits in such currencies, received as earnings or profits from the approved project, as repayment or return of the investment therein, in whole or in part, or as compensation for the sale or disposition of all or any part thereof;

(B) loss of investment, in whole or in part, in the approved project due to expropriation or confiscation by action of a foreign government;

(C) loss due to war, revolution, insurrection or civil strife; and;[183]

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[180] 22 U.S.C. 2194. Sec. 234 was added by sec. 105 of the FA Act of 1969.

[181] Sec. 2(2)(A) of the OPIC Amendments Act of 1974 (Public Law 93-390) substituted section caption "Investment Insurance and Other Programs" in lieu of "Investment Incentive Programs".

[182] Sec. 5(b)(2) of the OPIC Amendments Act of 1981 (Public Law 97-65; 95 Stat. 1023) provides:

"(2) The authority of the Overseas Private Investment Corporation to enter into contracts under section 234(a) of the Foreign Assistance Act of 1961 shall be effective for any fiscal year beginning after September 30, 1981, only to such extent or in such amounts as are provided in appropriation Acts."

[183] The reference to civil strife was added by sec. 4(a)(1) of the OPIC Amendments Act of 1981 (Public Law 97-65; 95 Stat. 1022).

(D)[184] loss due to business interruption caused by any of the risks set forth in subparagraphs (A), (B), and (C).

(2)[185] Recognizing that major private investments in less developed friendly countries or areas are often made by enterprises in which there is multinational participation, including significant United States private participation, the Corporation may make arrangements with foreign governments (including agencies, instrumentalities, or political subdivisions thereof) or with multilateral organizations and institutions for sharing liabilities assumed under investment insurance for such investments and may in connection therewith issue insurance to investors not otherwise eligible hereunder, except that liabilities assumed by the Corporation under the authority of this subsection shall be consistent with the purposes of this title and that the maximum share of liabilities so assumed shall not exceed the proportionate participation by eligible investors in the project.[186]

(3) Not more than 10 per centum of the maximum contingent liability[187] of investment insurance which the Corporation is permitted to have outstanding under section 235(a)(1)[188] shall be issued to a single investor.

(4)[189] Before issuing insurance for the first time for loss due to business interruption, and in each subsequent instance in which a significant expansion is proposed in the type of risk to be insured under the definition of "civil strife" or "business interruption", the Corporation shall, at least sixty days before such insurance is issued, submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report with respect to such insurance, including a thorough analysis of the risks to be covered, anticipated losses, and proposed rates and reserves and, in the case of insurance for loss due to business interruption, an explanation of the underwriting basis upon which the insurance is to be offered. Any such report with respect to insurance for loss due to business interruption shall be considered in accordance with the procedures applicable to reprogramming notifications pursuant to section 634A of this Act.[190]

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[184] Sec. 6(a)(1)(D) of the Overseas Private Investment Corporation Amendments Act of 1985 (Public Law 99-204, 99 Stat. 1671) added subpara. (D)

[185] Subsec. (a)(2) was amended by sec. 2(2)(B) of the OPIC Amendments Act of 1974 (Public Law 93-390). It formerly read as follows: "(2) Recognizing that major private investments in less developed friendly countries in areas are often made by enterprises in which there is multinational participation, including significant United States private participation, the Corporation may make such arrangements with foreign governments (including agencies, instrumentalities, or political subdivisions thereof) or with multilateral organizations for sharing liabilities assumed under investment insurance for such investments and may in connection therewith issue insurance to investors not otherwise eligible hereunder: *Provided, however,* That liabilities assumed by the Corporation under the authority of this subsection shall be consistent with the purposes of this title and that the maximum share of liabilities so assumed shall not exceed the proportionate participation by eligible investors in the total project financing."

[186] The words "total" and "financing", which previously appeared immediately before and after the word "project", were deleted by sec. 4(a)(2) of the OPIC Amendments Act of 1981 (Public Law 97–65; 95 Stat. 1022).

Sec. 3(1) of Public Law 95–268 (92 Stat. 214) struck out the following words that previously appeared at this point: "and that the maximum share of liabilities so assumed under paragraph (1) (A) and (B) of paragraph (1)(C) shall not exceed the Corporation's proportional share of such liabilities as specified in paragraph (4) or (5) of this subsection."

[187] The words "maximum contingent liability" were substituted in lieu of "total face amount" by sec. 3(2) of Public Law 95–268 (92 Stat. 214).

[188] The words "permitted to have outstanding under sec. 235(a)(1)" were inserted in lieu of the words "authorized to issue under this subsection" by sec. 4(a)(3) of the OPIC Amendments Act of 1981 (Public Law 97–65; 95 Stat. 1022).

[189] Pars. (4) through (7), which had been added by the OPIC Amendments Act of 1974 (Public Law 93–390) and had appeared at this point, were struck by sec. 3(3) of Public Law 95–268 (92 Stat. 214). This new par. (4) was added by sec. 4(a)(4) of the OPIC Amendments Act of 1981 (Public Law 97–65; 95 Stat. 1022). Subsequently, sec. 6(a)(2)(A) and (B) of the Overseas Private Investment Corporation Amendments Act of 1985 (Public Law 99–204; 99 Stat 1671), substituted the words "insurance for the first time loss due to business interruption" in lieu of "civil strife insurance for the first time" and replaced the words "definition of civil strife" with "definition of 'civil strife' or 'business interruption' ".

(b) INVESTMENT GUARANTIES.—To issue to eligible investors guaranties of loans and other investments made by such investors assuring against loss due to such risks and upon such terms and conditions as the Corporation may determine: *Provided, however,* That such guaranties on other than loan investments shall not exceed 75 per centum of such investment: *Provided further,* That except for loan investments for credit unions made by eligible credit unions or credit union associations, the aggregate amount of investment (exclusive of interest and earnings) so guaranteed with respect to any project shall not exceed, at the time of issuance of any such guaranty, 75 per centum of the total investment committed to any such project as determined by the Corporation, which determination shall be conclusive for purposes of the Corporation's authority to issue any such guaranty: *Provided further,* That not more than 15 [191] per centum of the maximum contingent liability of investment guaranties which the Corporation is permitted to have outstanding under section 235(a)(2) [192] shall be issued to a single investor.

(c) DIRECT INVESTMENT.—To make loans in United States dollars repayable in dollars or loans in foreign currencies (including, without regard to section 1415 of the Supplemental Appropriation Act, 1953, such foreign currencies which the Secretary of the Treasury may determine to be excess to the normal requirements of the United States and the Director of the Bureau of the Budget may allocate) to firms privately owned or of mixed private and public ownership upon such terms and conditions as the Corporation may determine. The Corporation may not purchase or invest in any stock in any other corporation, except that it may (1) accept as evidence of indebtedness debt securities convertible to stock, but such debt securities shall not be converted to stock while held by the Corporation, and (2) acquire stock through the enforcement of any lien or pledge or otherwise to satisfy a previously contracted indebtedness which would otherwise be in default, or as the result of any payment under any contract of insurance or guaranty. The Corporation shall dispose of any stock it may so acquire as soon as reasonably feasible under the circumstances then pertaining. Loans may be made under this subsection only for projects that are sponsored by or significantly involve United States small business or cooperatives.[193]

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[190] Sec. 6(a)(2) (C) and (D) of the Overseas Private Investment Corporation Amendments Act of 1985 (Public Law 99-204, 99 Stat. 1671) added the text from the word "reserves" to the end of para. (4).

[191] Sec. 7 of the Overseas Private Investment Corporation Amendments Act of 1985 (Public Law 99-204, 99 Stat. 1672), changed the per centum from 10 to 15.

[192] The words "permitted to have outstanding under section 235(a)(2)" were inserted in lieu of the words "authorized to issue under this subsection" by sec. 4(b) of the OPIC Amendments Act of 1981 (Public Law 97-65; 95 Stat. 1022).

[193] This sentence was added by sec. 3(4) of Public Law 95-268 (92 Stat. 214).

No loan may be made under this subsection to finance any operation for the extraction of oil or gas. The aggregate amount of loans under this subsection to finance operations for the mining or other extraction of any deposit of ore or other nonfuel minerals may not in any fiscal year exceed $4,000,000.[194]

(d) INVESTMENT ENCOURAGEMENT.—To initiate and support through financial participation, incentive grant, or otherwise, and on such terms and conditions as the Corporation may determine, the identification, assessment, surveying and promotion of private investment opportunities, utilizing wherever feasible and effective the facilities of private investors, except that—

(1) the Corporation shall not finance any survey to ascertain the existence, location, extent, or quality of, or to determine the feasibility of undertaking operations for the extraction of, oil or gas; and

(2) expenditures financed by the Corporation during any fiscal year on surveys to ascertain the existence, location, extent, or quality of, or to determine the feasibility of undertaking operations for the extraction of nonfuel minerals may not exceed $200,000.[195]

(e) SPECIAL ACTIVITIES.—To administer and manage special projects and programs, including programs of financial and advisory support which provide private technical, professional, or managerial assistance in the development of human resources, skills, technology, capital savings and intermediate financial and investment institutions and cooperatives. The funds for these projects and programs may, with the Corporation's concurrence, be transferred to it for such purposes under the authority of section 632(a) or from other sources, public or private.

(f)[196] OTHER INSURANCE FUNCTIONS.—(1) To make and carry out contracts of insurance or reinsurance, or agreements to associate or share risks, with insurance companies, financial institutions, any other persons, or groups thereof, and employing the same where appropriate, as its agent, or acting as their agent, in the issuance and servicing of insurance, the adjustment of claims, the exercise of subrogation rights, the ceding and accepting of reinsurance, and in any other matter incident to an insurance business; except that such agreements and contracts shall be consistent with the purposes of the Corporation set forth in section 231 of this Act and shall be on equitable terms.[197]

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[194] Sec. 3(5) of Public Law 95-268 (92 Stat. 214) substituted this paragraph in lieu of the following:

"No loans shall be made under this section to finance operations for mining or other extraction of any deposit of ore, oil, gas, or other mineral."

[195] Sec. 3(6) of Public Law 95-268 (92 Stat. 214) struck out a proviso clause in subsec. (d) and added the words to this point beginning with ", except that—".

[196] Subsec. (f) was added by sec. 2(2)(D) of the OPIC Amendments Act of 1974 (Public Law 93-390).

[197] The words to this point beginning with "; except that such agreements" were added by sec. 3(6) of Public Law 95-268 (92 Stat. 214). Subsequently, sec. 4(b)(2) of the OPIC Amendments Act of 1981 (Public Law 97-65; 95 Stat. 1022) struck out the following text, as added by sec. 3(6) of Public Law 95-268: "and (B) the Corporation shall not make or carry out any association or risk-sharing agreement for the direct underwriting of insurance by the Corporation with others, other than on an individual basis where such direct underwriting facilitates the purposes of the Corporation as set forth in section 231 of this Act."

(2) To enter into pooling or other risk-sharing agreements with [198] multinational insurance or financing agencies or groups of such agencies.

(3) To hold an ownership interest in any association or other entity established for the purposes of sharing risks under investment insurance.

(4) To issue, upon such terms and conditions as it may determine, reinsurance of liabilities assumed by other insurers or groups thereof in respect of risks referred to in subsection (a)(1).

The authority granted by paragraph (3) may be exercised notwithstanding the prohibition under subsection (c) against the Corporation purchasing or investing in any stock in any other corporation. The amount of reinsurance of liabilities under this title which the Corporation may issue shall not [199] in the aggregate exceed at any one time an amount equal to the amount authorized for the maximum contingent liability outstanding at any one time under section 235(a)(1). All reinsurance issued by the Corporation under this subsection shall require that the reinsured party retain for his own account specified portions of liability, whether first loss or otherwise.[200]

Sec. 234A.[201] Facultative Reinsurance Program.—(a) Establishment.—In order to encourage greater availability of political risk insurance for eligible investors, the Corporation shall establish, not later than one year after the date of the enactment of the Overseas Private Investment Corporation Amendments Act of 1985, a pilot program of facultative reinsurance. The program shall provide reinsurance to insurance companies, financial institutions, other persons, or groups thereof, with respect to insurance issued by such companies, institutions, persons, or groups for new investments, and expansions of existing investments, by eligible investors, in excess of limits which the Corporation would otherwise normally apply for its exposure to such investments. Contracts of reinsurance issued under the program shall be on equitable terms. The program, and any project covered by reinsurance under the program, shall be consistent with the provisions of this title.

(b) Persons Eligible for the Program.—An insurance company, financial institution, or other person shall be eligible to participate in the facultative reinsurance program established under subsection (a) if that company, institution, or other person is an eligible investor under this title. The Corporation shall take steps to encourage equitable participation in the program by all eligible persons.

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[198] Sec. 8 of the Overseas Private Investment Corporation Amendments Act of 1985 (Public Law 99-204; 99 Stat. 1672.), deleted the words "other national or" which previously appeared at this point.

[199] The words "exceed $600,000,000 in any one year, and the amount of such reinsurance shall not", which previously appeared at this point, were struck cut by sec. 4(b)(3)(A) of the OPIC Amendments Act of 1981 (Public Law 97-65; 95 Stat. 1022).

[200] The phrase "and the Corporation shall endeavor to increase such specified portions to the maximum extent possible", which previously appeared at this point, was struck out by sec. 4(b)(3)(B) of the OPIC Amendments Act of 1981 (Public Law 97-65; Stat. 1022).

[201] 22 U.S.C. Sec. 9 of the Overseas Private Investment Corporation Amendments Act of 1985 (Public Law 99-204; 99 Stat. 672), added sec. 234A.

(c) MAXIMUM EXPOSURE.—The exposure of the Corporation under the facultative reinsurance program at any one time may not exceed $150,000,000 or, with respect to one country, $50,000,000.

(d) ADVISORY GROUP.—

(1) ESTABLISHMENT AND MEMBERSHIP.—The Corporation shall establish a group to advise the Corporation on the development and implementation of the program of facultative reinsurance under this section. The group shall be composed of nine members as follows:

(A) Three officers or employees of the Corporation designated by the Board.

(B) Four persons appointed by the Board, of whom at least one shall represent an insurance company, one a reinsurance brokerage firm, and one an underwriter, a financial institution, or other person or entity eligible for the facultative reinsurance program under this section. In selecting such persons, the Board shall consider their previous active involvement in the field of political risk insurance or reinsurance and shall consult with any major organizations representing insurance, reinsurance, and brokerage institutions as to the suitability of the respective candidates to represent their industry.

(C) Two persons appointed by the Board from among persons who are eligible investors, other than persons described in subparagraph (B).

(2) FUNCTIONS.—The advisory group shall advise the Corporation on the development and implementation of the facultative reinsurance program under this section, including ways to ensure equitable participation in the program by all eligible persons.

(3) MEETINGS.—The advisory group shall meet not later than one hundred and eighty days after the date of the enactment of the Overseas Private Investment Corporation Amendments Act of 1985, and not less than once in every one hundred and eighty-day period thereafter.

(4) FEDERAL ADVISORY COMMITTEE ACT.—The advisory group shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.)

(e) REPORT TO THE CONGRESS.—The Corporation shall, not later than eighteen months after the date of the enactment of the Overseas Private Investment Corporation Amendments Act of 1985, submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the implementation of the facultative reinsurance program established under subsection (a).

Sec. 235.[202] ISSUING AUTHORITY, DIRECT INVESTMENT FUND AND RESERVES.—(a)(1) The maximum contingent liability outstanding at any one time pursuant to insurance issued under section 234(a) shall not exceed $7,500,000,000.

(2) The maximum contingent liability outstanding at any one time pursuant to guaranties issued under section 234(b) shall not

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[202] 22 U.S.C. 2195. Sec. 235 was added by sec. 105 of the FA Act of 1969.

exceed in the aggregate $750,000,000: Commitments to guarantee loans are authorized for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.[203]

(3) [204] The Corporation shall not make any commitment to issue any guaranty which would result in a reserve less than 25 per centum of the maximum contingent liability then outstanding against guaranties issued or commitments made pursuant to section 234(b) or similar predecessor guaranty authority.

(4) [204] The Congress, in considering the budget programs transmitted by the President for the Corporation, pursuant to section 104 of the Government Corporation Control Act, as amended, may limit the obligations and contingent liabilities to be undertaken under section 234 (a) and (b) as well as the use of funds for operating and administrative expenses.[205]

(5) The authority of section 234 (a) and (b) shall continue until September 30, 1988.[206]

(b) There shall be established a revolving fund, known as the Direct Investment Fund, to be held by the Corporation. Such fund shall consist initially of amounts made available under section 232, shall be available for the purposes authorized under section 234(c), shall be charged with realized losses and credited with realized gains and shall be credited with such additional sums as may be transferred to it under the provisions of section 236. The Corporation shall transfer to the Fund in the fiscal year 1982, and in each fiscal year thereafter—

(1) at least 10 per centum of the net income of the Corporation for the preceding fiscal year, and

(2) all amounts received by the Corporation during the preceding fiscal year as repayment of principal and interest on loans made under section 234(c), to the extent such amounts have not been expended or obligated before the effective date of the Overseas Private Investment Corporation Amendments Act of 1981,

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[203] The words ", of which guaranties of credit union investment shall not exceed $1,250,000", which previously appeared after "$750,000,000", were struck out by sec. 4(1) of Public Law 95–268 (92 Stat. 214).

Sec. 5(a)(1) of the OPIC Amendments Act of 1981 (Public Law 97–65; 95 Stat. 1022) inserted the last sentence in par. (2) in lieu of the following: "*Provided*, That the Corporation shall not make any commitment to issue any guaranty which would result in a fractional reserve less than 25 per centum of the maximum contingent liability then outstanding against guaranties issued or commitments made pursuant to section 234(b) or similar predecessor guaranty authority."

Foreign Assistance Appropriations Act, 1987 (sec. 101(f) of the Continuing Appropriations Act, 1987; Public Law 99–591; 100 Stat. 3341), provides the following:

"During the fiscal year 1987, total commitments to guarantee loans shall not exceed $200,000,000 of contingent liability for loan principal."

[204] Sec. 5(a)(2) of the OPIC Amendments Act of 1981 (Public Law 97–65; 95 Stat. 1023) redesignated existing pars. (3) and (4) as pars. (4) and (5), respectively, and added a new par. (3).

[205] Foreign Assistance and Related Programs Appropriations Act, 1987 (sec. 101(f) of the Continuing Appropriations Act, 1987; Public Law 99–591; 100 Stat. 3341), provides:

"The Overseas Private Investment Corporation is authorized to make such expenditures within the limits of funds available to it and in accordance with law (including not to exceed $35,000 for official reception and representation expenses), and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year."

[206] Sec. 4(2) of Public Law 95–268 (92 Stat. 214) extended the authority from Dec. 31, 1977, to Sept. 30, 1981. This date was further extended to Sept. 30, 1985, by sec. 5(b)(1) of the OPIC Amendments Act of 1981 (Public Law 97–65; 95 Stat. 1023). Sec. 10 of the OPIC Amendments Act of 1985 (Public Law 99–204; 99 Stat. 1673), further extended the date from Sept. 30, 1985 to Sept. 30, 1988.

and the Corporation shall use the funds so transferred to make loans under section 234(c) to the extent that there are eligible projects which meet the Corporation's criteria for funding: *Provided, however,* That loans from the Direct Investment Fund are authorized for any fiscal year only to the extent or in such amounts as provided in advance in appropriation Acts.[207]

(c) There shall be established in the Treasury of the United States an insurance and guaranty fund, which shall have separate accounts to be known as the Insurance Reserve and the Guaranty Reserve, which reserves shall be available for discharge of liabilities, as provided in subsection (d) of this section [208] until such time as all such liabilities have been discharged or have expired or until all such reserves have been expended in accordance with the provisions of this section. Such fund shall be funded by: (1) the funds heretofore available to discharge liabilities under predecessor guaranty authority (including housing guaranty authorities), less both the amount made available for housing guaranty programs pursuant to section 223(b) and the amount made available to the Corporation pursuant to subsection (e) of this section [208] and (2) such sums as shall be appropriated pursuant to subsection (f) of this section for such purposes. The allocation of such funds to each such reserve shall be determined by the Board after consultation with the Secretary of the Treasury. Additional amounts may thereafter be transferred to such reserves pursuant to section 236.

(d) Any payment made to discharge liabilities under investment insurance or reinsurance issued under section 234 [209] under similar predecessor guaranty authority or under section 234A,[210] shall be paid first out of the Insurance Reserve, as long as such reserve remains available, and thereafter out of funds made available pursuant to subsection (f) of this section. Any payments made to discharge liabilities under guaranties issued under section 234(b) or under similar predecessor guaranty authority shall be paid first out of the Guaranty Reserve as long as such reserve remains available, and thereafter out of funds made available pursuant to subsection (f) of this section.[208].

(e) There is hereby authorized to be transferred to the Corporation at its call, for the purposes specified in section 236, all fees and other revenues collected under predecessor guaranty authority from December 31, 1968, available as of the date of such transfer.

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[207] The text of subsec. (b) beginning with the words "The Corporation shall transfer to the Fund" was added by sec. 5(c) of the OPIC Amendments Act of 1981 (Public Law 97-65; 95 Stat. 1023).

Foreign Assistance and Related Programs Appropriations Act, 1987 (sec. 101(f) of the Continuing Appropriations Act, 1987; Public Law 99-591; 100 Stat. 3341), provides the following:

"During the fiscal year 1987 and within the resources and authority available, gross obligations for the amount of direct loans shall not exceed $23,000,000."

[208] Sec. 17(b) of the OPIC Amendments Act of 1985 (Public Law 99-204; 99 Stat 1676) replaced references to "section 234(e)" and "section 235(f)" with references to "subsection (e)", or "Subsection (j)", "of this section", and references to "section 235(d)" with "subsection (d) of this section".

[209] Sec. 2(3)(B) of the OPIC Amendments Act of 1974 (Public Law 93-390) substituted "insurance or reinsurance issued under section 234" in lieu of "insurance issued under section 234(a)".

[210] Subsec. (f) was amended by sec. 2(3)(C) of the OPIC Amendments Act of 1974 (Public Law 93-390). It formerly read as follows: "(f) There is hereby authorized to be appropriated to the Corporation, to remain available until expended, such amounts as may be necessary from time to time to replenish or increase the insurance and guaranty fund or to discharge the liabilities under insurance and guaranties issued by the Corporation or issued under predecessor guaranty authority."

The reference to sec. 234A was added by sec. 9(b) of the O.P.I.C Amendments Act of 1985 (Public Law 99-204; 99 Stat. 1672).

(f) [210] There are authorized to be appropriated to the Corporation, to remain available until expended, such amounts as may be necessary from time to time to replenish or increase the insurance and guaranty fund, to discharge the liabilities under insurance, reinsurance, or guaranties issued by the Corporation or issued under predecessor guaranty authority, or to discharge obligations of the Corporation purchased by the Secretary of the Treasury pursuant to this subsection. However, no appropriations shall be made to augment the Insurance Reserve until the amount of funds in the Insurance Reserve is less than $25,000,000. Any appropriations to augment the Insurance Reserve shall then only be made either pursuant to specific authorization enacted after the date of enactment of the Overseas Private Investment Corporation Amendments Act of 1974, or to satisfy the full faith and credit provision of section 237(c). In order to discharge liabilities under investment insurance or reinsurance, the Corporation is authorized to issue from time to time for purchase by the Secretary of the Treasury its notes, debentures, bonds, or other obligations; but the aggregate amount of such obligations outstanding at any one time shall not exceed $100,000,000. Any such obligation shall be repaid to the Treasury within one year after the date of issue of such obligation. Any such obligation shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of any obligation authorized by this subsection. The Secretary of the Treasury shall purchase any obligation of the Corporation issued under this subsection, and for such purchase he may use as a public debt transaction the proceeds of the sale of any securities issued under the Second Liberty Bond Act after the date of enactment of the Overseas Private Investment Corporation Amendments Act of 1974. The purpose for which securities may be issued under such Bond Act shall include any such purchase.

Sec. 236.[211] **Income and Revenues.**—In order to carry out the purposes of the Corporation, all revenues and income transferred to or earned by the Corporation, from whatever source derived, shall be held by the Corporation and shall be available to carry out its purposes, including without limitation—

(a) payment of all expenses of the Corporation, including investment promotion expenses;

(b) transfers and additions to the insurance or guaranty reserves, the Direct Investment Fund established pursuant to section 235, and such other funds or reserves as the Corporation may establish, at such time and in such amounts as the Board may determine; and

(c) payment of dividends, on capital stock, which shall consist of and be paid from net earnings of the Corporation after payments, transfers, and additions under subsections (a) and (b) hereof.

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[211] 22 U.S.C. 2196. Sec. 236 was added by Sec. 105 of the FA Act of 1969.

Sec. 237.[212] General Provisions Relating to Insurance and Guaranty Program.—(a) Insurance guaranties, and reinsurance issued under this title shall cover investment made in connection with projects in any less developed friendly country or area with the government to which the President of the United States has agreed to institute a program for insurance, guaranties, or reinsurance.[213]

(b) The Corporation shall determine that suitable arrangements exist for protecting the interest of the Corporation in connection with any insurance, guaranty or reinsurance [198] issued under this title, including arrangements concerning ownership, use, and disposition of the currency, credits, assets, or investments on account of which payment under such insurance, guaranty, or reinsurance [201] is to be made, and right, title, claim, or cause of action existing in connection therewith.

(c) All guaranties issued prior to July 1, 1956, all guaranties issued under sections 202(b) and 413(b) of the Mutual Security Act of 1954, as amended, all guaranties heretofore issued pursuant to prior guaranty authorities repealed by the Foreign Assistance Act of 1969, and all insurance, reinsurance,[201] and guaranties issued pursuant to this title shall constitute obligations, in accordance with the terms of such insurance, reinsurance,[201] or guaranties, of the United States of America and the full faith and credit of the United States of America is hereby pledged for the full payment and performance of such obligations.

(d) [214] Fees shall be charged for insurance, guaranty, and reinsurance coverage in amounts to be determined by the Corporation. In the event fees charged for investment insurance, guaranties, or reinsurance are reduced, fees to be paid under existing contracts for the same type of insurance, guaranties, or reinsurance and for similar guaranties issued under predecessor guaranty authority may be reduced.

(e) No insurance, guaranty, or reinsurance [201] of any equity investment shall extend beyond twenty years from the date of issuance.

(f) Compensation for insurance, reinsurance, or guaranties issued under this title shall not exceed the dollar value, as of the date of the investment, of the investment made in the project with the approval of the Corporation plus interest, earnings, or profits actually accrued on such investment to the extent provided by such insurance, reinsurance, or guaranty, except that the Corporation may provide that (1) appropriate adjustments in the insured dollar value be made to reflect the replacement cost of project assets, and (2) compensation for a claim of loss under insurance of an equity investment may be computed on the basis of the net book value attributable to such equity investment on the date of loss.[215] Notwithstanding the preceding sentence, the Corporation shall limit the amount of direct insurance and reinsurance issued by it under section 234 or 234A so that risk of loss as to at least 10 per centum of the total investment of the insured and its affiliates in the project is borne by the insured and such affiliates, except that limitation shall not apply to direct insurance or reinsurance of loans by banks or other financial institutions to unrelated parties and (3)[217] compensation for loss due to business interruption may be computed on a basis to be determined by the Corporation which reflects amounts lost.[216]

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[212] 22 U.S.C. 2197. Sec. 237 was added by Sec. 105 of the FA Act of 1969.

[213] Sec. 2(4) of the OPIC Amendments Act of 1974 (Public Law 93-390) added the reference to reinsurance.

[214] Subsec. (d) was amended by sec. 2(4)(D) of the OPIC Amendments Act of 1974 (Public Law 93-390). It formerly read as follows: "(d) Fees shall be charged for insurance and guaranty coverage in amounts to be determined by the Corporation. In the event fees to be charged for investment insurance or guaranties are reduced, fees to be paid under existing contracts for the same type of guaranties or insurance and for similar guaranties issued under predecessor guaranty authority may be reduced".

(g) No payment may be made under any guaranty, insurance or reinsurance [213] issued pursuant to this title for any loss arising out of fraud or misrepresentation for which the party seeking payment is responsible.

(h) Insurance, guaranties, or reinsurance [218] of a loan or equity investment of an eligible investor in a foreign bank, finance company, or other credit institution shall extend only to such loan or equity investment and not to any individual loan or equity investment made by such foreign bank, finance company, or other credit institution.

(i) Claims arising as a result of insurance, reinsurance [219] or guaranty operations under this title or under predecessor guaranty authority may be settled, and disputes arising as a result thereof may be arbitrated with the consent of the parties, on such terms and conditions as the Corporation may determine. Payment made pursuant to any such settlement, or as a result of an arbitration award, shall be final and conclusive notwithstanding any other provision of law.

(j) Each guaranty contract executed by such officer or officers as may be designated by the Board shall be conclusively presumed to be issued in compliance with the requirements of this Act.

(k) [220] In making a determination to issue insurance, guaranties, or reinsurance under this title, the Corporation shall consider the possible adverse effect of the dollar investment under such insurance, guaranty, or reinsurance upon the balance of payments of the United States.

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[215] The first sentence of subsec. (f) was amended and restated by sec. 6(a) of the OPIC Amendments Act of 1981 (Public Law 97-65; 95 Stat. 1023). Previous amendments to this sentence in subsec. (f) which are retained in the new text include the following: The word "reinsurance" was added by sec. 2(4)(F) of Public Law 93-390; the basic language of clause (1) was added by sec. 5 of Public Law 95-268 (92 Stat. 215).

[216] This sentence was added by sec. 2(4)(G) of the OPIC Amendments Act of 1974 (Public Law 93-390). The phrase "except that limitation shall not apply to direct insurance or reinsurance of loans by banks or other financial institutions to unrelated parties" was added by sec. 5 of Public Law 95-268 (92 Stat. 215).

A sentence, as added by sec. 2(4)(G) of Public Law 93-390 and which previously appeared at this point, was struck out by sec. 6(b) of the OPIC Amendments Act of 1981 (Public Law 97-65; 95 Stat. 1023). It formerly read as follows: "The preceding sentence shall not apply to the extent not permitted by State law."

[217] Subpara. (3) as added by sec. 6(b) of the OPIC Amendments Act of 1985 (Public Law 99-204).

[218] Sec. 2(4)(I) of the OPIC Amendments Act of 1974 (Public Law 93-390) substituted the words ", guaranties, or reinsurance" in lieu of "or guaranties".

[219] Sec. 2(4)(J) of the OPIC Amendments Act of 1974 (Public Law 93-390) added the word ", reinsurance".

[220] Subsec. (k) was amended by sec. 2(4)(K) of the OPIC Amendments Act of 1974 (Public Law 93-390). It formerly read as follows: "(k) In making a determination to issue insurance or a guaranty under this title, the Corporation shall consider the possible adverse effect of the dollar investment under such insurance or guaranty upon the balance of payments of the United States".

(l) [221] (1) No payment may be made under any insurance or reinsurance which is issued under this title on or after the date of enactment of this subsection [209] for any loss occurring with respect to a project, if the preponderant cause of such loss was an act by the investor seeking payment under this title, by a person possessing majority ownership and control of the investor at the time of the act, or by any agent of such investor or controlling person, and a court of the United States has entered a final judgment that such act constituted a violation under the Foreign Corrupt Practices Act of 1977.

(2) Not later than 120 days after the date of enactment of this subsection,[222] the Corporation shall adopt regulations setting forth appropriate conditions under which any person convicted under the Foreign Corrupt Practices Act of 1977 for an offense related to a project insured or otherwise supported by the Corporation shall be suspended, for a period of not more than five years, from eligibility to receive any insurance, reinsurance, guaranty, loan, or other financial support authorized by this title.

(m) [223] (1) Before finally providing insurance, reinsurance, guarantees, or financing under this title for any environmentally sensitive investment in connection with a project in a country, the Corporation shall notify appropriate government officials of that country of—

(A) all guidelines and other standards adopted by the International Bank for Reconstruction and Development and any other international organization relating to the public health or safety or the environment which are applicable to the project; and

(B) to the maximum extent practicable, any restriction under any law of the United States relating to public health or safety or the environment that would apply to the project if the project were undertaken in the United States.

The notification under the preceding sentence shall include a summary of the guidelines, standards, and restrictions referred to in subparagraphs (A) and (B), and may include any environmental impact statement, assessment, review, or study prepared with respect to the investment pursuant to section 239(g).

(2) Before finally providing insurance, reinsurance, guarantees, or financing for any investment subject to paragraph (1), the Corporation shall take into account any comments it receives on the project involved.

(3) On or before September 30, 1986, the Corporation shall notify appropriate government officials of a country of the guidelines, standards, and legal restrictions described in paragraph (1) that apply to any project in that country—

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[221] Subsec. (l) was added by sec. 6 of Public Law 95–268 (92 Stat. 215).

[222] Subsec. (l) became effective Apr. 24, 1978.

[223] Subsec. (m) was added by sec. 4(b) of the OPIC Amendments Act of 1985 (Public Law 99–204).

(A) which the Corporation identifies as potentially posing major hazards to public health and safety or the environment; and

(B) for which the Corporation provided insurance, reinsurance, guarantees, or financing under this title before the date of enactment of this subsection and which is in the Corporation's portfolio on that date.

Sec. 238.[224] **Definitions.**—As used in this title—

(a) the term "investment" includes any contribution or commitment[225] of funds, commodities, services, patents, processes, or techniques, in the form of (1) a loan or loans to an approved project, (2) the purchase of a share of ownership in any such project, (3) participation in royalties, earnings, or profits of any such project, and (4) the furnishing of commodities or services pursuant to a lease or other contract;

(b) the term "expropriation" includes, but is not limited to, any abrogation, repudiation, or impairment by a foreign government of its own contract with an investor with respect to a project, where such abrogation, repudiation, or impairment is not caused by the investor's own fault or misconduct, and materially adversely affects the continued operation of the project;

(c) the term "eligible investor" means: (1) United States citizens; (2) corporations, partnerships, or other associations including nonprofit associations, created under the laws of the United States any State or territory thereof, or the District of Columbia,[226] and substantially beneficially owned by United States citizens; and (3) foreign corporations, partnerships, or other associations wholly owned by one or more such United States citizens, corporations, partnerships, or other associations: *Provided however,* That the eligibility of such foreign corporation shall be determined without regard to any shares, in aggregate less than 5 per centum of the total issued and subscribed share capital,[227] held by other than the United States owners: *Provided further,* That in the case of any loan investment a final determination of eligibility may be made at the time the insurance or guaranty is issued; in all other cases, the investor must be eligible at the time a claim arises as well as the time the insurance or guaranty is issued; and

(d) the term "predecessor guaranty authority" means prior guaranty authorities (other than housing guaranty authorities) repealed by the Foreign Assistance Act of 1969, section 202(b) and 413(b) of the Mutual Security Act of 1954, as amended, and section 111(b)(3) of the Economic Cooperation Act of 1948, as amended (exclusive of authority relating to informational media guaranties).

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[224] 22 U.S.C. 2198. Sec. 238 was added by sec. 105 of the FA Act of 1969.

[225] The words "or commitment" were added by sec. 7 of the OPIC Amendments Act of 1981 (Public Law 97-65; 95 Stat. 1024).

[226] Reference to the District of Columbia was added by sec. 17(a) of the OPIC Amendments Act of 1985 (Public Law 99-204).

[227] The words "required by Law to be", which appeared at this point were struck out by sec. 104(a) of the FA Act of 1971.

Sec. 239.[228] **General Provisions and Powers.**—(a) The Corporation shall have its principal office in the District of Columbia and shall be deemed, for purposes of venue in civil actions, to be resident thereof.

(b) The President shall transfer to the Corporation, at such time as he may determine, all obligations, assets and related rights and responsibilities arising out of, or related to, predecessor programs and authorities similar to those provided for in section 234 (a), (b), and (d). Until such transfer, the agency heretofore responsible for such predecessor programs shall continue to administer such assets and obligations, and such programs and activities authorized under this title as may be determined by the President.[229, 230]

(c) [231] (1) The Corporation shall be subject to the applicable provisions of chapter 91 of title 31, United States Code, except as otherwise provided in this title.

(2) An independent certified public accountant shall perform a financial and compliance audit of the financial statements of the Corporation at least once every three years, in accordance with generally accepted Government auditing standards for a financial and compliance audit, as issued by the Comptroller General. The independent certified public accountant shall report the results of such audit to the Board. The financial statements of the Corporation shall be presented in accordance with generally accepted accounting principles. These financial statements and the report of the accountant shall be included in a report which contains, to the extent applicable, the information identified in section 9106 of title 31, United States Code, and which the Corporation shall submit to the Congress not later than six and one-half months after the end of the last fiscal year covered by the audit. The General Accounting Office may review the audit conducted by the accountant and the report to the Congress in the manner and at such times as the General Accounting Office considers necessary.

(3) In lieu of the financial and compliance audit required by paragraph (2), the General Accounting Office shall, if the Office considers it necessary or upon the request of the Congress, audit the financial statements of the Corporation in the manner provided in paragraph (2). The Corporation shall reimburse the General Accounting Office for the full cost of any audit conducted under this paragraph.

(4) All books, accounts, financial records, reports, files, workpapers, and property belonging to or in use by the Corporation and the accountant who conducts the audit under paragraph (2), which are necessary for purposes of this subsection, shall be made available to the representatives of the General Accounting Office.

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[228] 22 U.S.C. 2199. Sec. 239 was added by sec. 105 of the FA Act of 1969.

[229] A Presidential Determination of Dec. 30, 1969, provided for AID administration until transfer to the Overseas Private Investment Corporation.

[230] Sec. 7(1) of Public Law 95-268 (92 Stat. 215) struck out a paragraph previously appearing in subsec. (b) which had directed OPIC to cease operating the programs authorized by sec. 234 (b) through (e) and sec. 240 on Dec. 31, 1979.

[231] Sec. 11 of the OPIC Amendments Act of 1985 (Public Law 99-204), substituted the text of subsec. (c) in lieu of:

"The Corporation shall be subject to the applicable provisions of the Government Corporation Control Act, except as otherwise provided in this title."

(d) To carry out the purposes of this title, the Corporation is authorized to adopt and use a corporate seal, which shall be judicially noticed; to sue and be sued in its corporate name; to adopt, amend, and repeal bylaws governing the conduct of its business and the performance of the powers and duties granted to or imposed upon it by law; to acquire, hold or dispose of, upon such terms and conditions as the Corporation may determine, any property, real, personal, or mixed, tangible or intangible, or any interest therein; to invest funds derived from fees and other revenues in obligations of the United States and to use the proceeds therefrom, including earnings and profits, as it shall deem appropriate; to indemnify directors, officers, employees and agents of the Corporation for liabilities and expenses incurred in connection with their Corporation activities; to require bonds of officers, employees, and agents and pay the premiums therefor; notwithstanding any other provision of law, to represent itself or to contract for representation in all legal and arbitral proceedings; to purchase, discount, rediscount, sell, and negotiate, with or without its endorsement or guaranty, and guarantee notes, participation certificates, and other evidence of indebtedness (provided that the Corporation shall not issue its own securities, except participation certificates for the purpose of carrying out section 231(c) or participation certificates as evidence of indebtedness held by the Corporation in connection with settlement of claims under section 237(i)); [232] to make and carry out such contracts and agreements as are necessary and advisable in the conduct of its business; to exercise the priority of the Government of the United States in collecting debts from bankrupt, insolvent, or decedents' estates; to determine the character of and the necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid, subject to provisions of law specifically applicable to Government corporations; to collect or compromise any obligations assigned to or held by the Corporation, including any legal or equitable rights accruing to the Corporation; [233] and to take such actions as may be necessary or appropriate to carry out the powers herein or hereafter specifically conferred upon it.

(e) The Inspector General [234] of the Agency for International Development (1) may conduct [235] reviews, investigations, and inspections of all phases of the Corporation's operations and activities and (2) shall conduct all security activities of the Corporation relating to personnel and the control of classified material. With respect to his responsibilities under this subsection, the Inspector General [234] shall report to the Board. The agency primarily responsible for administering part I shall be reimbursed by the Corporation for all expenses incurred by the Inspector General [234] in connection with his responsibilities under this subsection.

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[232] The words to this point beginning with "or participation certificates * * *" were added by sec. 7(2) of Public Law 95–268 (92 Stat. 215).

[233] This phrase beginning with "to collect or compromise * * *" was added by sec. 8(1) of the OPIC Amendments Act of 1981 (Public Law 97–65; 95 Stat. 1024).

[234] Reference to the Inspector General was substituted in lieu of a reference to the Auditor-General by sec. 8(2)(A) of the OPIC Amendments Act of 1981 (Public Law 97–65; 95 Stat. 1024).

[235] The words "may conduct" were substituted in lieu of the words "shall have the responsibility for planning and directing the execution of audits," by sec. 8(2)(B) of the OPIC Amendments Act of 1981 (Public Law 97–65; 95 Stat. 1024).

(f) [236, 237] Except for the provisions of this title, no other provision of this or any other law shall be construed to prohibit the operation in Yugoslavia, Romania, or the People's Republic of China of the programs authorized by this title, if the President determines that the operation of such program in such country is important to the national interest.

(g) [236, 238] The requirements of section 118(c) of this Act relating to environmental impact statements and environmental assessments shall apply to any investment which the Corporation insures, reinsures, guarantees, or finances under this title in connection with a project in a country.

(h) [236, 239] In order to carry out the policy set forth in paragraph (1) of the second undesignated paragraph of section 231 of this Act, the Corporation shall prepare and maintain for each investment project it insures, finances, or reinsures, a development impact profile consisting of data appropriate to measure the projected and actual effects of such project on development. Criteria for evaluating projects shall be developed in consultation with the Agency for International Development.[240]

(i) [236, 241] The Corporation shall take into account in the conduct of its programs in a country, in consultation with the Secretary of State, all available information about observance of and respect for human rights and fundamental freedoms in such country and the effect the operation of such programs will have on human rights and fundamental freedoms in such country. The provisions of section 116 of this Act shall apply to any insurance, reinsurance, guaranty, or loan issued by the Corporation for projects in a country, except that in addition to the exception (with respect to benefiting needy people) set forth in subsection (a) of such section, the Corporation may support a project if the national security interest so requires.

(j) [242] The Corporation, including its franchise, capital, reserves, surplus, advances, intangible property, and income, shall be

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[236] Sec. 8(3) of the OPIC Amendments Act of 1981 (Public Law 97-65; 95 Stat. 1024) struck out subsecs. (f), (j), and (k) (subsecs. (j) and (k) added by sec. 7(3) of Public Law 95-268), and redesignated existing subsecs. (g), (h), (i), and (l) as subsecs. (f), (g), (h), and (i), respectively.

Old subsec. (f) authorized the establishment of an Advisory Board in order to further the purposes of OPIC; old subsec. (j) blocked OPIC support for copper exploration or mining projects begun after Jan. 1, 1981, and projects for the production of copper beginning after this date if the project would cause injury to the primary U.S. copper industry; and old subsec. (k) blocked OPIC support for any project to establish or expand production of processing of palm oil, sugar, or citrus crops for export.

[237] Subsec. (f) was originally added as subsec. (g) by sec. 104(b) of the FA Act of 1971. Reference in the subsection to the People's Republic of China was added by Public Law 96-327 (94 Stat. 1026).

[238] Subsec. (g) was originally added as subsec. (h) by sec. 2(5)(B) of the OPIC Amendments Act of 1974 (Public Law 93-390). Sec. 4(c) of the OPIC Amendments Act of 1985 (Public Law 99-204), restated and amended subsec. (g) in its current form. It previously read as follows:

"Within six months after the date of enactment of this subsection, the Corporation shall develop and implement specific criteria intended to minimize the potential environmental implications of projects undertaken by investors abroad in accordance with any of the programs authorized by this title."

[239] Subsec. (h) was originally added as subsec. (i) by sec. 7(3) of Public Law 95-268 (92 Stat. 215).

[240] This consultative function was transferred to the Director of IDCA, pursuant to sec. 6 of Reorganization Plan No. 2 of 1979 (establishing IDCA).

[241] Subsec. (i) was originally added as subsec. *(l)* by sec. 8 of Public Law 95-268 (92 Stat. 216).

[242] Secs. 12 and 13 of the OPIC Amendments Act of 1985 (Public Law 99-204; 99 Stat. 1674), added subsecs. (j) and (k), respectively.

exempt from all taxation at any time imposed by the United States, by any territory, dependency, or possession of the United States, or by any State, the District of Columbia, or any county, municipality, or local taxing authority.

(k) [242] The Corporation shall publish, and make available to applicants for insurance, reinsurance, guarantees, financing, or other assistance made available by the Corporation under this title, the policy guidelines of the Corporation relating to its programs.

Sec. 240.[243] **Small Business Development.**—The Corporation shall undertake, in cooperation with appropriate departments, agencies, and instrumentalities of the United States as well as private entities and others, to broaden the participation of United States small business, cooperatives, and other small United States investors in the development of small private enterprise in less developed friendly countries or areas. The Corporation shall allocate up to 50 percent of its annual net income, after making suitable provision for transfers and additions to reserves, to assist and facilitate the development of projects consistent with the provisions of this section. Such funds may be expended, notwithstanding the requirements of section 231(a), on such terms and conditions as the Corporation may determine, through loans, grants, or other programs authorized by section 234 and section 234A.

Sec. 240A.[244] **Reports to the Congress.**—After (a) the end of each fiscal year, the Corporation shall submit to the Congress a complete and detailed report of its operations during such fiscal year. Such report shall include—

(1) an assessment, based upon the development impact profiles required by section 239(h), of the economic and social development impact and benefits of the projects with respect to which such profiles are prepared, and of the extent to which the operations of Corporation complement or are compatible with the development assistance programs of the United States and other donors; and

(2) a description of any project for which the Corporation—

(A) refused to provide any insurance, reinsurance, guaranty, financing, or other financial support, on account of violations of human rights referred to in section 239(i); or

(B) notwithstanding such violations, provided such insurance, reinsurance, guaranty, financing, or financial support, on the basis of a determination (i) that the project will directly benefit the needy people in the country in which the project is located, or (ii) that the national security interest so requires.

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[243] 22 U.S.C. 2200. This new sec. 240 was added by sec. 9 of Public Law 95–268 (92 Stat. 216). Previously, sec. 240 had concerned agricultural credit and self-help community development projects but had been repealed by the FA Act of 1974.

[244] 22 U.S.C. 2200a. Sec. 240A, as added by sec. 105 of the FA Act of 1969 and amended by sec. 2(7) of Public Law 93–390, was amended and restated by sec. 10 of Public Law 95–268 (92 Stat. 216).

Sec. 9(b) of the OPIC Amendments act of 1981 (Public Law 97–65; 95 Stat. 1024) required the following report:

"(b) The Overseas Private Investment Corporation shall prepare and submit to the Congress not later than June 30, 1982, a report on methods for estimating the probability that particular investments or types of investments will nor will not be made if insurance or other support by the Corporation is not provided. The report should review methods of taking into consideration the availability of insurance in the private sector as well as the self-insurance capabilities of investors. The report shall include recommendations on how the Corporation can incorporate consideration of such estimates when deciding which investments to support, particularly if not all applications of eligible investors can be approved. The report shall be based on studies conducted by persons who are not officers or employees of the Corporation as well as on studies conducted by the Corporation."

(b)[245] (1) Each annual report required by subsection (a) shall contain projections of the effects on employment in the United States of all projects for which, during the preceding fiscal year, the Corporation initially issued any insurance, reinsurance, or guaranty or made any direct loan. Each such report shall include projections of—

(A) the amount of United States exports to be generated by those projects, both during the start-up phase and over a period of years;

(B) the final destination of the products to be produced as a result of those projects; and

(C) the impact such production will have on the production of similar products in the United States with regard to both domestic sales and exports.

(2) Each report required by this subsection shall be based on an analysis of each of the projects described in paragraph (1). The reports may, however, present information and analysis in aggregate form, but only if—

(A) those projects which are projected to have a positive effect on employment in the United States and those projects which are projected to have a negative effect on employment in the United States are grouped separately; and

(B) there is set forth for each such grouping the key characteristics of the projects within that grouping, including the number of projects in each economic sector, the countries in which the projects in each economic sector are located, and the projected level of the impact of the projects in each economic sector on employment in the United States and on United States trade.

(c)(1) Not later than December 31, 1987, the Corporation shall submit to the Congress a report analyzing the actual effects, as of September 30, 1986, on employment in the United States of all projects with respect to which any insurance, reinsurance, or guaranty issued by the Corporation was in effect on September 30, 1986, or with respect to which repayments on direct loans by the Corporation were being made as of that date. The report shall set forth—

(A) the amount of United States exports generated by those projects during fiscal year,

(B) to the extent feasible, the final destination of the products produced each fiscal year as a result of those projects, and

(C) the impact of such production on the production of similar products in the United States during each fiscal year with regard to both domestic sales and exports.

(2) In preparing this report, the Corporation shall collect factual data for each of the projects described in paragraph (1). The report

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[245] Subsec. (b), which required a one-time report to Congress on the development of private and multilateral programs for investment insurance and any reinsurance arrangements OPIC had made with private insurance companies, multilateral organizations and institutions, or other entities, was struck out by sec. 9(a)(2) of the OPIC Amendments Act of 1981 (Public Law 97-65; 95 Stat. 1024).

may, however, present this information and the analysis of this information in aggregate form, but only if—

(A) those projects which have a positive effect on employment in the United States and those projects which have a negative effect on employment in the United States are grouped separately; and

(B) there is set forth for each such grouping the key characteristics of the projects within that grouping, including the number of projects in each economic sector, the countries in which the projects in each economic sector are located, and the impact of the projects in each economic sector on the level of employment in the United States and on the United States trade balance.

(3) The Corporation shall consult with the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate in determining the methodology to be used in acquiring the information and in doing the analysis necessary to prepare the report required by this subsection, including identification of which projects should be analyzed. To facilitate this consultation, the Corporation shall submit to those committees by September 30, 1986, a written description of its proposed methodology, including its proposed methodology with respect to determining final destinations.

(4) To the extent that the report required by this subsection does not identify the final destination of the products produced as a result of a particular project, the report shall explain why it was not feasible to provide that information.

(d) The Corporation shall maintain as part of its records—

(1) all information collected in preparing the report required by subsection (c), whether the information was collected by the Corporation itself or by a contractor; and

(2) a copy of the analysis of each project analyzed in preparing the reports required by either subsection (b) or (c).

(e) Subsections (b) and (c) do not require the inclusion in any report submitted pursuant to those subsections of any information which would not be required to be made available to the public pursuant to section 552 of title 5, United States Code (relating to freedom of information).

Sec. 240B.[246] * * * [Repealed—1985]

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[246] 22 U.S.C. 2200b. Sec. 240B was added by sec. 10 of the OPIC Amendments Act of 1981 (Public Law 97-65; 95 Stat. 1024). Sec. 240B was repealed by sec. 15 of the OPIC Amendments Act of 1985 (Public Law 99-204). It previously read as follows:

"Return of Appropriated Funds.—The Corporation shall return to the general fund of the Treasury, in a manner consistent with the objectives set forth in section 231, amounts equal to the total amounts which were appropriated to the Corporation before January 1, 1975, pursuant to section 235(f). In order to carry out the preceding sentence, the Corporation shall, in each fiscal year, pay to the Treasury an amount equal to 25 per centum of the net income of the Corporation for the preceding fiscal year, after making suitable provisions for transfers to reserves and capital, until the aggregate amount of such payments equals the amounts required to be returned to the Treasury by the preceding sentence."

It was added again in a comprehensively amended form by sec. 14 of the O.P.I.C. Amendments Act of 1985 (Public Law 99-204; 99 Stat. 1674).

Title V—Disadvantaged Children in Asia [247]

Sec. 241.[248] Assistance to Certain Disadvantaged Children in Asia.—(a) The Congress recognizes the humanitarian needs of disadvantaged children in Asian countries where there has been or continues to be a heavy presence of United States military and related personnel in recent years. Moreover, the Congress finds that inadequate provision has been made for the care and welfare of such disadvantaged children, particularly those fathered by the United States citizens.

(b) Accordingly, the President is authorized to expend up to $3,000,000 [249] of funds made available under chapter 1 of this part, in addition to funds otherwise available for such purposes, to help meet the needs of these disadvantaged children in Asia by assisting in the expansion and improvement of orphanages, hostels, day care centers, school feeding programs, and health, education, and welfare programs. Assistance provided under this section shall be furnished under the auspices of and by international organizations or private voluntary agencies operating within, and in cooperation with, the countries of Asia where these disadvantaged children reside.

Title VI—Alliance for Progress [250] * * * [Repealed—1978]

Title VII—Evaluation of Programs [251] * * * [Repealed—1978]

Title VIII—Southeast Asia Multilateral and Regional Programs [252] * * * [Repealed—1978]

Title IX—Utilization of Democratic Institutions in Development [253]

Sec. 281.[254] (a) [255] In carrying out programs authorized in this chapter and chapter 1,[256] emphasis shall be placed on assuring maximum participation in the task of economic development on the part of the people of the developing countries, through the encouragement of democratic private and local governmental institutions.

(b) [255] In order to carry out the purposes of this title, programs under this chapter and chapter 1 [256] shall—

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[247] Sec. 116 of the International Development and Food Assistance Act of 1978 (Public Law 95-424; 92 Stat. 952) struck out the title heading "Development Research" and added this new heading for title V.

[248] 22 U.S.C. 2201. This new sec. 241 was added by sec. 116 of the International Development and Food Assistance Act of 1978 (Public Law 95-424; 92 Stat. 952). Previously, sec. 241 had contained the general authority under title V but had been repealed by Public Law 94-161 (89 Stat. 849).

[249] Sec. 903(a) of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 190), increased the authorization of funds from $2,000,000 to $3,000,000.

[250] Title VI, as added by the FA Act of 1962, was repealed by sec. 102(g)(1)(A) of the International Development and Food Assistance Act of 1978 (Public Law 95-424; 92 Stat. 942).

[251] Title VII, as added by the FA Act of 1963, was repealed by sec. 102(g)(1)(A) of the International Development and Food Assistance Act of 1978 (Public Law 95-424; 92 Stat. 942).

[252] Title VIII, as added by the FA Act of 1966, was repealed by sec. 102(g)(1)(A) of the International Development and Food Assistance Act of 1978 (92 Stat. 942).

[253] Title IX was added by sec. 106 of the FA Act of 1966.

[254] 22 U.S.C. 2218. Sec. 281 was added by sec. 106 of the FA Act of 1966.

[255] Subsec. designation "(a)" and subsecs. (b), (c) and (d) were added by sec. 108, of the FA Act of 1967.

[256] The words "and chapter 1" were added by sec. 102(g)(2)(A) of the International Development and Food Assistance Act of 1978 (Public Law 95-424; 92 Stat. 942).

(1) recognize the differing needs, desires, and capacities of the people of the respective developing countries and areas;

(2) use the intellectual resources of such countries and areas in conjunction with assistance provided under this Act so as to encourage the development of indigenous institutions that meet their particular requirements for sustained economic and social progress; and

(3) support civic education and training in skills required for effective participation in governmental and political processes essential to self-government.

(c) [255] In the allocation of funds for research under this chapter and chapter 1,[256] emphasis shall be given to research designed to examine the political, social, and related obstacles to development in countries receiving assistance under part I of this Act. In particular, emphasis should be given to research designed to increase understanding of the ways in which development assistance can support democratic, social and political trends in recipient countries.[257]

(d) [255] Emphasis shall also be given to the evaluation of relevant past and current programs under part I of this Act and to applying this experience so as to strengthen their effectiveness in implementing the objectives of this title.

(e) [258] In order to carry out the purposes of this title, the agency primarily responsible for administering part I of this Act, shall develop systematic programs of inservice training to familiarize its personnel with the objectives of this title and to increase their knowledge of the political and social aspects of development. In addition to other funds available for such purposes, not to exceed 1 per centum of the funds authorized to be appropriated for grant assistance under this chapter and chapter 1 [256] may be used for carrying out the objectives of this subsection.

Title X—Programs Relating to Population Growth [259] * * * [Repealed—1978]

Title XI—Food Production Targets and Reports [260] * * * [Repealed—1978]

Title XII—Famine Prevention and Freedom From Hunger [261]

Sec. 296.[261] **General Provisions.**—(a) The Congress declares that, in order to prevent famine and establish freedom from hunger, the United States should strengthen the capacities of the United States land-grant and other eligible universities in program-related agricultural institutional development and research, consistent with sections 103 and 103A, should improve their participation in the United States Government's international efforts to apply more effective agricultural sciences to the goal of increasing world food production, and in general should provide increased and longer term support to the application of science to solving food and nutrition problems of the developing countries.

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[257] The last sentence was added by sec. 106(a) of the FA Act of 1968.

[258] Subsec. (e) was added by sec. 106(b) of the FA Act of 1968.

[259] Title X, as added by the FA Act of 1967, was repealed by sec. 104(b) of the International Development and Food Assistance Act of 1978 (Public Law 95-424; 92 Stat. 947).

[260] Title XI, as added by the FA Act of 1967, was repealed by sec. 502(d)(1) of the International Development and Food Assistance Act of 1978 (Public Law 95-424; 92 Stat. 959).

[261] 22 U.S.C. 2220a. Sec. 312 of Public Law 94-161 (89 Stat. 849) added title XII and new sec. 296.

The Congress so declares because it finds—

(1) that the establishment, endowment, and continuing support of land-grant universities in the United States by Federal, State, and county governments has led to agricultural progress in this country;

(2) that land-grant and other universities in the United States have demonstrated over many years their ability to cooperate with foreign agricultural institutions in expanding indigenous food production for both domestic and international markets;

(3) that, in a world of growing population with rising expectations, increased food production and improved distribution, storage, and marketing in the developing countries is necessary not only to prevent hunger but to build the economic base for growth, and moreover, that the greatest potential for increasing world food supplies is in the developing countries where the gap between food need and food supply is the greatest and current yields are lowest;

(4) that increasing and making more secure the supply of food is of greatest benefit to the poorest majority in the developing world;

(5) that research, teaching, and extension activities, and appropriate institutional development therefor are prime factors in increasing agricultural production abroad (as well as in the United States) and in improving food distribution, storage, and marketing;

(6) moreover, that agricultural research abroad has in the past and will continue in the future to provide benefits for agriculture in the United States and that increasing the availability of food of higher nutritional quality is of benefit to all; and

(7) that universities need a dependable source of Federal funding, as well as other financing, in order to expand, or in some cases to continue, their efforts to assist in increasing agricultural production in developing countries.

(b) Accordingly, the Congress declares that, in order to prevent famine and establish freedom from hunger, various components must be brought together in order to increase world food production, including—

(1) strengthening the capabilities of universities to assist in increasing agricultural production in developing countries;

(2) institution-building programs for development of national and regional agricultural research and extension capacities in developing countries which need assistance;

(3) international agricultural research centers;

(4) contract research; and

(5) research program grants.

(c) The United States should—

(1) effectively involve the United States land-grant and other eligible universities more extensively in each component;

(2) provide mechanisms for the universities to participate and advise in the planning, development, implementation, and administration of each component; and

(3) assist such universities in cooperative joint efforts with—

(A) agricultural institutions in developing nations, and

(B) regional and international agricultural research centers,

directed to strengthening their joint and respective capabilities and to engage them more effectively in research, teaching, and extension activities for solving problems in food production, distribution, storage, marketing, and consumption in agriculturally underdeveloped nations.

(d) As used in this title, the term "universities" means those colleges or universities in each State, territory, or possession of the United States, or the District of Columbia, now receiving, or which may hereafter receive, benefits under the Act of July 2, 1862 (known as the First Morrill Act), or the Act of August 30, 1890 (known as the Second Morrill Act), which are commonly known as "land-grant" universities; institutions now designated or which may hereafter be designated as sea-grant colleges under the Act of October 15, 1966 (known as the National Sea Grant College and Program Act), which are commonly known as sea-grant colleges; and other United States colleges and universities which—

(1) have demonstrable capacity in teaching, research, and extension activities in the agricultural sciences; and

(2) can contribute effectively to the attainment of the objective of this title.

(e) As used in this title, the term "Administrator" means the Administrator of the Agency for International Development.[262]

(f)[263] * * * [Repealed—1978]

(g)[264] * * * [Repealed—1978]

Sec. 297.[264] **General Authority.**—(a) To carry out the purposes of this title, the President is authorized to provide assistance on such terms and conditions as he shall determine—

(1) to strengthen the capabilities of universities in teaching, research, and extension work to enable them to implement current programs authorized by paragraphs (2), (3), (4), and (5) of this subsection, and those proposed in the report required by section 300 of this title;

(2) to build and strengthen the institutional capacity and human resources skills of agriculturally developing countries so that these countries may participate more fully in the international agricultural problem-solving effort and to introduce and adapt new solutions to local circumstances;

(3) to provide program support for long-term collaborative university research, in the developing countries themselves to

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[262] Sec. 6 of Reorganization Plan No. 2 of 1979 (establishing IDCA), transferred all responsibilities and functions vested in this subsection from the Administrator to the Director of IDCA.

[263] Subsecs. (f) and (g), which defined the terms "agriculture" and "farmers," were repealed by sec. 103(c) of the International Development and Food Assistance Act of 1978 (Public Law 95-424; 92 Stat. 945). Similar definitions for these terms can now be found in sec. 644 (o) and (p) of this Act.

[264] 22 U.S.C. 2220b. Sec. 297 was added by sec. 312 of Public Law 94-161 (89 Stat. 849).

the maximum extent practicable,[265] on food production, distribution, storage, marketing and consumption;

(4) to involve universities more fully in the international network of agricultural science, including the international research centers, the activities of international organizations such as the United Nations Development Program and the Food and Agriculture Organization, and the institutions of agriculturally developing nations; and

(5) to provide program support for international agricultural research centers, to provide support for research projects identified for specific problem-solving needs, and to develop and strengthen national research systems in the developing countries.

(b) Programs under this title shall be carried out so as to—

(1) utilize and strengthen the capabilities of universities in—

(A) developing capacity in the cooperating nation for classroom teaching in agriculture, plant and animal sciences, human nutrition, and vocational and domestic arts and other relevant fields appropriate to local needs;

(B) agricultural research to be conducted in the cooperating nations, at international agricultural research centers, or in the United States;

(C) the planning, initiation, and development of extension services through which information concerning agriculture and related subjects will be made available directly to farmers and farm families in the agriculturally developing nations by means of education and demonstration; or

(D) the exchange of educators, scientists, and students for the purpose of assisting in successful development in the cooperating nations;

(2) take into account the value to the United States agriculture of such programs, integrating to the extent practicable the programs and financing authorized under this title with those supported by other Federal or State resources so as to maximize the contribution to the development of agriculture in the United States and in agriculturally developing nations; and

(3) whenever practicable, build on existing programs and institutions including those of the universities and the United States Department of Agriculture and the United States Department of Commerce.

(c)[266] To the maximum extent practicable, activities under this section shall—

(1) be directly related to the food and agricultural needs of developing countries;

(2) be carried out within the developing countries;

(3) be adapted to local circumstances;

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[265] The words ", in the developing countries themselves to the maximum extent practicable," were added by sec. 113(1) of the International Development Cooperation Act of 1979 (Public Law 96-53; 93 Stat. 364).

[266] Subsec. (c) was amended and restated by sec. 113(2) of the International Development Cooperation Act of 1979 (Public Law 96-53; 93 Stat. 364). It formerly read as follows:

"(c) To the maximum extent practicable, activities under this section shall (1) be designed to achieve the most effective interrelationship among the teaching of agricultural sciences, research, and extension work, (2) joins primarily on the needs of agricultural producers, (3) be adapted to local circumstances, and (4) be carried out within the developing countries."

(4) provide for the most effective interrelationship between research, education, and extension in promoting agricultural development in developing countries; and

(5) emphasize the improvement of local systems for delivering the best available knowledge to the small farmers of such countries.

(d) The President shall exercise his authority under this section through the Administrator.[267]

Sec. 298.[268] Board for International Food and Agricultural Development.—(a) To assist in the administration of the programs authorized by this title, the President shall establish a permanent Board for International Food and Agricultural Development (hereafter in this title referred to as the "Board") consisting of seven members, not less than four to be selected from the universities. Terms of members shall be set by the President at the time of appointment. Members of the Board shall be entitled to such reimbursement for expenses incurred in the performance of their duties (including per diem in lieu of subsistence while away from their homes or regular place of business) as the President deems appropriate.

(b) The Board's general areas of responsibility shall include, but not be limited to—

(1) participating in the planning, development, and implementation of,

(2) initiating recommendations for, and

(3) monitoring of,

the activities described in section 297 of this title.

(c) The Board's duties shall include, but not necessarily be limited to—

(1) participating in the formulation of basic policy, procedures, and criteria for project proposal review, selection, and monitoring;

(2) developing and keeping current a roster of universities—

(A) interested in exploring their potential for collaborative relationships with agricultural institutions, and with scientists working on significant programs designed to increase food production in developing countries,

(B) having capacity in the agricultural sciences,

(C) able to maintain an appropriate balance of teaching, research, and extension functions,

(D) having capacity, experience, and commitment with respect to international agricultural efforts, and

(E) able to contribute to solving the problems addressed by this title;

(3) recommending which developing nations could benefit from programs carried out under this title, and identifying those nations which have an interest in establishing or developing agricultural institutions which engage in teaching, research, or extension activities;

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[267] This authority of the Administrator was transferred to the Director of IDCA, pursuant to sec. 6 of Reorganization Plan No. 2 of 1979 (establishing IDCA).

[268] 22 U.S.C. 2220c. Sec. 298 was added by sec. 312 of Public Law 94-161 (89 Stat. 849).

(4) reviewing and evaluating memorandums of understanding or other documents that detail the terms and conditions between the Administrator and universities participating in programs under this title;

(5) reviewing and evaluating agreements and activities authorized by this title and undertaken by universities to assure compliance with the purposes of this title;

(6) recommending to the Administrator the apportionment of funds under section 297 of this title; [269] and

(7) assessing the impact of programs carried out under this title in solving agricultural problems in the developing nations.

(d) The President may authorize the Board to create such subordinate units as may be necessary for the performance of its duties, including but not limited to the following:

(1) a Joint Research Committee to participate in the administration and development of the collaborative activities described in section 297(a)(3) of this title; and

(2) a Joint Committee on Country Programs which shall assist in the implementation of the bilateral activities described in sections 297(a)(2), 297(a)(4), and 297(a)(5).

(e) In addition to any other functions assigned to and agreed to by the Board, the Board shall be consulted in the preparation of the annual report required by section 300 of this title and on other agricultural development activities related to programs under this title.

Sec. 299.[270] **Authorization.**—(a) The President is authorized to use any of the funds hereafter made available under section 103 of this Act to carry out the purposes of this title. Funds made available for such purposes may be used without regard to the provisions of sections 110(b) and 122(d) [271] of this Act.

(b) Foreign currencies owned by the United States and determined by the Secretary of the Treasury to be excess to the needs of the United States shall be used to the maximum extent possible in lieu of dollars in carrying out the provisions of this title.

(c) Assistance authorized under this title shall be in addition to any allotments or grants that may be made under other authorizations.

(d) Universities may accept and expend funds from other sources, public and private, in order to carry out the purposes of this title. All such funds, both prospective and inhand, shall be periodically disclosed to the Administrator as he shall by regulation require, but no less often than in an annual report.[272]

Sec. 300.[273] **Annual Report.**—The President shall transmit to the Congress, not later than April 1 of each year, a report detailing the activities carried out pursuant to this title during the preceding fiscal year and containing a projection of programs and activities to be conducted during the subsequent five fiscal years. Each report shall contain a summary of the activities of the Board established pursuant to section 298 of this title and may include the separate views of the Board with respect to any aspect of the programs conducted or proposed to be conducted under this title.

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[269] This function of the Administrator was transferred to the Director of IDCA, pursuant to sec. 6 of Reorganization Plan No. 2 of 1979 (establishing IDCA).

[270] 22 U.S.C. 2220d. Sec. 299 was added by sec. 312 of Public Law 94-161 (89 Stat. 849).

[271] The words "110(b) and 122(d)" were substituted in lieu of "110(b), 211(a), and 211(d)" by sec. 102(c)(2) of the International Development and Food Assistance Act of 1978 (Public Law 95-424; 92 Stat. 941).

[272] This function of the Administrator was transferred to the Director of IDCA, pursuant to sec. 6 of Reorganization Plan No. 2 of 1979 (establishing IDCA).

[273] 22 U.S.C. 2220e. Sec. 300 was added by sec. 312 of Public Law 94-161 (89 Stat. 849).

Chapter 3—International Organizations and Programs

Sec. 301.[274] **General Authority.**—(a) When he determines it to be in the national interest, the President is authorized to make voluntary contributions on a grant basis to international organizations and to programs administered by such organizations, and in the case of the Indus Basin Development Fund administered by the International Bank for Reconstruction and Development to make grants and loans payable as to principal and interest in United States dollars and subject to the provisions of section 122(b),[275] on such terms and conditions as he may determine, in order to further the purposes of this part.

(b)[276] * * * [Repealed—1981]

(c)[277] No contributions by the United States shall be made to the United Nations Relief and Works Agency for Palestine Refugees in the Near East except on the condition that the United Nations Relief and Works Agency take all possible measures to assure that no part of the United States contribution shall be used to furnish assistance to any refugee who is receiving military training as a member of the so-called Palestine Liberation Army or any other guerrilla type organization or who has engaged in any act of terrorism.

(d)[278] In any case in which a fund established solely by United States contributions under this or any other Act is administered by an international organization under the terms of an agreement between the United States and such international organization, such agreement shall provide that the Comptroller General of the United States shall conduct such audits as are necessary to assure that such fund is administered in accordance with such agreement. The President shall undertake to modify any existing agreement entered into before the date of enactment of this subsection to conform to the requirements of the preceding sentence. The Comptroller General shall report simultaneously to the Congress and the President the results of the audit conducted under this subsection.[279]

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[274] 22 U.S.C. 2221.

[275] The words to this point, beginning with ", and in the case of the Indians", were added by sec. 107(a) of the FA Act of 1966. The reference to sec. 122(b) was substituted in lieu of a reference to sec. 201(d) by the International Development and Food Assistance Act of 1978 (Public Law 95–424; 92 Stat. 941).

[276] Subsec. (b), as amended by sec. 107(b) of the FA Act of 1966, was deleted by sec. 734(a)(1) of the International Security and Development Cooperation Act of 1981 (Public Law 97–113; 95 Stat. 1560). The text formerly read as follows:

"(b) Contributions to the United Nations Development Program for the calendar years succeeding 1961 may not exceed forty per centum of the total amount contributed for such purposes (including assessed and audited local costs) for each such year. The President shall seek to assure that no contribution to the United Nations Development Program authorized by this Act shall be used for projects for economic or technical assistance to the Government of Cuba, so long as Cuba is governed by the Castro regime."

[277] Subsec. (c) was amended by sec. 108(a) of the FA Act of 1969. It formerly read as follows: "(c) In determining whether or not to continue furnishing assistance for Palestine refugees in the Near East through contributions to the United Nations Relief and Works agency for Palestine Refugees in the Near East, the President shall take into account (1) whether Israel and the Arab host governments are taking steps toward the resettlement and repatriation of such refugees, and (2) the extent and success of efforts by the Agency and the Arab host governments to rectify the Palestine refugee relief rolls. Contributions by the United States for the fiscal year 1967 shall not exceed $13,300,000. No contributions under this subsection shall be made except on the condition that the United Nations Relief and Works Agency take all possible measures to assure that no part of the United States contribution shall be used to furnish assistance to any refugee who is receiving military training as a member of the so-called Palestine Liberation Army."

[278] Subsec. (d) was added by sec. 110(a) of the FA Act of 1967.

(e)[280] (1) In the case of the United Nations and its affiliated organizations, including the International Atomic Energy Agency, the President shall, acting through the United States representative to such organizations, propose and actively seek the establishment by the governing authorities of such organizations of external, professionally qualified groups[281] of appropriate size for the purpose of providing an independent and continuous program of selective examinations, review, evaluation, and audits[282] of the programs and activities of such organizations. Such proposal shall provide that such groups[281] shall be established in accordance with such terms of reference as such governing authority may prescribe and that the reports of such groups[281] on each examination, review, evaluation or audits[282] shall be submitted directly to such governing authority for transmittal to the representative of each individual member nation. Such proposal shall further include a statement of auditing and reporting standards, as prepared by the Comptroller General of the United States, for the consideration of the governing authority of the international organization concerned to assist in formulating terms of reference for such review and evaluation groups.[281]

(2) In the case of the International Bank for Reconstruction and Development and the Asian Development Bank, the President shall, acting through the United States representative to such organizations, propose and actively seek the establishment by the governing authorities of such organizations professionally qualified groups of appropriate size for the purpose of providing an independent and continuous program of selective examination, review, evaluation, and audits[282] of the programs and activities of such organizations. Such proposal shall provide that such groups shall be established in accordance with such terms of reference as such governing authorities may prescribe, and that the reports of such groups on each examination, review, evaluation, or audit[282] shall be submitted directly to such governing authority for transmittal to the representative of each individual member nation. Such proposal shall further include a statement of auditing and reporting standards, as prepared by the Comptroller General of the United States, for the consideration of the governing authority of the international organization concerned to assist in formulating terms of reference for such review and evaluation groups.

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[279] This sentence was added by sec. 701(a) of the International Security and Development Cooperation Act of 1980 (Public Law 96-533; 94 Stat. 3156).

[280] Subsec. (e) was added by sec. 9(1) of the FA Act of 1973.

[281] The reference to external groups was substituted in lieu of a reference to a single group by sec. 702(b) of the International Security and Development Cooperation Act of 1980 (Public Law 96-533; 94 Stat. 3156). All other references in subsec. (e) to these groups were also made plural by sec. 702(b).

[282] The reference to an audit was added by sec. 702(b) of the International Security and Development Cooperation Act of 1980 (Public Law 96-533; 94 Stat. 3156).

(3)[283] * * * [Repealed—1981]

(f)[284] The President is hereby authorized to permit United States participation in the International Fertilizer Development Center and is authorized to use any of the funds made available under this part for the purpose of furnishing assistance to the Center on such terms and conditions as he may determine.

(g)[285] It is the sense of the Congress that the President should instruct the appropriate representatives of the United States to the United Nations to encourage the specialized agencies of the United Nations to transfer the funding of technical assistance programs carried out by such agencies to the United Nations Development Program.

(h)[286] The President is authorized to permit the United States to participate in and to use any of the funds made available under this part after the date of enactment of this subsection for the purpose of furnishing assistance (on such terms and conditions as the President may determine) to the International Food Policy Research Institute.

Sec. 302.[287] **Authorization.**—(a)(1) There are authorized to be appropriated to the President $270,000,000 for fiscal year 1986 and

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[283] Par. (3), as added by sec. 9(1) of the FA Act of 1973 and amended by sec. 702(b)(6) of Public Law 96-533, was deleted by sec. 734(a)(1) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat.1560). Para. (3) had required that the U.S. representatives to these international organizations submit any reports they received under this subsection to the President for transmittal to Congress and the Comptroller General. The Comptroller General was also directed to periodically review these reports and submit any appropriate suggestions to the Congress and the President.

[284] Subsec. (f) was added by sec. 313(c) of Public Law 94-161 (89 Stat. 849).

[285] Subsec. (g) was added by sec. 117(d) of the International Development and Food Assistance Act of 1978 (Public Law 95-424; 92 Stat. 953).

[286] Subsec. (h) was added by sec. 311(a) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560).

[287] 22 U.S.C. 2222.

The authorization figures and earmarkings for fiscal years 1986 and 1987 were added by sec. 402(a) of the International Security and Development Cooperation Act of 1985, (Public Law 99-83; 99 Stat. 190).

Authorizations under sec. 302 during recent years included the following: Fiscal year 1975—$165,000,000; Fiscal year 1976—$195,500,000; Fiscal year 1977—$219,900,000; Fiscal year 1978—$252,000,000; Fiscal year 1979—$285,450,000; Fiscal year 1980—$267,280,000; Fiscal year 1981—$233,350,000; Fiscal year 1982—$218,600,000; Fiscal year 1983—$218,600,000; Fiscal year 1984—$266,214,000; Fiscal year 1985—no authorization.

Foreign Assistance and Related Programs Appropriations Act, 1987 (sec. 101(f) of the Continuing Appropriations Act, 1987, Public Law 99-591, 100 Stat. 3341) provides:

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"SEC. 527. Notwithstanding any other provision of law or this Act, none of the funds provided for 'International organizations and programs' shall be available for the United States' proportionate share for any programs for the Palestine Liberation Organization, the Southwest Africa Peoples Organization, Libya, Iran, or, at the discretion of the President, Communist countries listed in section 620(f) of the Foreign Assistance Act of 1961, as amended."

* * * * * * *

"INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of sections 301 and 103(g) of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1983, $237,264,000: *Provided*, That no funds shall be available for the United Nations Fund for Science and Technology: *Provided further*, That the total amount of funds made available by this paragraph shall be available only as follows: $107,500,000 for the United Nations Development Program; $51,080,000 for the United Nations Children's Fund; $1,818,000 for the World Food Program; $861,000 for the United Nations Capital Development Fund; $219,000 for the United Nations Voluntary Fund for the Decade for Women; $2,000,000 for the International Convention and Scientific Organization Contributions; $2,000,000 for the World Meteorological Organization Voluntary Cooperation Program; $20,500,000 for the International Atomic Energy Agency; $6,800,000 for the United Nations Environment Program; $789,000 for the United Na-

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$236,084,000 [288] for fiscal year 1987 for grants to carry out the purposes of this chapter, in addition to funds available under other Acts for such purposes. Of the amount appropriated for each of the fiscal years 1986 and 1987 pursuant to these authorizations—

(A) 59.65 percent shall be for the United Nations Development Program;

(B) 19.30 percent shall be for the United Nations Children's Fund;

(C) 7.20 percent shall be for the International Atomic Energy Agency, except that these funds may be contributed to that Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency;

(D) 5.44 percent shall be for Organization of American States development assistance programs;

(E) 3.51 percent shall be for the United Nations Environment Program;

(F) 0.70 percent shall be for the World Meteorological Organization;

(G) 0.70 percent shall be for the United Nations Capital Development Fund;

(H) 0.35 percent shall be for the United Nations Education and Training Program for Southern Africa;

(I) 0.18 percent shall be for the United Nations Voluntary Fund for the Decade for Women;

(J) 0.07 percent shall be for the Convention on International Trade in Endangered Species;

(K) 0.70 percent shall be for the World Food Program;

(L) 0.18 percent shall be for the United Nations Institute for Namibia;

(M) 0.12 percent shall be for the United Nations Trust Fund for South Africa;

(N) 0.04 percent shall be for the United Nations Voluntary Fund for Victims of Torture;

(O) 0.07 percent shall be for the United Nations Industrial Development Organization;

(P) 0.55 percent shall be for the United Nations Development Program Trust Fund to Combat Poverty and Hunger in Africa;

(Q) 0.97 percent shall be for contributions to international conventions and scientific organizations;

(R) 0.18 percent for the United Nations Centre on Human Settlements (Habitat); and

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tions Educational and Training Program for Southern Africa; $250,000 for the United Nations Trust Fund for South Africa; $110,000 for the United Nations Institute for Namibia; $172,000 for the Convention on International Trade in Endangered Species; $219,000 for the World Heritage Fund; $86,000 for the United Nations Voluntary Fund for Victims of Torture; $100,000 for the United Nations Fellowship Program; $150,000 for the UNIDO Investment Promotion Service; $400,000 for the Center on Human Settlements; $13,500,000 for the Organization of American States; and $28,710,000 for the International Fund for Agricultural Development, of which $10,000,000 shall be made available for the Special Program for Sub-Saharan African Countries Affected by Drought and Desertification.

[288] The amount $236,084,000 was substituted in lieu of the amount $275,000,000 by sec. 404 of Public Law 99-529 (100 Stat. 3010).

(S) 0.09 percent shall be for the World Heritage Fund.[289]

(2)[290] The Congress reaffirms its support for the work of the Inter-American Commission on Human Rights. To permit such Commission to better fulfill its function of insuring observance and respect for human rights within this hemisphere, not less than $357,000 of the amount appropriated for fiscal year 1976 and $358,000 of the amount appropriated for fiscal year 1977, for contributions to the Organization of American States, shall be used only for budgetary support for the Inter-American Commission on Human Rights.

(3)[291] * * * [Repealed—1981]

(b)(1)[292] There is authorized to be appropriated to the President for loans for Indus Basin Development to carry out the purposes of this section, in addition to funds available under this or any other Act for such purposes, for use beginning in the fiscal year 1969, $61,220,000.[293] Such amounts are authorized to remain available until expended.

(2)[292] There is authorized to be appropriated to the President for grants for Indus Basin Development, in addition to any other funds available for such purposes, for use in the fiscal year 1974, $14,500,000,[294] and for use in the fiscal year 1975, $14,500,000,[294] and for use beginning in the fiscal year 1976, $27,000,000,[295] which amounts shall remain available until expended. The President shall not exercise any special authority granted to him under section 610(a) or 614(a) of this Act to transfer any amount appropriated under this paragraph to, and to consolidate such amount with, any funds made available under any other provisions of this Act.[296]

(c) None of the funds available to carry out this chapter shall be contributed to any international organization or to any foreign government or agency thereof to pay the costs of developing or operating any volunteer program of such organization, government, or agency relating to the selection, training, and programing of volunteer manpower.

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[289] Sec. 117(e) of the International Development and Food Assistance Act of 1978 (Public Law 95-424; 92 Stat. 953) also provided an authorization of $1,000,000 for contribution to the World Assembly on Aging.

[290] Par. (2) was added by sec. 313(a)(1)(C) of Public Law 94-161 (89 Stat. 849).

[291] Par. (3), which had prohibited the use of funds under this subsection for the U.N. Institute for Namibia during fiscal year 1979 unless the President determined that such funds would not be used to support the military or paramilitary activities of the South-West African Peoples Organization, was repealed by sec. 734(a) of the International Security and Development Cooperation Act 1981 (Public Law 97-113; 95 Stat. 1560).

[292] Paragraph designation "(1)" and par. (2) were added by sec. 108(c) of the FA Act of 1969.

[293] Sec. 313(a)(2) of Public Law 94-161 (89 Stat. 849) substituted "$61,220,000" in lieu of "$51,220,000".

FA Appropriations Act, 1976: "Indus Basin Development Fund, loans: For expenses authorized by section 302(b)(1) $10,000,000, to remain available until expended: *Provided,* That no other funds appropriated or made available under this Act shall be used for the purposes of such section during the current fiscal year."

[294] Sec. 9(3) of the FA Act of 1973 substituted "for use in the fiscal year 1974. $14,500,000 and for use in the fiscal year 1975, $14,500,000," in lieu of "for use in the fiscal year 1972, $15,000,000, and for use in the fiscal year 1973, $15,000,000"

[295] The words to this point commencing with "and for use beginning * * *" were added by sec. 313(a)(3) of Public Law 94-161 (89 Stat. 849).

FA Appropriations Act, 1977: "For necessary expenses to carry out the provisions of section 302(b)(2), $15,750,000."

[296] The last sentence was added by sec. 107(b)(2) of the FA Act of 1971.

(d)[296a] * * * [Repealed—1978]
(e)[296a] * * * [Repealed—1978]
(f)[296a] * * * [Repealed—1978]
(g)[296a] * * * [Repealed—1978]
(h)[296a] * * * [Repealed—1978]

(i)[296a] In addition to amounts otherwise available under this section there are authorized to be appropriated for fiscal year 1976 $1,000,000 and for fiscal year 1977 $2,000,000 to be available only for the International Atomic Energy Agency to be used for the purpose of strengthening safeguards and inspections relating to nuclear missile facilities and materials.[298] Amounts appropriated under this subsection are authorized to remain available until expended.

Sec. 303.[299] **Indus Basin Development.**—In the event that funds made available under this Act (other than part II) are used by or under the supervision of the International Bank for Reconstruction and Development in furtherance of the development of the Indus Basin through the program of cooperation among South Asian and other countries of the free world, which is designed to promote economic growth and political stability in South Asia, such funds may be used in accordance with requirements, standards, or procedures established by the Bank concerning completion of plans and cost estimates and determination of feasibility, rather than with requirements, standards, or procedures concerning such matters set forth in this or other Acts; and such funds may also be used without regard to the provisions of section 901(b) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1241),[300] whenever the President determines that such provisions cannot be fully satisfied without seriously impeding or preventing accomplishment of the purposes of such programs: *Provided,* That compensating allowances are made in the administration of other programs to the same or other areas to which the requirements of said section 901(b) are applicable.

Sec. 304.[301] **United Nations Peacekeeping.**—* * * [Repealed—1978]

Sec. 305.[302] **Integration of Women.**—The President is requested to instruct each representative of the United States to each international organization of which the United States is a member (including but not limited to the International Bank for Reconstruction and Development, the Asian Development Bank, the Inter-American Development Bank, the International Monetary Fund, the United Nations, and the Organization for Economic Cooperation and Development) to carry out their duties with respect to such organizations in such a manner as to encourage and promote the integration of women into the national economies of member and recipient countries and into professional and policy-making positions within such organizations, thereby improving the status of women. The President is further requested, in making United States contributions to such organizations, to take into account the progress, or lack of progress, of such organizations in adopting and implementing policies and practices which encourage and promote the integration of women into the national economies of member and recipient countries, and into professional and policy-making positions within such organizations, in accordance with the World Plan of Action of the Decade for Women.[303]

[296a] Subsecs. (d), (e), (f), (g), and (h) of sec. 302 were repealed by sec. 604 of the International Development and Food Assistance Act of 1978 (Public Law 95–424; 92 Stat. 961).

[297] Subsec. (i) was added by sec. 505 of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94–392).

[298] Supplemental Appropriations Act, 1977 (Public Law 95–26; 91 Stat. 66):

"For an additional amount for "International organizations and programs", $31,000,000: *Provided,* That of the funds appropriated under this paragraph, $3,000,000 shall be allocated for a contribution to the International Atomic Energy Agency to strengthen the Agency's safeguards program."

[299] 22 U.S.C. 2223.

[300] For text, see page 542.

[301] Sec. 304, as added by the FA Act of 1967, was repealed by sec. 604 of the International Development and Food Assistance Act of 1978 (Public Law 95–424; 92 Stat. 961).

[302] 22 U.S.C. 2225. Sec. 305 was added by sec. 54 of the FA Act of 1974, which inserted it at the end of pt. III, chap. 3. Sec. 313(b) of Public Law 94–161 reinserted it at the end of pt. I, chap. 3.

Sec. 306.[304] Reports on International Organizations.—(a) The annual reports to the Congress under section 2 of the Act of September 21, 1950 (64 Stat. 902; 22 U.S.C. 262a), shall be submitted within nine months after the end of the fiscal year to which they relate.

(b) [305] (1) The President shall submit semiannual reports to the Congress listing all voluntary contributions by the United States Government to international organizations. One of the semiannual reports shall be submitted no later than July 1 and shall list all contributions made during the first six months of the then current fiscal year. The other semiannual report shall be submitted no later than January 1 and shall list all contributions made during the last six months of the preceding fiscal year. Each such report shall specify the Government agency making the voluntary contribution, the international organization to which the contribution was made, the amount and form of the contribution, and the purpose of the contribution. Contributions shall be listed on both an agency-by-agency basis and an organization-by-organization basis.

(2) In order to facilitate the preparation of the report required by paragraph (1), the head of any Government agency which makes a voluntary contribution to any international organization shall promptly report that contribution to the Director of the Office of Management and Budget.

(3) As used in this subsection the term "contribution" means any contribution of any kind, including the furnishing of funds or other financial support, services of any kind (including the use of experts or other personnel) or commodities, equipment, supplies, or other material.

Sec. 307.[306, 307] Withholding of United States Proportionate Share for Certain Programs of International Organizations.—(a)

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[303] This sentence was added by sec. 118(b) of the International Development and Food Assistance Act of 1977 (Public Law 95–88; 91 Stat. 540).

[304] 2 U.S.C. 2226. Sec. 306 was added by sec. 703 of the International Security and Development Cooperation Act of 1980 (Public Law 96–533; 94 Stat. 3157).

[305] Pursuant to Executive Order 12374 (July 28, 1982; 47 F.R. 32903), the functions vested in the President under subsec. (b)(1) were delegated, to the Secretary of State. Such Executive Order also instructed the Director of OMB to furnish the Secretary of State with those reports received by the Director pursuant to subsec. (b)(2).

[306] 22 U.S.C. 2227.

[307] Sec. 307 was added by sec. 403 of the International Security and Development Cooperation Act of 1985 (Public Law 99–83; 99 Stat. 219).

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Notwithstanding any other provision of law, none of the funds authorized to be appropriated by this chapter shall be available for the United States proportionate share for programs for the South-West Africa People's Organization, Libya, Iran, Cuba, or the Palestine Liberation Organization or for projects whose purpose is to provide benefits to the Palestine Liberation Organization or entities associated with it.

(b) The Secretary of State—

(1) shall review, at least annually, the budgets and accounts of all international organizations receiving payments of any funds authorized to be appropriated by this chapter; and

(2) shall report to the appropriate committees of the Congress the amounts of funds expended by each such organization for the purposes described in subsection (a) and the amount contributed by the United States to each such organization.

Chapter 4—Supporting Assistance [308] [Repealed—1972]

Chapter 5—Contingencies [309]

Sec. 451. [310] **Contingencies.**[309]—(a) [311] (1) Notwithstanding any other provision of law, the President is authorized to use not to exceed $10,000,000 of funds made available in any fiscal year to carry out any provision of this Act (other than the provisions of chapter 1 of this part) in order to provide, for any emergency purposes, assistance authorized by this part in accordance with the provisions applicable to the furnishing of such assistance.

(2) The President shall report promptly to the Speaker of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate each time he exercises the authority contained in this subsection.

(b) [312] * * * [Repealed—1981]

Foreign Assistance and Related Programs Appropriations Act, 1987 (sec. 101(f) of the Continuing Appropriations Act, 1987; Public Law 99-591; 100 Stat. 3341) provides:

"Sec. 52 Notwithstanding any other provision of law or this Act, none of the funds provided for 'International organizations and programs' shall be available for the United States proportionate share for any programs for the Palestine Liberation Organization, the Southwest Africa Peoples Organization, Libya, Iran, or, at the discretion of the President, Communist countries listed in section 620(f) of the Foreign Assistance Act of 1961, as amended."

[308] Sec. 202(b) of the FA Act of 1971 repealed ch. 4 of pt. I. This subject matter is now covered under ch. 4 of pt. II of this Act, Economic Support Fund.

[309] Sec. 2 of the International Security Assistance Act of 1979 (Public Law 96-92; 93 Stat. 701) changed the title of ch. 5 and sec. 451 from "Contingency Fund" to "Contingencies". Previously, sec. 503(1) of Public Law 94-329 substituted "Contingency Fund" for "Disaster Relief" in the title of ch. 5 while sec. 2(1) of Public Law 93-333 changed the title of ch. 5 from "Contingency Fund" to "Disaster Relief".

[310] 22 U.S.C. 2261. Sec. 451 was amended by sec. 28(c) of the FA Act of 1974. It formerly read as follows: "SEC. 451. CONTINGENCY FUND—(a) There is authorized to be appropriated to the President for each of the fiscal years 1974 and 1975 not to exceed $30,000,000, to provide assistance authorized by this part primarily for disaster relief purposes, in accordance with the provisions applicable to the furnishing of such assistance. (b) The President shall provide quarterly reports to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Speaker of the House of Representatives on the programing and the obligation of funds under subsection (a)."

[311] Subsec. (a) was amended and restated by sec. 2 of the International Security Assistance Act of 1979 (Public Law 96-92; 93 Stat. 701).

[312] Subsec. (b), which had required a quarterly report from the President concerning the programing and obligation of funds under this section, was repealed by sec. 734(a)(1) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560).

(c) No part of this fund shall be used to pay for any gifts to any officials of any foreign government made heretofore or hereafter.[313]

Chapter 6—Central America Democracy, Peace, and Development Initiative [314, 315]

Sec. 461.[314, 316] Statement of Policy.—(a) The Congress finds that—

(1) the building of democracy, the restoration of peace, the improvement of living conditions, and the application of equal justice under law in Central America are important to the interests of the United States and the community of American States; and

(2) the interrelated issues of social and human progress, economic growth, political reform, and regional security must be effectively dealt with to assure a democratic and economically and politically secure Central America.

(b)(1) The achievement of democracy, respect for human rights, peace, and equitable economic growth depends primarily on the cooperation and the human and economic resources of the people and governments of Central America. The Congress recognizes that the United States can make a significant contribution to such peaceful and democratic development through a consistent and coherent policy which includes a long-term commitment of assistance. This policy should be designed to support actively—

(A) democracy and political reform, including opening the political process to all members of society;

(B) full observance of internationally recognized human rights, including free elections, freedom of the press, freedom of association, and the elimination of all human rights abuses;

(C) leadership development, including training and educational programs to improve public administration and the administration of justice;

(D) land reform, reform in tax systems, encouragement of private enterprise and individual initiative, creation of favorable investment climates, curbing corruption where it exists, and spurring balanced trade;

(E) the establishment of the rule of law and an effective judicial system; and

(F) the termination of extremist violence by both the left and the right as well as vigorous action to prosecute those guilty of crimes and the prosecution to the extent possible of past offenders.

(2) The policy described in paragraph (1) should also promote equitable economic growth and development, including controlling

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[313] Sec. 452, which was added by sec. 2(2) of the Foreign Disaster Assistance Act of 1974 (Public Law 93-333) and formerly appeared at this point, was redesignated as sec. 494 by Sec. 101(4) of Public Law 94-161 (89 Stat. 849).

[314] Chapter 6, Sections 461 through 466 were added by sec. 701 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83, 99 Stat. 234).

[315] Previously, ch. 6 and ch. 7 (as added by the FA Act of 1966), were repealed by sec. 604 of the International Development and Food Assistance Act of 1978 (Public Law 95-424; 92 Stat. 961). Chapter 6 was previously titled: "Assistance to Countries Having Agrarian Economies".

[316] 22 U.S.C. 2271.

the flight of capital and the effective use of foreign assistance and adhering to approved programs for economic stabilization and fiscal responsibility. Finally, this policy should foster dialog and negotiations—

(A) to achieve peace based upon the objectives of democratization, reduction of armament, an end to subversion, and the withdrawal of foreign military forces and advisers; and

(B) to provide a security shield against violence and intimidation.

(3) It is the purpose of this chapter to establish the statutory framework and to authorize the appropriations and financing necessary to carry out the policy described in this section.

(c) The Congress finds, therefore, that the people of the United States are willing to sustain and expand a program for economic and military assistance in Central America if the recipient countries can demonstrate progress toward and a commitment to these goals

Sec. 462.[314, 317] **Conditions on Furnishing Assistance.**—The President shall ensure that assistance authorized by this Act and the Arms Export Control Act to Central American countries is furnished in a manner which fosters demonstrated progress toward and commitment to the objectives set forth in section 461. Where necessary to achieve this purpose, the President shall impose conditions on the furnishing of such assistance. In carrying out this section, the President shall consult with the Congress in regard to progress toward the objectives set forth in section 461, and any conditions imposed on the furnishing of assistance in furtherance of those objectives.

Sec. 463.[314, 318] **Peace Process in Central America.**—The Congress—

(1) strongly supports the initiatives taken by the Contadora group and the resulting Document of Objectives which has been agreed to by Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua and which sets forth a framework for negotiating a peaceful settlement to the conflict and turmoil in the region; and

(2) finds that the United States should provide such assistance and support as may be appropriate in helping to reach comprehensive and verifiable final agreements, based on the Document of Objectives, which will ensure peaceful and enduring solutions to the Central American conflicts.

Sec. 464.[314, 319] **Economic Assistance Coordination.**—(a) The Congress finds that participation by Central American countries in an effective forum for dialog on, and the continuous review and advancement of, Central America's political, economic, and social development would foster cooperation between the United States and Central American countries.

(b) It is the sense of the Congress that—

(1) the President should enter into negotiations with the countries of Central America to establish a Central American

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[317] 22 U.S.C. 2272.
[318] 22 U.S.C. 2273.
[319] 22 U.S.C. 2274.

Development Organization (hereafter in this section referred to as the "Organization") to help provide a continuous and coherent approach to the development of the Central American region; and

(2) the establishment of the Organization should be based upon the following principles:

(A) Participation in the Organization should be open to the United States, other donors, and those Central American countries that commit themselves to, among other things, respecting internationally recognized human rights, building democracy, and encouraging equitable economic growth through policy reforms.

(B) The Organization should be structured to include representatives from both the public and private sectors, including representatives from the labor, agriculture, and business communities.

(C) The Organization should meet periodically to carry out the functions described in subparagraphs (D) and (E) of this paragraph and should be supported by a limited professional secretariat.

(D) The Organization should make recommendations affecting Central American countries on such matters as—

"(i) political, economic, and social development objectives, including the strengthening of democratic pluralism and the safeguarding of internationally recognized human rights;

"(ii) mobilization of resources and external assistance needs; and

"(iii) reform of economic policies and structures.

(E) The Organization should have the capacity for monitoring country performance on recommendations issued in accordance with subparagraph (D) of this paragraph and for evaluating progress toward meeting such country objectives.

(F) To the maximum extent practicable, the United States should follow the recommendations of the Organization in disbursing bilateral economic assistance for any Central American country. No more than 75 percent of such United States assistance in any fiscal year should be disbursed until the recommendations of the Organization for that fiscal year have been made final and communicated to the donor countries. The limitation on disbursements contained in the preceding sentence should apply only to recommendations made final and communicated to donor countries prior to the fourth quarter of such fiscal year. The United States representative to the Organization should urge other donor countries to similarly implement the recommendations of the Organization.

(G) The administrator of the agency primarily responsible for administering part I of this Act, or his designee, should represent the United States Government in the Organization and should carry out his functions in that capacity under the continuous supervision and general direction of the Secretary of State.

(c) Subject to subsection (d)(2), the President is authorized to participate in the Organization.

(d)(1) The administrator of the agency primarily responsible for administering part I of this Act, under the supervision and direction of the Secretary of State, shall prepare a detailed proposal to carry out this section and shall keep the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate fully and currently informed concerning the development of this proposal.

(2) The President shall transmit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a copy of the text of any agreement, which he proposes to sign, that would provide for the establishment of and United States participation in the Organization no less than sixty days prior to his signature. During that sixty-day period there shall be full and formal consultations with and review by those committees in accordance with procedures applicable to reprogramming notifications pursuant to section 634A [320] of this Act.

Sec. 465. [321] **Authorization for Fiscal Years 1988 and 1989.**—(a) In addition to amounts otherwise available for such purposes, there are authorized to be appropriated to the President, for the purpose of furnishing nonmilitary assistance for Central American countries, $1,200,000,000 for each of the fiscal years 1988 and 1989, which are authorized to remain available until expended.

(b) For the purpose of providing the assistance described in subsection (a), funds appropriated pursuant to the authorizations in that subsection may be transferred by the President for obligation in accordance with the authorities of part I of this Act (including chapter 4 of part II), the Peace Corps Act, the Migration and Refugee Assistance Act of 1962, the United States Information and Education Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, the National Endowment for Democracy Act, and the State Department Basic Authorities Act of 1956.

Sec. 466.[322] **Definitions.**—For the purposes of this chapter, the term "Central American countries" includes Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama, and regional programs which benefit such countries.

Chapter 7—Joint Commissions on Rural Development [315] * * * [Repealed—1978]

Chapter 8—International Narcotics Control [323]

Sec. 481.[324] **International Narcotics Control.**—(a) [325] (1) It is the sense of the Congress that—

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[320] See p. 22 for text.

[321] 22 U.S.C. 2275.

[322] 22 U.S.C. 2276.

[323] Ch. 8 was added by sec. 109 of the FA Act of 1971. Note that the Foreign Assistance and Related Programs Appropriations Act, 1987 (Sec. 101(f) of the Continuing Appropriations Act, 1987, Public Law 99-591, 100 Stat. 3341), provides as follows:

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TITLE II—BILATERAL ECONOMIC ASSISTANCE

Economic support fund: For necessary expenses to carry out the provisions of chapter 4 of part II, $3,550,000,000 including such funds as may be made available in fiscal year 1987 for Economic support funds for Central American countries through final enactment of section 205 of H.R. 5052:

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Provided further, That up to $20,000,000 of the funds made available by this paragraph may be provided to countries that are receiving "International Narcotics Control" assistance and that have made substantial progress in illicit drug control efforts: *Provided, further,* That all funds made available pursuant to the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations and that such notifications shall contain an explantion of the progress in illicit drug control that has been made by the recipient country:

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TITLE V—GENERAL PROVISIONS

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SEC. 526. None of the funds appropriated or otherwise made available under this Act may be available for any country during any three-month period beginning on or after October 1, 1986, immediately following a certification by the President to the Congress that the government of such country is failing to take adequate measures to prevent narcotic drugs or other controlled substances (as listed in the schedules in section 202 of the Comprehensive Drug Abuse and Prevention Control Act of 1971 (21 U.S.C. 812)) which are cultivated, produced, or processed illicitly, in whole or in part, in such country, or transported through such country from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents or from entering the United States unlawfully.

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SEC. 536. Of the funds made available by this Act for Jamaica and Peru, not more than 50 per centum of the funds made available for each country shall be obligated unless the President determines and reports to the Congress that the Governments of these countries are sufficiently responsive to the United States Government concerns on drug control and that the added expenditures of the funds for that country are in the national interest of the United States: *Provided,* That this provision shall not be applicable to funds made available to carry out section 481 of the Foreign Assistance Act of 1961: *Provided further,* That assistance may be provided to Bolivia for fiscal year 1987, under chapter 2 (relating to grant military assistance), chapter 4 (relating to the economic support fund), and chapter 5 (relating to international military education and training) of part II of the Foreign Assistance Act of 1961, and under chapter 2 of the Arms Export Control Act (relating to foreign military sales financing), only in accordance with the provisions of section 611 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83) as amended by section 2011 of H.R. 5484 as passed by the Senate on September 30, 1986.

Additionally, the Omnibus Drug Supplemental Appropriations Act of 1987 (sec. 101(n), title II, chapter II, of the Continuing Appropriations Act, 1987; Public Law 99-591, 100 Stat. 3341) provides the following:

* * * * * * *

INTERNATIONAL NARCOTICS CONTROL.

For an additional amount to carry out the provisions of section 481 of the Foreign Assistance Act of 1961, 53,000,000: *Provided,* That of this amount $45,000,000 shall be made available only in accordance with the provisions of section 2001(2) of H.R. 5484, as passed in the Senate on September 30, 1986: Provided further, That funds made available by this paragraph shall be available through the regular notification procedures of the Committee on Appropriations.

[324] 22 U.S.C. 2291. Sec. 481 was added by sec. 109 of the FA Act of 1971. Sec. 503 of the Foreign Relations Authorization Act of 1972 amended sec. 481 and added sec. 482. Sec. 481 formerly read as follows:

"It is the sense of the Congress that effective international cooperation is necessary to put an end to the illicit production, trafficking in, and abuse of dangerous drugs. In order to promote such cooperation, the President is authorized to conclude agreements with other countries to facilitate control of the production, processing, transportation, and distribution of narcotic analgesics, including opium and its derivatives, other narcotic drugs and psychotropics and other controlled substances as defined in the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91-513). Notwithstanding any other provision of law, the President is authorized to furnish assistance to any country or international organization, on such terms and conditions as he may determine, for the control of the production of, processing of, and traffic in, narcotic and psychotropic drugs. In furnishing such assistance the President may use any of the funds made available to carry out the provisions of this Act. The President shall suspend economic and military assistance furnished under this or any other Act, and shall suspend sales under the Foreign Military Sales Act and under title I of the Agriculture Trade Development and Assistance Act of 1954 with respect to any country when the President determines that the government of such country has failed to take adequate steps to prevent narcotic drugs and other controlled substances (as defined by the Comprehensive Drug Abuse Prevention and Con-

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(A) under the Single Convention on Narcotic Drugs, 1961, each signatory country has the responsibility of limiting to licit purposes the cultivation, production, manufacture, sale, and other distribution of scheduled drugs;

(B) the international community should provide assistance, where appropriate, to those producer and transit countries which require assistance in discharging these primary obligations;

(C) international narcotics control programs should include, as a priority, the progressive elimination of the illicit cultivation of the crops from which narcotic and psychotropic drugs are derived, and should also include the suppression of the illicit manufacture of and traffic in narcotic and psychotropic drugs; and

(D) effective international cooperation is necessary to control the illicit cultivation, production, and smuggling of, trafficking in, and abuse of narcotic and psychotropic drugs.

This cooperation should include the development and transmittal of plans by each signatory country to the Single Convention on Narcotic Drugs, 1961, in which illicit narcotics and psychotropic crop cultivation exists, which would advise the International Narcotics Control Board, the United Nations Commission on Narcotic Drugs, and the international community of the strategy, programs, and timetable such country has established for the progressive elimination of that cultivation.

(2) In order to promote such cooperation, the President is authorized to conclude agreements with other countries to facilitate control of the production, processing, transportation, and distribution of narcotics analgesics, including opium and its derivatives, other narcotic and psychotropic drugs, and other controlled substances.

(3) [326] In order to promote international cooperation in combatting international trafficking in illicit narcotics, it shall be the policy of the United States to use its voice and vote in multilateral development banks to promote the development and implemenation in the major illicit drug producing countries of programs for the reduction and eventual eradication of narcotic drugs and other controlled substances, including appropriate assistance in conjuction with effective programs of illicit crop eradication.

(4) Notwithstanding any other provision of law, the President is authorized to furnish assistance to any country or international organization, or such terms and conditions as he may determine, for the control of narcotic and psychotropic drugs and other controlled substances.

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trol Act of 1970) produced or processed, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents, or from entering the United States unlawfully. Such suspension shall continue until the President determines that the government of such country has taken adequate steps to carry out the purposes of this chapter."

Under the FA Act of 1971, funds to implement sec. 481 were available from any funds made available to carry out this Act.

[325] Subsection designation "(a)" and subsec. (b) were added by sec. 11(a) of the FA Act of 1973. Subsec. (a) was subsequently amended by sec. 1003(a) of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (Public Law 98-164; 97 Stat. 1053).

[326] Para. (3) was added by sec. 2017 of Public Law 99-570 (100 Stat. 3207). Sec. 2017 redesignated the previous para. (3) as para. (4).

(b)[325, 327] (1) Not later than 45 days after the end of each calendar quarter, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a report on the programming and obligation, on a calendar basis, of funds under this chapter prior to the end of that quarter. The last such report for each fiscal year shall include the aggregate obligations and expenditures made, and the types and quantity of equipment provided, on a calendar quarter basis, prior to end of that fiscal year—

(A) to carry out the purposes of this chapter with respect to each country and each international organization receiving assistance under this chapter, including the cost of the United States personnel engaged in carrying out such purposes in each such country and with each such international organization;

(B) to carry out each program conducted under this chapter in each country and by each international organization, including the cost of United States personnel engaged in carrying out each such program; and

(C) for administrative support services within the United States to carry out the purposes of this chapter, including the cost of United States personnel engaged in carrying out such purposes in the United States.

(2) Not later than August 1 of each year, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a complete and detailed midyear report on the activities and operations carried out under this chapter prior to such date. Such midyear report shall include, but not be limited to, the status of each agreement concluded prior to such date with other countries to carry out the purposes of this chapter.

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[327] Subsec. (b) was amended by sec. 604 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat 228). It previously read:

"(b) (1) Not later than forty-five days after the date on which each calendar quarter of each year ends, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a report on the programming and obligation, on a calendar quarter basis, of funds under this chapter prior to such date.

"(2) Not later than forty-five days after the date on which the second calendar quarter of each year ends and not later than forty-five days after the date on which the fourth calendar quarter of each year ends, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a complete and detailed semiannual report on the activities and operations carried out under this chapter prior to such date. Such semiannual report shall include, but shall not be limited to—

"(A) the status of each agreement concluded prior to such date with other countries to carry out the purposes of this chapter; and

"(B) the aggregate of obligations and expenditures made, and the types and quantity of equipment provided, on a calendar quarter basis, prior to such date—

"(i) to carry out the purposes of this chapter with respect to each country and each international organization receiving assistance under this chapter including the cost of United States personnel engaged in carrying out such purposes in each such country and with such international organization;

"(C) international narcotics control programs should include, as a priority, the progressive elimination of the illicit cultivation of the crops from which narcotic and psychotropic drugs are derived, and should also include the suppression of the illicit manufacture of and traffic in narcotic and psychotropic drugs; and

"(D) effective international cooperation is necessary to control the illicit cultivation, production, and smuggling of, trafficking in and abuse of narcotic and psychotropic drugs."

(c)[328] (1) No officer or employee of the United States may directly effect an arrest in any foreign country as part of any foreign police action with respect to narcotics control efforts, notwithstanding any other provision of law. This paragraph does not prohibit an officer or employee from assisting foreign officers who are effecting an arrest.

(2) Unless the Secretary of State, in consultation with the Attorney General, has determined that the application of this paragraph with respect to that foreign country would be harmful to the national interests of the United States, no officer or employee of the United States may engage or participate in any direct police arrest action in a foreign country with respect to narcotics control efforts, notwithstanding any other provision of law. Nothing in paragraph (1) shall be construed to allow United States officers or employees to engage or participate in activities prohibited by this paragraph in a country with respect to which this paragraph applies.

(3) Paragraphs (1) and (2) do not prohibit an officer or employee from taking direct action to protect life or safety if exigent circumstances arise which are unanticipated and which pose an immediate threat to United States officers or employees, officers or employees of a foreign government, or members of the public.

(4) With the agreement of a foreign country, paragraphs (1) and (2) shall not apply with respect to maritime law enforcement operations in the territorial sea of that country.

(5) No officer or employee of the United states may interrogate or be present during the interrogation of any United States person arrested in any foreign country with respect to narcotics control efforts without the written consent of such person.

(6) This subsection shall not apply to the activities of the United States Armed Forces in carrying out their responsibilities under applicable Status of Forces arrangements.

(d)[329] (1) The Secretary of State shall inform the Secretary of Health and Human Services of the use or intended use by any country or international organization of any herbicide to eradicate marihuana in a program receiving assistance under this chapter.

(2) The Secretary of Health and Human Services shall monitor the impact on the health of persons who may use or consume marihuana of the spraying of a herbicide to eradicate such marihuana in a program receiving assistance under this chapter, and if the Secretary determines that such persons are exposed to amounts of such herbicide which are harmful to their health, the Secretary shall prepare and transmit a report to the Congress setting forth such determination together with any recommendations the Secretary may have.

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[328] Subsec. (c) was comprehensively amended and restated by sec. 2009 of Public Law 99-570 (100 Stat. 3207). Subsec. (c), the "Mansfield Amendment", was originally added by sec. 504(b) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329; 90 Stat. 764).

[329] Subsec. (d), as added by sec. 4 of Public Law 95-384 (92 Stat. 730) and amended by sec. 3(b) of Public Law 96-92 (93 Stat. 702), was amended and restated by sec. 502(a)(1) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1538). Sec. 502(a) (2) and (3) of Public Law 97-113 also stipulated the conditions under which funds appropriated prior to enactment of this amendment could be utilized generally, and specifically in the case of assistance for Colombia appropriated in fiscal year 1980. See page 353 for complete text of these conditions.

(3)[330] Of the funds authorized to be appropriated for the fiscal year 1982 under section 482, the President is urged to use not less than $100,000 to develop a substance that clearly and readily warns persons who may use or consume marihuana that it has been sprayed with the herbicide paraquat or other herbicide harmful to the health of such person.

(4)[330] If the Secretary of Agriculture determines that a substance has been developed that clearly and readily warns persons who may use or consume marihuana that it has been sprayed with the herbicide paraquat or other herbicide harmful to the health of such persons, such substance shall be used in conjunction with the spraying of paraquat or such other herbicide in any program receiving assistance under this chapter.

(e) [331] (1) Not later than March [331a] 1 of each year, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a report on United States policy to establish and encourage an international strategy to prevent the illicit cultivation and manufacture of and traffic in narcotic and psychotropic drugs and other controlled substances.

(2)(A) Each report pursuant to this subsection shall describe the policies adopted, agreements concluded, and programs implemented by the Department of State in pursuit of its delegated responsibilities for international narcotics control, including policy development, bilateral and multilateral funding and other support for international narcotics control projects, representations of the United States Government to international organizations and agencies concerned with narcotics control, training of foreign enforcement personnel, coordination of the international narcotics control activities of United States Government agencies, and technical assistance to international demand reduction programs.

(B) Each such report shall also describe the activities of the United States in international financial institutions to combat the entry of illicit narcotic and psychotropic drugs and other controlled substances into the United States.

(C) Each such report shall describe the activities for the fiscal year just ended, for the current fiscal year, and for the next fiscal year.

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[330] Sec. 502(a)(4) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1539) provides that pars. (3) and (4) of sec. 481 "shall apply only to the extent provided in advance in an appropriations Act. For such purpose, the funds described in those paragraphs are authorized to be made available for the purposes specified in those paragraphs."

[331] Subsec. (e), as added by sec. 502(b) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1539), was amended and restated by sec. 1003(b) of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (Public Law 98-164; 97 Stat. 1053). Para. (6) was added by sec. 606 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 229).

Sec. 804 of Public Law 99-570 (100 Stat. 3207), provides as follows:

"SEC. 804. THE PROGRESS REPORTS.—The President shall include as a part of the annual report required under section 481(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 229(e)(1)) an evaluation of progress that each major drug producing country and each major drug-transit country has made during the reporting period in achieving the objectives set forth in section 802(b)."

[331a] Sec. 2005(b) of Public Law 99-570 (100 Stat. 3207) substituted the word "March" in lieu of "February."

(3) Each such report shall identify those countries which are the significant direct or indirect sources of illicit narcotic and psychotropic drugs and other controlled substances significantly affecting the United States. For each such country, each report shall include the following:

(A) A detailed status report, with such information as can be reliably obtained, on the illicit narcotic or psychotropic drugs or other controlled substances which are being cultivated, produced, or processed in or transported through such country, noting significant changes in conditions, such as increases or decreases in the illicit cultivation and manufacture of and traffic in such drugs and substances.

(B) A description of the assistance under this chapter and the other kinds of United States assistance which such country received in the preceding fiscal year, which are planned for such country for the current fiscal year, and which are proposed for such country for the next fiscal year, with an analysis of the impact that the furnishing of each such kind of assistance has had or is expected to have on the illicit cultivation and manufacture of and traffic in narcotic and psychotropic drugs and other controlled substances in such country.

(C) A description of the plans, programs, and timetables adopted by such country for the progressive elimination of the illicit cultivation of narcotic and psychotropic drugs and other controlled substances, and a discussion of the adequacy of the legal and law enforcement measures taken and the accomplishments achieved in accord with these plans.

(D) [332] A discussion of the extent to which such country has cooperated with the United States narcotics control efforts through the extradition or prosecution of drug traffickers, and, where appropriate, a description of the status of negotiations with such country to negotiate a new or updated extradition treaty relating to narcotics offenses.

(4) In addition, each report pursuant to this subsection shall include, for each major illicit drug producing country for which the President is proposing to furnish United States assistance for the next fiscal year, a determination by the President of the maximum reductions in illicit drug production which are achievable during the next fiscal year. Such determination shall be based upon (A) the measures which the country is currently taking, and the measures which the country has planned for the next fiscal year, in order to prevent narcotic and psychotropic drugs and other controlled substances from being cultivated, produced, or processed illicitly, in whole or in part in such country, from being transported through such country to United States Government personnel or their dependents, or from entering the United States unlawfully, and (B) the other information provided pursuant to this subsection.

(5) For each major illicit drug producing country which received United States assistance for the preceding fiscal year, each report pursuant to this subsection shall set forth the actual reductions in

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[332] Subparagraph (D) was added by sec. 2008 of Public Law 99-570 (100 Stat. 3207).

illicit drug production achieved by that country during such fiscal year.

(6) [331] Each report pursuant to this subsection shall describe the involvement of any foreign government (including any communist government) in illicit drug trafficking during the preceding fiscal year, including—

(A) the direct or indirect involvement of such government (or any official thereof) in the production, processing, or shipment of narcotic and psychotropic drugs and other controlled substances, and

(B) any other activities of such government (or any official thereof) which have facilitated illicit drug trafficking.

(f) [333] As soon as possible after the transmittal of the report required by subsection (e), the designated representatives of the President shall initiate appropriate consultations with members of the Committee on Foreign Relations of the Senate and members of the Committee on Foreign Affairs of the House of Representatives. Such consultations shall include in-person discussions by designated representatives of the President (including the Assistant Secretary of State for International Narcotics Control and appropriate representatives of the Department of Health and Human Services, the Department of the Treasury, the Department of Defense, the Department of Justice, and the Agency for International Development) to review the worldwide illicit drug production situation and the role that United States assistance to major illicit drug producing countries, and United States contributions to international financial institutions, have in combating the entry of illicit narcotic and pyschotropic drugs and other controlled substances into the United States. Such consultation shall include, with respect to each major illicit drug producing country for which the President is proposing to furnish United States assistance for the next fiscal year, the furnishing of—

(1) a description of the nature of the illicit drug production problem;

(2) an analysis of the climatic, geographic, political, economic, and social factors that affect the illicit drug production;

(3) a description of the methodology employed to determine the maximum achievable reductions in illicit drug production described pursuant to subsection (e)(4); and

(4) an analysis of any additional United States assistance that would be required to achieve those reductions.

The chairman of the Committee on Foreign Relations and the chairman of the Committee on Foreign Affairs shall each cause the substance of each consultation to be printed in the Congressional Record.

(g) [333] After consultations have been initiated pursuant to subsection (f), the Committee on Foreign Relations and the Committee on Foreign Affairs should hold a hearing to review the report submitted pursuant to subsection (e), especially the determinations described in subsection (e)(4). The hearing shall be open to the public unless the committee determines, in accordance with the rules of its House, that the hearing should be closed to the public.

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[333] Subsecs. (f), (g), (i), and (j) were added by sec. 1003(b) of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (Public Law 98-164; 97 Stat. 1053).

(h)[333a] (1) Subject to paragraph (2), for every major illicit drug producing country or major drug-transit country—

(A) 50 percent of United States assistance allocated for such country notified to Congress in the report required under section 653(a) of this Act shall be withheld from obligation and expenditure; and

(B) on or after March 1, 1987, and on March 1 of each succeeding year, the Secretary of the Treasury shall instruct the United States Executive Director of the International Bank for Reconstruction and Development, the United States Executive Director of the International Development Association, the United States Executive Director of the Inter-American Development Bank, and the United States Executive Director of the Asian Development Bank to vote against any loan or other utilization of the funds of their respective institution to or for such country.

(2)(A) The assistance withheld by paragraph (1)(A) may be obligated and expended and the provisions of paragraph (1)(B) shall not apply if the President determines, and so certifies to the Congress, at the time of the submission of the report required by subsection (e), that—

(i) during the previous year the country has cooperated fully with the United States, or has taken adequate steps on its own, in preventing narcotic and psychotropic drugs and other controlled substances produced or processed, in whole or in part, in such country or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents or from being transported, directly or indirectly, into the United States and in preventing and punishing the laundering in that country of drug-related profits or drug-related monies; or

(ii) for a country that would not otherwise qualify for certification under subclause (i), the vital national interests of the United States require the provision of such assistance, or

(B) If the President makes a certification pursuant to clause (A)(ii), he shall include in such certification—

(i) a full and complete description of the vital national interests placed at risk should assistance or financing not be provided such country; and

(ii) a statement weighing the risk described in subclause (i) against the risks posed to the vital national interests of the United States by the failure of such country to cooperate fully with the United States in combating narcotics or to take adequate steps to combat narcotics on its own.

(3) In making the certification required by paragraph (2) of this subsection, the President shall give foremost consideration to whether the actions of the government of the country have resulted in the maximum reductions in illicit drug production which

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[333a] Subsec. (h) was comprehensively amended and restated by sec. 2005(a) of Public Law 99-570 (100 Stat. 3207).

were determined to be achievable pursuant to subsection (e)(4). The President shall also consider whether such government—

(A) has taken the legal and law enforcement measures to enforce in its territory, to the maximum extent possible, the elimination of illicit cultivation and the suppression of illicit manufacture of and traffic in narcotic and psychotropic drugs and other controlled substances, as evidenced by seizures of such drugs and substances and of illicit laboratories and the arrest and prosecution of violators involved in the traffic in such drugs and substances significantly affecting the United States; and

(B) has taken the legal and law enforcement steps necessary to eliminate, to the maximum extent possible, the laundering in that country of drug-related profits or drug-related monies, as evidence by—

(i) the enactment and enforcement of laws prohibiting such conduct, and

(ii) the willingness of such government to enter into mutual legal assistance agreements with the United States governing (but not limited to) money laundering, and

(iii) the degree to which such government otherwise cooperates with United States law enforcement authorities on anti-money laundering efforts.

(4)(A) The provisions of paragraph (1) shall apply without regard to paragraph (2) if the Congress enacts, within 30 days of continuous session after receipt of a certification under paragraph (2), joint resolution disapproving the determination of the President contained in such certification.

(B)(i) Any such joint resolution shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(ii) For the purpose of expediting the consideration and enactment of joint resolution under this subsection, a motion to proceed to the consideration of any such joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

(5) Any country for which the President has not made a certification under paragraph (2) or with respect to which the Congress has enacted a joint resolution disapproving such certification may not receive United States assistance as defined by subsection (i)(4) of this section or the financing described in paragraph (1)(B) of this subsection unless—

(A) the President makes a certification under paragraph (2) and the Congress does not enact a joint resolution of disapproval; or

(B) the President submits at any other time a certification of the matters described in paragraph (2) with respect to such country and the Congress enacts, in accordance with the procedures of paragraph (4), a joint resolution approving such certification.

(i) [333] As used in this section—

(1) the term "legal and law enforcement measures" means—

(A) the enactment and implementation of laws and regulations or the implementation of existing laws and regulations to provide for the progressive control, reduction, and gradual elimination of the illicit cultivation, production, processing, transportation, and distribution of narcotic drugs and other controlled substances; and

(B) the effective organization, staffing, equipping, funding, and activation of those governmental authorities responsible for narcotics control;

(2) the term "major illicit drug producing country" means a country producing five metric tons or more of opium or opium derivative during a fiscal year or producing five hundred metric tons or more of coca or marijuana (as the case may be) during a fiscal year;

(3) the term "narcotic and psychotropic drugs and other controlled substances" has the same meaning as is given by any applicable international narcotics control agreement or domestic law of the country of countries concerned;

(4) the term "United States assistance" means assistance of any kind which is provided by grant, sale, loan, lease, credit, guaranty, or insurance, or by any other means, by any agency or instrumentality of the United States Government to any foreign country, including—

(A) assistance under this Act (including programs under title IV of chapter 2 of this part);

(B) sales, credits, and guaranties under the Arms Export Control Act;

(C) sales under title I or III and donations under title II of the Agricultural Trade Development and Assistance Act of 1954 of nonfood commodities;

(D) other financing programs of the Commodity Credit Corporation for export sales of nonfood commodities; and

(E) financing under the Export-Import Bank Act of 1945;

except that the term "United States assistance" does not include (i) international narcotics control assistance under this chapter, (ii) disaster relief assistance (including any assistance under chapter 9 of this part), (iii) assistance which involves the provision of food or medicine, (iv) assistance for refugees, (v) assistance under the Inter-American Foundation Act, (vi)[334] assistance from the Child Survival Fund section 1049(c)(2) of this Act, or (vii) activities authorized pursuant to the National Security Act of 1947 (50 U.S.C. 410 et seq.), the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.), or Executive order Number 12333 (December 4, 1981); and

(5)[335] the term "major drug-transit country" means a country—

(A) that is a significant direct source of illicit narcotic or psychotropic drugs or other controlled substances significantly affecting the United States;

(B) through which are transported such drugs or substances; or

(C) through which significant sums of drug-related profits or monies are laundered with the knowledge or complicity of the government.

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[334] The text of "(vi)" was added by sec. 2005(d) of Public Law 99-570 (100 Stat. 3207).

[335] Paragraph (5) was added by sec. 2005(c)(3) of Public Law 95-570 (100 Stat. 3207).

(j) [333] The Department of State shall encourage the International Narcotics Control Board and the United Nations Commission on Narcotic Drugs to take such actions as are appropriate and necessary to secure from signatory countries to the Single Convention on Narcotic Drugs, 1961, the plans described in this section, and to obtain reports from such countries on their achievements under such plans.

Sec. 482.[336] **Authorization.**—(a) [337] (1) To carry out the purposes of section 481, there are authorized to be appropriated to the President $57,529,000 for the fiscal year 1986 and $75,445,000 for the fiscal year 1987.[338, 339] In addition to the amounts authorized by the preceding sentence, there are authorized to be appropriated to the President $45,000,000 for the fiscal year 1987 to carry out the purposes of section 481, except that funds may be appropriated pursuant to this additional authorization only if the President has submitted to the Congress a detailed plan for the expenditure of those funds, including a description of how regional cooperation on narcotics control matters would be promoted by the use of those funds. Of the funds authorized to be appropriated by the preceding sentence, not less that $10,000,000 shall be available only to provide helicopters or other aircraft to countries receiving assistance for fiscal year 1987 under this chapter. These funds shall be used primarily for aircraft which will be based in Latin America for use for narcotics control eradication and interdiction efforts throughout the region. These aircraft shall be used solely for narcotics control, eradication, and interdiction efforts.

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[336] 22 U.S.C. 2291a. Sec. 482, as added by sec. 503 of the Foreign Relations Authorization Act of 1972, was amended and restated by sec. 3 of the International Security Assistance Act of 1977 (Public Law 95-92; 91 Stat. 614). It formerly read as follows:

"Sec. 482. Authorization.—To carry out the purposes of section 481, there are authorized to be appropriated to the President $42,500,000 for each of the fiscal years 1974 and 1975, $40,000,000 for the fiscal year 1976, no part of which may be obligated for or on behalf of any country where illegal traffic in opiates has been a significant problem unless and until the President determines and certifies in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate that assistance furnished to such country pursuant to the authority in this chapter is significantly reducing the amount of illegal opiates entering the international market, and not to exceed $34,000,000 for the fiscal year 1977. Amounts appropriated under this section are authorized to remain available until expended."

[337] Subsection designation "(a)" and the text of subsec. (b) were added by sec. 5(b) of the International Security Assistance Act of 1978 (Public Law 95-384; 92 Stat. 731). Subsec. (a) was further amended and restated by sec. 3 of the International Security Assistance Act of 1979 (Public Law 96-92; 93 Stat. 701); and further amended by Sec. 402(a) of the International Security and Development Cooperation Act of 1980 (Public Law 96-533; 94 Stat. 3149). The 1980 amendment, in addition to other changes in subsection (a), struck out a paragraph which had earmarked $16 million for Colombia during fiscal year 1980 for a variety of items used in the interdiction of drug traffic. In reference to this deleted provision, sec. 402(c) of Public Law 96-533 stated:

"(c) Notwithstanding the provisions of section 482(a)(2) of the Foreign Assistance Act of 1961 as in effect immediately prior to the enactment of this Act, funds appropriated for the fiscal year 1980 to carry out the purposes of section 481 of that Act which were obligated for assistance for Colombia may be used for fixed-wing aircraft, communications equipment, and such other equipment and operational support, including aviation services, as are essential to the Colombian anti-narcotics enforcement program."

Subsec. (a) was further amended and restated when sec. 502(c) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1539) substituted the authorization levels for fiscal years 1982 and 1983 in lieu of the figure for fiscal year 1981 and deleted a paragraph limiting the fiscal year 1981 U.S. contribution to the U.N. Fund for Drug Abuse Control to $3,000,000 or 50 percent of total contributions, whichever is less.

Para. (3) subsec. (a) was added by sec. 614 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83, 99 Stat. 231).

[338] Sec. 602 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 228), added the authorizations for fiscal year 1986 and 1987. The authorization amount for 1987 was subsequently amended by sec. 401 of Public Law 99-529 and by sec. 2002(1) of Public Law 99-570 (100 Stat. 3207).

Authorizations under sec. 482 during recent years included the following: Fiscal year 1975—$42,500,000; Fiscal year 1976—$40,000,000; Fiscal year 1977—$34,000,000; Fiscal year 1978—$39,000,000; Fiscal year 1979—$40,000,000; Fiscal year 1980—$51,758,000; Fiscal year 1981—$38,573,000; Fiscal year 1982—$37,700,000; Fiscal year 1983—$37,700,000; Fiscal year 1984—$47,000,000; Fiscal year 1985—no authorization.

Foreign Assistance and Related Programs Appropriations Act, 1987 (sec. 101(f) of Public Law 99-591, 100 Stat. 3341) provides:

INTERNATIONAL NARCOTICS CONTROL

"For necessary expenses to carry out the provisions of section 481, $65,445,000, notwithstanding section 10 of Public Law 91-672 and section 15(a) of the State Department Basic Authorities Act of 1956."

In addition, sec. 101(n), title II, Chapter II of Public Law 99-570 provides a supplemental appropriation of $53,000,000. For text see footnote 323.

[339] The text of of subsec. (a)(1) following this note was added by sec. 2002(2) of Public Law 99-570 (100 Stat. 3207).

(2) Amounts appropriated under this subsection are authorized to remain available until expended.

(3) [337] Funds authorized to be appropriated by this section for fiscal year 1986 and for fiscal year 1987 may be used for a contribution to the United Nations Fund for Drug Abuse Control only if that organization includes in its crop substitution projects a plan for cooperation with the law enforcement forces of the host country.".

(b) [337] Funds authorized to be appropriated by this section shall not be made available for the procurement of weapons or ammunition under this chapter.

(c) [340] Notwithstanding section 1415 of the Supplemental Appropriation Act, 1953, section 508 of the General Government Matters, Department of Commerce, and Related Agencies Appropriation Act, 1962, and section 105 of the Agricultural Trade Development and Assistance Act of 1954, up to the equivalent of $10,000,000 in currencies or credits of the Government of Pakistan held by the United States shall, to such extent as may be provided in an appropriation Act, be available to the President for the fiscal year 1981 (and shall remain available until expended) to carry out the purposes of section 481 through assistance to the Government of Pakistan. Notwithstanding any other provision of law, the availability or expenditure of such foreign currencies shall not affect or reduce appropriations otherwise available to carry out the administration of the international narcotics control program.

(d) [341] Assistance may be provided under this chapter to a foreign country only if the country provides assurances to the President, and the President is satisfied, that the country will provide at least 25 percent of the costs of any narcotics control program, project, or activity for which such assistance is to be provided. The costs borne by the country may include "in-kind" contributions.

Sec. 483.[342] **Prohibition on Use of Foreign Assistance for Reimbursements for Drug Crop Eradications.**—Funds made available to carry out this Act may not be used to reimburse persons whose illicit drug crops are eradicated.

Sec. 484. [343] **Retention of Title to Aircraft.**—Any aircraft which, at any time after the enactment of this section, are made available to a foreign country under this chapter, or are made available to a foreign country primarily for narcotics-related purposes under any other provision of law, shall be provided only on a lease or loan basis.

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[340] Subsec. (c) was added by sec. 402(b) of the International Security and Development Cooperation Act of 1980 (Public Law 96-533; 94 Stat. 3149).

[341] Subsec. (d) was added by sec. 608 of Public Law 99-83, 99 Stat. 229.

[342] Sec. 483 was added by sec. 609 of Public Law 99-83, 99 Stat. 230.

[343] Sections 484 and 485 were added by sec. 2003 of Public Law 99-570 (100 Stat. 3207).

Sec. 485.[343] **Records of Aircraft Use.**—(a) REQUIREMENT TO MAINTAIN RECORDS.—The Secretary of State shall maintain detailed records on the use of any aircraft made available to a foreign country under this chapter, including aircraft made available before the enactment of this section.

(b) CONGRESSIONAL ACCESS TO RECORDS.—The Secretary of State shall make the records maintained pursuant to subsection (a) available to the Congress upon a request of the Chairman of the Committee on Foreign Affairs of the House of Representatives or the Chairman of the Committee on Foreign Relations of the Senate.

Chapter 9—International Disaster Assistance [344]

Sec. 491.[345] [346] **Policy and General Authority.**—(a) The Congress, recognizing that prompt United States assistance to alleviate human suffering caused by natural and manmade disasters is an important expression of the humanitarian concern and tradition of the people of the United States, affirms the willingness of the United States to provide assistance for the relief and rehabilitation of people and countries affected by such disasters.

(b) Subject to the limitations [347] in section 492, and notwithstanding any other provision of this or any other Act, the President is authorized to furnish assistance to any foreign country, international organization, or private voluntary organization,[348] on such terms and conditions as he may determine, for international disaster relief and rehabilitation, including assistance relating to disaster preparedness, and to the prediction of, and contingency planning for, natural disasters abroad.

(c) In carrying out the provisions of this section the President shall insure that the assistance provided by the United States shall, to the greatest extent possible, reach those most in need of relief and rehabilitation as a result of natural and manmade disasters.

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[344] Sec. 101(1) of Public Law 94-161 (89 Stat. 849) substituted chapter heading "International Disaster Assistance" in lieu of "Refugee Relief Assistance".

[345] Former sec. 491, which was added by sec. 109 of the FA Act of 1971, was repealed by sec. 101(2) of Public Law 94-161 (89 Stat. 849). It formerly read as follows:

"Sec. 491. Refugee Relief Assistance.—There is authorized to be appropriated to the President for the fiscal year 1972, in addition to funds otherwise available for such purposes, not to exceed $250,000,000, to remain available until expended, for use by the President in providing assistance for the relief and rehabilitation of refugees from East Pakistan and for humanitarian relief in East Pakistan. Such assistance shall be distributed, to the maximum extent practicable, under the auspices of and by international institutions and relief agencies or United States voluntary agencies."

[346] 22 U.S.C. 2292. Sec. 491 was added by sec. 101(3) of Public Law 94-161 (80 Stat. 849).

[347] The words "on appropriations" which previously appeared at this point, were struck out by sec. 404(b) of the International Security and Development Cooperation Act of 1980 (Public Law 96-533; 94 Stat. 3150).

[348] The words, "international organization, or private voluntary organization," were substituted in lieu of "or international organization" by Sec. 118(a) of the International Development and Food Assistance Act of 1978 (Public Law 95-424; 92 Stat. 953).

Sec. 492.[349] **Authorization.**—(a) [350] There are authorized to be appropriated to the President to carry out section 491, $25,000,000 for the fiscal year 1986 and $25,000,000 for the fiscal year 1987.[351] Amounts appropriated under this section are authorized to remain available until expended.[352]

(b) [350] In addition to amounts otherwise available to carry out this chapter, up to $50,000,000 in any fiscal year may be obligated against appropriations under this part (other than this chapter) for use in providing assistance in accordance with the authorities and general policies of section 491. Amounts subsequently appropriated under this chapter with respect to a disaster may be used to reimburse any appropriation account against which obligations were incurred under this subsection with respect to that disaster.

Sec. 493.[353] **Disaster Assistance—Coordination.**—The President is authorized to appoint a Special Coordinator for International Disaster Assistance whose responsibility shall be to promote maximum effectiveness and coordination in responses to foreign disasters by United States agencies and between the United States and other donors. Included among the Special Coordinator's responsibilities shall be the formulation and updating of contingency plans for providing disaster relief.

Sec. 494.[354] **Disaster Relief Assistance.**—There is authorized to be appropriated, in addition to other sums available for such purposes, $65,000,000 for use by the President for disaster relief and emergency recovery needs in Pakistan, and Nicaragua, under such terms and conditions as he may determine, such sums to remain available until expended.

Sec. 494A.[355] **Famine and Disaster Relief to Drought-Stricken African Nations.**—* * * [Repealed—1978]

Sec. 494B.[356] **African Development Program.**—* * * [Redesignated—1977]

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[349] 22 U.S.C. 2292a. Sec. 492 was added by sec. 101(3) of Public Law 94-161 (89 Stat. 849).

[350] The subsection designation "(a)" and a new subsec. (b) were added by sec. 404(a) of the International Security and Development Cooperation Act of 1980 (Public Law 96-533; 94 Stat. 3150).

[351] The authorization figures for fiscal years 1986 and 1987 were substituted by sec. 404 of the International Security and Development Cooperation Act of 1985. (Public Law 99-83; 99 Stat. 219). Authorizations under Sec. 492 in recent years included the following: fiscal year 1979—$25,000,000; fiscal year 1980—$21,800,000; fiscal year 1981—$25,000,000; fiscal year 1982—$27,000,000; fiscal year 1983—$27,000,000; fiscal year 1984—$25,000,000; fiscal year 1985—no authorization.

The Foreign Assistance and Related Programs Appropriations Act, 1987 (sec. 101(f) of the Continuing Appropriations Act, 1987), Public Law 99-591, 100 Stat. 3341, provides:

"International disaster assistance: For necessary expenses to carry out the provisions of section 491, $70,000,000 to remain available until expended: *Provided*, That not less than $50,000,000 shall be available only for earthquake relief, reconstruction, and rehabilitation in El Salvador, notwithstanding section 10 of Public Law 91-672 and section 15(a) of the State Department Basic Authorities Act of 1956."

[352] A sentence which called for a quarterly report on the programming and obligation of funds under Sec. 492 and had previously appeared at this point, was struck by Sec. 118(b)(2) of the International Development and Food Assistance Act of 1978 (Public Law 95-424; 92 Stat. 953).

[353] 22 U.S.C. 2292b, Sec. 493 was added by Sec. 101(3) of Public Law 94-161 (89 Stat. 849).

[354] 22 U.S.C. 2292c. Former Sec. 452, which was added by Sec. 2(2) of the Foreign Disaster Assistance Act of 1974 (Public Law 93-333), was redesignated as Sec. 494 by Sec. 101(4) of Public Law 94-161 (89 Stat. 849).

[355] Sec. 494A, which was originally added as sec. 639A by the FA Act of 1973 and subsequently redesignated as sec. 494A by Public Law 94-161 (89 Stat. 849), was repealed by Sec. 604 of the International Development and Food Assistance Act of 1978 (Public Law 95-424; 92 Stat. 961).

[356] Sec. 494B, as originally added as sec. 639B of this Act by the FA Act of 1973 and later redesignated as sec. 494B in 1975, was subsequently redesignated as sec. 120 (Sahel Development Program—Planning) by sec. 115 of Public Law 95-88 (91 Stat. 539).

Sec. 495.[357] **Cyprus Relief and Rehabilitation.**—The President is authorized to furnish assistance, on such terms and conditions as he may determine, for the relief and rehabilitation of refugees and other needy people in Cyprus. There is authorized to be appropriated for the purposes of this section, in addition to amounts otherwise available for such purposes, $40,000,000.[358] Such amount is authorized to remain available until expended. Assistance under this section shall be provided in accordance with the policy and general authority contained in section 491.

Sec. 495A.[359] **Guatemala Relief and Rehabilitation.**—* * * [Repealed—1978]

Sec. 495B.[360] **Italy Relief and Rehabilitation.**—(a) In addition to amounts otherwise available for such purpose, there is authorized to be appropriated $25,000,000 for the fiscal year 1976 to furnish assistance under this chapter for the relief and rehabilitation of the people who have been victimized by the recent earthquake in Italy. Amounts appropriated under this section are authorized to remain available until expended.

(b) [361] There are authorized to be appropriated to the President $30,000,000 for the fiscal year 1978 for relief, rehabilitation, and reconstruction assistance, in accordance with the provisions of section 491 and on such terms and conditions as he may determine, for the people who have been victimized by the recent earthquakes in Italy. Amounts appropriated under this subsection are authorized to remain available until expended.

(c) Obligations incurred prior to the date of enactment of this section against other appropriations or accounts for the purpose of providing relief and rehabilitation assistance to the people of Italy may be charged to the appropriations authorized under this section.

(d) [362] (1) The Congress recognizes that prompt United States assistance is necessary to alleviate the human suffering arising from

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[357] 22 U.S.C. 2292f. Sec. 495 was added by sec. 101(8) of Public Law 94-161 (89 Stat. 849).

[358] Sec. 402 of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329; 90 Stat. 757) substituted "$40,000,000" in lieu of "$30,000,000".

FA Appropriations Act, 1976: "Cyprus relief and rehabilitation: For necessary expenses to carry out the provisions of section 495, $25,000,000."

For "Cyprus relief and rehabilitation" for the period July 1, 1976, through Sept. 30, 1976, $5,000,000.

[359] Sec. 495A, as added by Public Law 94-276 (90 Stat. 397), was repealed by sec. 604 of the International Development and Food Assistance Act of 1978 (Public Law 95-424; 92 Stat. 961).

[360] 22 U.S.C. 2292h. Sec. 495B was added by sec. 415 of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329; 90 Stat. 761).

[361] Sec. 120 of the International Development and Food Assistance Act of 1977 (Public Law 95-88; 91 Stat. 541) redesignated subsec. (b) as subsec. (c) and added this new subsec. (b).

FA Appropriations Act, 1978:

"Italy relief and rehabilitation assistance: For necessary expenses to carry out the provisions of section 495B, $25,000,000."

[362] Subsec. (d) was added by Public Law 96-525 (94 Stat. 3043).

The full $50,000,000 authorized in this subsection for Italian earthquake disaster assistance was appropriated by Public Law 96-536, the continuing resolution providing foreign aid funds for fiscal year 1981. This $50,000,000 was designated as an earmarking out of the total of $73,000,000 appropriated in fiscal year 1981 for international disaster assistance. The FA Appropriations, 1982, also provided that of the $27,000,000 made available under sec. 491, "not less than $10,000,000 shall be used for earthquake relief and reconstruction in southern Italy." The FA Appropriations Act, 1984 (sec. 101(b)(1) of the Further Continuing Appropriations Act, 1984) further provided that out of the $25,000,000 made available under sec. 491, "$10,000,000 shall be used only for earthquake relief and reconstruction in southern Italy, which amount may be derived either from amounts appropriated to carry out the provisions of section 491 of the Foreign Assistance Act of 1961 or from up to $10,000,000 of amounts heretofore appropriated pursuant to

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the earthquakes in southern Italy in late 1980. Accordingly, there are authorized to be appropriated to the President, in addition to amounts otherwise available for such purpose, $50,000,000 for the fiscal year 1981 for relief, rehabilitation, and reconstruction assistance for the victims of those earthquakes. Such assistance shall be provided in accordance with the policies and general authorities of section 491 and on such terms and conditions as the President may determine.

(2) Amounts appropriated under this subsection are authorized to remain available until expended.

(3) Obligations incurred against other appropriations or accounts for the purpose of providing relief, rehabilitation, and reconstruction assistance for the victims of the late 1980 earthquakes in southern Italy may be charged to appropriations, enacted after those obligations were incurred, for assistance for that purpose under this chapter.

Sec. 495C.[363] **Lebanon Relief and Rehabilitation.**—(a) The Congress, recognizing that prompt United States assistance is necessary to alleviate the human suffering arising from the civil strife in Lebanon and to restore the confidence of the people of Lebanon, authorizes the President to furnish assistance, on such terms and conditions as he may determine, for the relief and rehabilitation of refugees and other needy people in Lebanon.

(b) There is authorized to be appropriated to the President for the purposes of this section, in addition to amounts otherwise available for such purposes, $20,000,000, which amount is authorized to remain available until expended.[364]

(c) Assistance under this section shall be provided in accordance with the policies and general authority contained in section 491.

(d) Obligations incurred prior to the date of enactment of this section against other appropriations or accounts for the purpose of providing relief and rehabilitation assistance to the people of Lebanon may be charged to the appropriations authorized under this section.

(e)[365] * * * [Repealed—1978]

Sec. 495D.[366] **Romanian Relief and Rehabilitation.**—(a) The Congress, recognizing that prompt United States assistance is necessary to alleviate the human suffering arising from recent earthquakes in Romania, authorizes the President to furnish assistance, on such terms and conditions as he may determine, for the relief and rehabilitation of refugees and other earthquake victims in Romania.

(b) There are hereby authorized to be appropriated to the President for the fiscal year 1977, notwithstanding any other provisions

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chapter 4 of part II of such Act for Syria which are, if deobligated, hereby continued available for the purposes of section 491 or for other programs for Italy consistent with sections 103 through 106 of such Act."

[363] 22 U.S.C. 2292i. Sec. 495C was added by sec. 416 of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329; 90 Stat. 762).

[364] FA Appropriations Act, 1977: "For necessary expenses to carry out the provisions of section 495C, $20,000,000."

[365] Subsec. (e), which called for a quarterly report on programing and obligation of funds under sec. 495C and had previously appeared at this point, was repealed by sec. 502(d)(1) of the International Development and Food Assistance Act of 1978 (Public Law 95-424; 92 Stat. 959).

[366] 22 U.S.C. 2292j. Sec. 495D was added by Public Law 95-21 (91 Stat. 48).

of this Act, in addition to amounts otherwise available for such purposes, not to exceed $20,000,000, which amount is authorized to remain available until expended.[367]

(c) Assistance under this section shall be provided in accordance with the policies and general authority contained in section 491.

(d) Obligations incurred prior to the date of enactment of this section against other appropriations or accounts for the purpose of providing relief and rehabilitation assistance to the people of Romania may be charged to the appropriations authorized under this section.

(e)[368] * * * [Repealed—1981]

(f) Nothing in this section shall be interpreted as endorsing any measure undertaken by the Government of Romania which would suppress human rights as defined in the Conference on Security and Co-operation in Europe (Helsinki) Final Act and the United Nations Declaration on Human Rights, or as constituting a precedent for or commitment to provide United States development assistance to Romania, and the Romanian Government shall be so notified when aid is furnished under this section.

Sec. 495E.[369] Turkey Relief, Rehabilitation, and Reconstruction.—The President is requested to use up to $10,000,000 of the funds made available under section 492 of this Act to provide relief, rehabilitation, and reconstruction assistance to the victims of the recent earthquakes in Turkey.

Sec. 495F.[370] African Rehabilitation and Resettlement.—(a) The Congress recognizes that United States assistance is necessary to help developing countries in Africa meet the longer term rehabilitation and resettlement needs of displaced persons and other innocent victims of civil strife. Therefore, the President is authorized to furnish assistance, on such terms and conditions as he may determine, for the longer term rehabilitation and resettlement needs of such victims. Funds for this purpose should be used to assist African governments in providing semipermanent housing, potable water supply systems, and sanitary facilities which are generally not provided by existing refugee relief agencies.

(b) There are authorized to be appropriated to the President for the purposes of this section, in addition to amounts otherwise available for such purposes, $15,000,000 for the fiscal year 1981.[371] Amounts appropriated under this subsection are authorized to remain available until expended.

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[367] FA Appropriations Act, 1978:

"Sec. 601. For expenses necessary to carry out the provisions of section 495D of the Foreign Assistance Act of 1961, as amended, $13,000,000 for the fiscal year 1977 for Romanian relief and rehabilitation assistance, to remain available until expended."

[368] Subsec. (e), which had required a quarterly report from the President on the programing and obligation of funds under this section, was repealed by sec. 734(a)(1) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560).

[369] 22 U.S.C. 2292k. Sec. 495E was originally added as sec. 495D by sec. 121 of the International Development and Food Assistance Act of 1977 (Public Law 95–88; 91 Stat. 541). It was redesignated as sec. 495E by sec. 119(1) of the International Development and Food Assistance Act of 1978 (Public Law 95–424; 92 Stat. 953).

[370] 22 U.S.C. 2292l. Sec. 495F, as added by sec. 119(2) of the International Development and Food Assistance Act of 1978 (Public Law 95–424; 92 Stat. 953), was amended and restated by sec. 405 of the International Security and Development Cooperation Act of 1980 (Public Law 96–533; 94 Stat. 3150). It formerly read as follows:

"Sec. 495F. ASSISTANCE TO AFRICAN REFUGEES.—The President is authorized to furnish assistance, on such terms and conditions as he may determine, exclusively for the relief and rehabilitation of African refugees and other needy people located in Africa. There is authorized to be appropriated for the fiscal year 1980 for purposes of this section in addition to amounts otherwise available for such purposes, $14,920,000, which amount is authorized to remain available until expended. Assistance under this section shall be provided in accordance with the policies and general authorities contained in section 491."

(c) Assistance under this section shall be provided in accordance with the policies and general authorities contained in section 491.

Sec. 495G.[372] Special Caribbean Hurricane Relief Assistance.—The President is authorized to furnish assistance, on such terms and conditions as he may determine, for disaster relief and reconstruction in the Caribbean to assist in alleviating the human suffering caused by recent hurricanes in that region. In addition to amounts otherwise available for such purposes, there is authorized to be appropriated for purposes of this section $25,000,000 for the fiscal year 1980, which amount is authorized to remain available until expended.[373] Assistance under this section shall be provided in accordance with the policies and general authorities contained in section 491.

Sec. 495H.[374] Cambodian Disaster Relief Assistance.—(a) The Congress recognizes that prompt United States assistance is necessary to alleviate the human suffering arising from famine and disease in Cambodia. Accordingly, the President is authorized to furnish assistance, on such terms and conditions as he may determine, for disaster relief to alleviate the suffering of the victims of famine and disease in Cambodia. Assistance provided under this section shall be for humanitarian purposes and limited to the civilian population, with emphasis on providing food, medicine and medical care, clothing, temporary shelter, transportation for emergency supplies and personnel, and similar assistance to save human lives.

(b) Assistance provided under this section or any other provision of law to alleviate the human suffering caused by famine and disease in Cambodia shall be provided, to the maximum extent practicable, through international agencies and private voluntary organizations such as (among others) the World Relief Committee, World Medical Missions, Inc., Cama Services, World Vision, Food for the Hungry, Thailand Baptist Mission, Catholic Relief Services, Oxfam, and the International Rescue Committee.

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[371] Authorizations under sec. 495F during recent years included the following: fiscal year 1979—$15,000,000; fiscal year 1980—$14,920,000.

During fiscal year 1981, foreign assistance programs operated pursuant to a series of continuing resolutions. The last continuing resolution (H.J. Res. 644; Public Law 96–536) provided (with several exceptions) such amounts as may be necessary for continuing projects or activities "which were conducted in fiscal year 1980 and would be provided for in H.R. 7854, the Foreign Assistance and Related Programs Appropriation Act, 1981, as reported July 29, 1980, at a rate of operations not in excess of the rate which would have been provided under the terms of the conference report (House Report 96–787), and in accordance with associated agreements stated in the Joint Explanatory Statements of the Committee of Conference, accompanying H.R. 4473 * * *" (this conference report was never approved by Congress). H.R. 4473 provided the following: "Assistance to African refugees: For necessary expenses to carry out the provisions of section 495F, $14,250,000: *Provided*, That these funds shall be transferred to the Office of Refugee Programs of the Department of State for obligation and expenditure."

[372] 22 U.S.C. 2292m. Sec. 495G was added by Public Law 96–109 (93 Stat. 842). Such Act also stated that priority should be given to furnishing agricultural commodities under Public Law 480 to this hurricane affected area.

[373] The Supplemental Appropriation and Rescission Bill, 1980 (Public Law 96–304; 94 Stat. 873) contained $10 million intended for special Caribbean hurricane disaster relief.

[374] 22 U.S.C. 2292n. Sec. 495H was added by sec. 2 of Public Law 96–110 (93 Stat. 843). Sec. 4 of such Act also required a report from the President by Jan. 12, 1980 regarding total costs of the U.S. Government and State and local governments of domestic and foreign assistance to refugees during fiscal years 1980 and 1981. Subsequently, sec. 1011(a)(4) of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (Public Law 98–164; 97 Stat. 1061) repealed sec. 4 of Public Law 96–110.

(c)(1) In providing assistance under this section, the President shall satisfy himself that adequate procedures have been established to ensure that such assistance reaches the innocent victims of famine and disease for whom it is intended. Such procedures shall include end use monitoring of deliveries on a periodic basis by individuals having freedom of movement where the assistance is being distributed within Cambodia.

(2)[375] * * * [Repealed—1981]

(d)(1) In addition to amounts otherwise available for such purposes, there is authorized to be appropriated for purposes of this section $30,000,000 for the fiscal year 1980, which amount is authorized to remain available until expended.[376]

(2) Obligations incurred, prior to the enactment of appropriations to carry out this section, against other appropriations or accounts for the purpose of alleviating the human suffering caused by famine and disease in Cambodia may be charged to the appropriations authorized by paragraph (1) of this subsection.

(3) The President may exercise the authority of section 610(a) of this Act (without regard to the 20 percent limitation contained in that section on increases in accounts) in order to transfer, for use in carrying out this section, up to $30,000,000 of the funds made available for the fiscal year 1980 to carry out other provisions of this Act.

(4) Priority shall be given in allocating assistance under the Agricultural Trade Development and Assistance Act of 1954 to furnishing agricultural commodities for use in carrying out this section.

(e) Assistance under this section shall be provided in accordance with the policies and utilizing the general authorities provided in section 491.

Sec. 495I.[377] Assistance for Displaced Persons in Central America.—(a)(1) The Congress recognizes that prompt United States assistance is necessary to help meet the basic human needs of persons displaced by strife in El Salvador. Therefore, the President is authorized to furnish assistance, on such terms and conditions as he may determine, to help alleviate the suffering of these displaced persons. Assistance provided under this section shall be for humanitarian purposes, with emphasis on the provision of food, medicine, medical care, and shelter and, where possible, implementation of other relief and rehabilitation activities. The Congress encourages the use, where appropriate of the services of private and voluntary organizations and international relief agencies in the provision of assistance under this section.

(2) The Congress understands that the country of Belize has expressed interest and willingness in the resettlement in its territory of Haitian nationals who desire to settle in Belize. Therefore, the President is authorized to furnish assistance, on such terms and

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[375] Par. (2), which had required a report by the President that adequate procedures have been established ensure that the assistance provided under this section is reaching the innocent victims of famine and disease for whom it is intended, was repealed by sec. 734(1) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560). Such report was submitted on Feb. 11, 1980.

[376] The Supplemental Appropriation and Rescission Bill, 1980 (Public Law 96-304; 94 Stat. 873) included $30 million intended for Cambodian Disaster Relief Assistance.

[377] 22 U.S.C. 2292o. Sec. 4951 was added by sec. 504 of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1540).

conditions as he may determine, to assist the Government of Belize in the resettlement of Haitian nationals in the national territory of Belize.

(b) There are authorized to be appropriated to the President for the purposes of this section, in addition to amounts otherwise available for such purposes, $5,000,000 for the fiscal year 1982 and $5,000,000 for the fiscal year 1983.[378] Amounts appropriated under this section are authorized to remain available until expended.

(c) Assistance under this section shall be provided in accordance with the policies and utilizing the general authorities provided in section 491.

Sec. 495J.[379] Lebanon Emergency Relief, Rehabilitation, and Reconstruction Assistance.—(a) The Congress recognizes that prompt United States assistance is necessary to alleviate the human suffering and resettlement needs of the innocent victims of recent strife in Lebanon. Therefore, the President is authorized to furnish assistance, on such terms and conditions as he may determine, for the relief, rehabilitation, and reconstruction needs of such victims. Assistance provided under this section shall emphasize the provision of food, medicine, clothing, shelter, and water supply systems, and similar efforts to ameliorate the suffering of the people in Lebanon.

(b) In addition to amounts otherwise available for such purpose, there is authorized to be appropriated to the President $50,000,000 to carry out this section. Amounts appropriated under this subsection are authorized to remain available until expended.

(c) Assistance under this section shall be furnished in accordance with the policies and general authorities contianed in section 491.

Sec. 495K.[380] African Famine Assistance.—

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[378] FA Appropriations, 1982, provided that out of the $473 million in funds for migration and refugee assistance during fiscal year 1982, "$5,000,000 of this amount shall be used for assistance for persons displaced by strife in El Salvador as provided in H.R. 3566 as reported May 19, 1981." Under the provisions of the Further Continuing Appropriations Act, 1983 (Public Law 97-377), which continued funding for foreign assistance at the rates and under the terms and conditions provided in the FA Appropriations Act, 1982, with exceptions, no prior year earmarking of funds under the "Migration and Refugee Assistance" account would apply.

[379] 22 U.S.C. 2292p. Sec. 495J was added by Public Law 97-208 (96 Stat. 138). The Supplemental Appropriations Act, 1982 (Public Law 97-257; 96 Stat. 818 at 833) included the following:

"LEBANON EMERGENCY RELIEF

"(TRANSFER OF FUNDS)

"For expenses necessary to carry out the provisions of section 495J of the Foreign Assistance Act of 1961, $50,000,000 which shall be derived by transfer from the Department of State, 'Migration and Refugee Assistance', to remain available until expended: *Provided*, That of such amount not less than $10,000,000 shall be available only for the America University of Beirut."

[380] 22 U.S.C. 2292q. See 495K was added by sec. 2 of the African Relief and Recovery Act of 1985 (Public Law 99-8; 99 Stat. 21).

The Urgent Supplemental Appropriations, 1985—African Famine Relief (Public Law 99-10; 99 Stat. 27), provided the following amount:

"For an additional amount for international disaster assistance, $137,500,000 for emergency relief and recovery assistance for Africa, to be available only for such purpose and to remain available until March 31, 1986 *Provided*, That the Committee on Appropriations of each House of Congress is notified five days in advance of the obligation of any funds made available under this paragraph, unless the emergency is life threatening and immediate action is necessary.

"OPERATING EXPENSES

"Of the amount appropriated in this Act for 'International disaster' assistance, $2,500,000 shall be transferred to 'Operating expenses of the Agency for International Development' to be used for monitoring food and disaster assistance in Africa."

(d) Authorization of Assistance.—The President is authorized to provide assistance for famine relief, rehabilitation, and recovery in Africa. Assistance under this section shall be provided for humanitarian purposes and shall be provided on a grant basis. Such assistance shall include—

(1) relief, rehabilitation, and recovery projects to benefit the poorest people, including the furnishing of seeds for planting, fertilizer, pesticides, farm implements, farm animals and vaccine and veterinary services to protect livestock upon which people depend, blankets, clothing, and shelter, disease prevention and health care projects, water projects (including water purification and well-drilling), small-scale agricultural projects, and food protection and preservation projects; and

(2) projects to meet emergency health needs, including vaccinations.

(b) Uses of Funds.—

(1) Private and Voluntary Organizations and International Organizations.—Funds authorized to be appropriated by this section shall be used primarily for grants to private and voluntary organizations and international organizations.

(2) Emergency Health Projects.—A significant portion of the funds authorized to be appropriated by this section shall be used for emergency health projects pursuant to subsection (a)(2).

(3) Management Support Activities.—Of the amount authorized to be appropriated by this section, $2,500,000 shall be transferred to the "Operating Expenses of the Agency for International Development" account. These funds shall be used for management support activities associated with the planning, monitoring, and supervision of emergency food and disaster assistance provided in those countries in Africa described in section 5(a) of the African Famine Relief and Recovery Act of 1985.

(c) Authorization of Appropriations.—In addition to the amounts otherwise available for such purpose, there are authorized to be appropriated $137,500,000 for the fiscal year 1985 for use in providing assistance under this section.

(d) Policies and Authorities To Be Applied.—Assistance under this section, shall be furnished in accordance with the policies and general authorities contained in section 491.

Chapter 10—Assistance to Portugal and Portuguese Colonies in Africa Gaining Independence—* * * [Repealed—1985] [380a]

Sec. 496.[380a] **Assistance to Portugal and Portuguese Colonies in Africa Gaining Independence.**—* * * [Repealed—1985]

Sec. 497.[380] [381] **Balance of Payments Loan for Portugal.**—* * * [Repealed—1985]

[380a] Ch. 10 (Sec. 496), as added by sec. 53 of the FA Act of 1974, was repealed by sec. 1211(a)(4) of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 279).

[381] 22 U.S.C. 2294. Sec. 497, as added by sec. 4 of the International Security Assistance Act of 1977 (Public Law 95-92; 91 Stat. 614), was repealed by sec. 1211(a)(4) of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 279).

PART II

Chapter 1—Policy [382]

Sec. 501.[383] **Statement of Policy.**—The Congress of the United States reaffirms the policy of the United States to achieve international peace and security through the United Nations so that armed force shall not be used except for individual or collective self-defense. The Congress hereby finds that the efforts of the United States and other friendly countries to promote peace and security continue to require measures of support based upon the principle of effective self-help and mutual aid. It is the purpose of this part to authorize measures in the common defense against internal and external aggression, including the furnishing of military assistance, upon request, to friendly countries and international organizations. In furnishing such military assistance, it remains the policy of the United States to continue to exert maximum efforts to achieve universal control of weapons of mass destruction and universal regulation and reduction of armaments, including armed forces, under adequate safeguards to protect complying countries against violation and invasion.

The Congress recognizes that the peace of the world and the security of the United States are endangered so long as international communism and the countries it controls continue by threat of military action, by the use of economic pressure, and by internal subversion, or other means to attempt to bring under their domination peoples now free and independent and continue to deny the rights of freedom and self-government to peoples and countries once free but now subject to such domination.

It is the sense of the Congress that an important contribution toward peace would be made by the establishment under the Organization of American States of an international military force.

In enacting this legislation, it is therefore the intention of the Congress to promote the peace of the world and the foreign policy, security, and general welfare of the United States by fostering an improved climate of political independence and individual liberty, improving the ability of friendly countries and international organizations to deter or, if necessary, defeat Communist or Communist-supported aggression, facilitating arrangements for individual and collective security, assisting friendly countries to maintain internal security, and creating an environment of security and stability in the developing friendly countries essential to their more rapid social, economic, and political progress. The Congress urges that all other countries able to contribute join in a common undertaking to meet the goals stated in this part.

It is the sense of the Congress that in the administration of this part priority shall be given to the needs of those countries in danger of becoming victims of active Communist or Communist-supported aggression or those countries in which the internal security is threatened by Communist-inspired or Communist-supported internal subversion.[384]

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[382] Sec. 201(a) of the FA Act of 1963 struck out the words "SHORT TITLE AND" in the chapter heading which formerly read "Short Title and Policy".

[383] 22 U.S.C. 2301. Former sec. 502 was designated sec. 501 by sec. 201(a)(1) of the FA Act of 1967. Former sec. 501, which related to the short title, was repealed by sec. 201(b) of the FA Act of 1963.

Finally, the Congress reaffirms its full support of the progress of the members of the North Atlantic Treaty Organization toward increased cooperation in political, military, and economic affairs. In particular, the Congress welcomes the steps which have been taken to promote multilateral programs of coordinated procurement, research, development, and production of defense articles and urges that such programs be expanded to the fullest extent possible to further the defense of the North Atlantic area.

Sec. 502.[385] Utilization of Defense Articles and Services.—Defense articles and defense services [386] to any country shall be furnished solely for internal security, for legitimate self-defense, to permit the recipient country to participate in regional or collective arrangements or measures consistent with the Charter of the United Nations, or otherwise to permit the recipient country to participate in collective measures requested by the United Nations for the purpose of maintaining or restoring international peace and security,[387] or for the purpose of assisting foreign military forces in less developed friendly countries (or the voluntary efforts of personnel of the Armed Forces of the United States in such countries) to construct public works and to engage in other activities helpful to the economic and social development of such friendly countries. It is the sense of the Congress that such foreign military forces should not be maintained or established solely for civic action activities and that such civic action activities not significantly detract from the capability of the military forces to perform their military missions and be coordinated with and form part of the total economic and social development effort.

Sec. 502A.[388] Excess Defense Articles.—Excess defense articles shall be provided whenever possible rather than providing such articles by the procurement of new items.

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[384] This paragraph was added by sec. 201(a)(2) of the FA Act of 1967.

[385] 22 U.S.C. 2302. Former subsec. (a) of sec. 505 was redesignated sec. 502 by sec. 201(d)(1) of the FA Act of 1967.

[386] The words to this point were substituted for "UTILIZATION OF ASSISTANCE.—(a) Military assistance" by sec. 201(d)(2) of the FA Act of 1967.

[387] Sec. 201(c)(1) of the FA Act of 1965 struck out a colon and added the remainder of this section from this point.

[388] 22 U.S.C. 2303. Sec. 502A was added by sec. 12(a) of the FA Act of 1973.

Sec. 502B.[389] **Human Rights.**—(a)(1) [390] The United States shall, in accordance with its international obligations as set forth in the Charter of the United Nations and in keeping with the constitutional heritage and traditions of the United States, promote and encourage increased respect for human rights and fundamental freedoms throughout the world without distinction as to race, sex, language, or religion. Accordingly, a principal goal of the foreign policy of the United States shall be to promote the increased observance of internationally recognized human rights by all countries.

(2) [391] Except under circumstances specified in this section, no security assistance may be provided to any country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights. Security assistance may not be provided to the police, domestic intelligence, or similar law enforcement forces of a country, and licenses may not be issued under the Export Administration Act of 1979 [392] for the export of crime control and detection instruments and equipment to a country, the government of which engages in a consistent pattern of gross violations of internationally recognized human rights unless the President certifies in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate and the chairman of the Committee on Banking, Housing, and Urban Affairs of the Senate (when licenses are to be issued pursuant to the Export Administration Act of 1979), that extraordinary circumstances exist warranting provision of such assistance and issuance of such licenses. Assistance may not be provided under chapter 5 of this part to a country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights unless the President certifies in

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[389] 22 U.S.C. 2304. Sec. 502B, which was added by sec. 46 of the FA Act of 1974, was amended by sec. 301(a) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94–329; 90 Stat. 748), and by the Export Administration Amendments Act of 1985 (Public Law 99–64; 99 Stat. 156.) It formerly read as follows:

"Sec. 502B. Human Rights.—It is the sense of Congress that except in extraordinary circumstances, the President shall substantially reduce or terminate security assistance to any government which engages in a consistent pattern of gross violations of internationally recognized human rights, including torture or cruel, inhuman or degrading treatment or punishment; prolonged detention without charges; or other flagrant denials of the right to life, liberty, and the security of the person.

"(b) Whenever proposing or furnishing security assistance to any government falling within the provisions of paragraph (a), the President shall advise the Congress of the extraordinary circumstances necessitating the assistance.

"(c) In determining whether or not a government falls within the provisions of subsection (a), consideration shall be given to the extent of cooperation by such government in permitting an unimpeded investigation of alleged violations of internationally recognized human rights by appropriate international organizations, including the International Committee of the Red Cross and anybody acting under the authority of the United Nations or of the Organization of American States.

"(d) For purposes of this section, 'security assistance' means assistance under chapter 2 (military assistance) or chapter 4 (security supporting assistance) of this part, assistance under part V (Indochina Postwar Reconstruction) or part VI (Middle East Peace) of this Act, sales under the Foreign Military Sales Act, or assistance for public safety under this or any other Act."

[390] Par. (1) was amended and restated by sec. 6(a) of the International Security Assistance Act of 1978 (Public Law 95–384; 92 Stat. 731).

[391] The words "It is further the policy of the United States that," which previously appeared at this point, were struck by sec. 6(b) of the International Security Assistance Act of 1978 (Public Law 95–384; 92 Stat. 731).

[392] The reference to the Export Administration Act of 1979 was substituted in lieu of a reference to the Export Administration Act of 1969 by sec. 704 of the International Security and Development Cooperation Act of 1980 (Public Law 96–533; 94 Stat. 3157).

writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate that extraordinary circumstances exist warranting provision of such assistance.[393]

(3) In furtherance of paragraphs (1) and (2),[394] the President is directed to formulate and conduct international security assistance programs of the United States in a manner which will promote and advance human rights and avoid identification of the United States, through such programs, with governments which deny to their people internationally recognized human rights and fundamental freedoms, in violation of international law or in contravention of the policy of the United States as expressed in this section or otherwise.

(b) The Secretary of State shall transmit to the Congress, as part of the presentation materials for security assistance programs proposed for each fiscal year, a full and complete report, prepared with the assistance of the Assistant Secretary of State for Human Rights and Humanitarian Affairs,[395] with respect to practices regarding the observance of and respect for internationally recognized human rights in each country proposed as a recipient of security assistance. In determining whether a government falls within the provisions of subsection (a)(3) and in the preparation of any report or statement required under this section, consideration shall be given to—

(1) the relevant findings of appropriate international organizations, including nongovernmental organizations, such as the International Committee of the Red Cross; and

(2) the extent of cooperation by such government in permitting an unimpeded investigation by any such organization of alleged violations of internationally recognized human rights.

(c)(1) Upon the request of the Senate or the House of Representatives by resolution of either such House, or upon the request of the Committee on Foreign Relations of the Senate or the Committee on International Relations of the House of Representatives, the Secretary of State shall, within thirty days after receipt of such request, transmit to both such committees a statement, prepared with the assistance of the Assistant Secretary of State for Human Rights and Humanitarian Affairs,[395] with respect to the country designated in such request, setting forth—

(A) all the available information about observance of and respect for human rights and fundamental freedom in that country, and a detailed description of practices by the recipient government with respect thereto;

(B) the steps the United States has taken to—

(i) promote respect for and observance of human rights in that country and discourage any practices which are inimical to internationally recognized human rights, and

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[393] The final two sentences of par. (2) were added by sec. 6 of the International Security Assistance Act of 1978 (Public Law 95–384; 92 Stat. 731, 732).

[394] The words "paragraphs (1) and (2)," were substituted in lieu of "the foregoing policy" by sec. 6(e) of the International Security Assistance Act of 1978 (Public Law 95–384; 92 Stat. 732).

[395] Sec. 109(a)(3) of the Foreign Relations Authorization Act, fiscal year 1978 (Public Law 95–105; 91 Stat. 846) substituted the title designation of Assistant Secretary of State in lieu of Coordinator.

(ii) publicly or privately call attention to, and disassociate the United States and any security assistance provided for such country from, such practices;

(C) whether, in the opinion of the Secretary of State, notwithstanding any such practices—

(i) extraordinary circumstances exist which necessitate a continuation of security assistance for such country, and, if so, a description of such circumstances and the extent to which such assistance should be continued (subject to such conditions as Congress may impose under this section), and

(ii) on all the facts it is in the national interest of the United States to provide such assistance; and

(D) such other information as such committee or such House may request.

(2)(A) A resolution of request under paragraph (1) of this subsection shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(B) The term "certification", as used in section 601 of such Act, means, for the purposes of this subsection, a resolution of request of the Senate under paragraph (1) of this subsection.

(3) In the event a statement with respect to a country is requested pursuant to paragraph (1) of this subsection but is not transmitted in accordance therewith within thirty days after receipt of such request, no security assistance shall be delivered to such country except as may thereafter be specifically authorized by law from such country unless and until such statement is transmitted.

(4)(A) In the event a statement with respect to a country is transmitted under paragraph (1) of this subsection, the Congress may at any time thereafter adopt a joint resolution terminating, restricting, or continuing security assistance for such country. In the event such a joint resolution is adopted, such assistance shall be so terminated, so restricted, or so continued, as the case may be.

(B) Any such resolution shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(C) The term "certification", as used in section 601 of such Act, means, for the purposes of this paragraph, a statement transmitted under paragraph (1) of this subsection.

(D) For the purposes of this section—

(1) the term "gross violations of internationally recognized human rights" includes torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges and trial, causing the disappearance of persons by the abduction and clandestine detention of those persons,[396] and other flagrant denial of the right to life, liberty, or the security of person; and

(2) the term "security assistance" means—

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[396] The words "causing the disappearance of persons by the abduction and clandestine detention of those persons," were added by sec. 701(b) of the International Security and Development Cooperation Act of 1980 (Public Law 96-533; 94 Stat. 3156).

(A) assistance under chapter 2 (military assistance) or chapter 4 (economic support fund) [397] or chapter 5 (military education and training) or chapter 6 (peacekeeping operations) or chapter 8 (antiterrorism assistance) of this part; [398]

(B) sales of defense articles or services, extensions of credits (including participations in credits),[399] and guaranties of loans under the Arms Export Control Act; or

(C) any license in effect with respect to the export of defense articles or defense services to or for the armed forces, police, intelligence, or other internal security forces of a foreign country under section 38 of the Arms Export Control Act.[400]

(e) [401] Notwithstanding any other provision of law, funds authorized to be appropriated under part I of this Act may be made available for the furnishing of assistance to any country with respect to which the President finds that such a significant improvement in its human rights record has occurred as to warrant lifting the prohibition on furnishing such assistance in the national interest of the United States.

(f) [402] In allowing the funds authorized to be appropriated by this Act and the Arms Export Control Act, the President shall take into account significant improvements in the human rights records of recipient countries, except that such allocations may not contravene any other provision of law.

(g) [403] Whenever the provisions of subsection (e) or (f) of this section are applied, the President shall report to the Congress before making any funds available pursuant to those subsections. The report shall specify the country involved, the amount and kinds of assistance to be provided, and the justification for providing the assistance, including a description of the significant improvements which have occurred in the country's human rights record.

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[397] The words "economic support fund" were substituted in lieu of "security supporting assistance" by sec. 10(b)(1) of the International Security Assistance Act of 1978 (Public Law 95-384; 92 Stat. 735).

[398] Sec. 12(b) of the International Security Assistance Act of 1978 (Public Law 95-384; 92 Stat. 737) added the words "or chapter 6 (peacekeeping operations)" and struck the words "or part VI (assistance to the Middle East) of this Act" which had previously been the final phrase of this paragraph.

The International Security and Development Assistance Authorizations Act of 1983 (sec. 101(b)(2) of the Further Continuing Appropriations Act, 1984; Public Law 98-151) added the words "or chapter 8 (antiterrorism assistance)". Pursuant to Public Law 98-151, this amendment was enacted as stated in title II of H.R. 2992, as reported by the House Committee on Foreign Affairs on May 17, 1983.

[399] While the printed slip law did not include a close parentheses in subpar. (B), it is interpreted that such a mark was intended to be inserted at this point.

[400] For text, see page 264.

[401] Subsec. (e) was added by sec. 511 of the International Development Cooperation Act of 1979 (Public Law 96-53; 93 Stat. 380).

[402] Subsec. (f) was added by sec. 4 of the International Security Assistance Act of 1979 (Public Law 96-92; 93 Stat. 702).

[403] Subsec. (g) was added by sec. 1201 of the International Security and Development Coopertion Act of 1985 (Public Law 99-83; 99 Stat. 276).

Chapter 2—Military Assistance

Sec. 503.[404] **General Authority.**—(a) The President is authorized to furnish military assistance, on such terms and conditions as he may determine, to any friendly country or international organization, the assisting of which the President finds will strengthen the security of the United States and promote world peace and which is otherwise eligible to receive such assistance, by—

(1) acquiring from any source and providing (by loan or grant) any defense article or defense service;

(2) assigning or detailing members of the Armed Forces of the United States and other personnel of the Department of Defense to perform duties of a non-combatant nature; or

(3) [405] transferring such of the funds appropriated or otherwise made available under this chapter as the President may determine for assistance to a recipient country,[406] to the account in which funds for the procurement of defense articles and defense services under section 21 and section 22 of the Arms Export Control Act have been deposited for such recipient, to be merged with such deposited funds, and to be used solely to meet obligations of the recipient for payment for sales under that Act. Sales which are wholly paid from funds transferred under paragraph (3) shall be priced to exclude the costs of salaries of members of the Armed Forces of the United States.[407]

(b) In addition to such other terms and conditions as the President may determine pursuant to subsection (a), defense articles may be loaned thereunder only if—

(1) there is a bona fide reason, other than the shortage of funds, for providing such articles on a loan basis rather than on a grant basis;

(2) there is a reasonable expectation that such articles will be returned to the agency making the loan at the end of the loan period unless the loan is then renewed;

(3) the loan period is of fixed duration not exceeding five years, during which such article may be recalled for any reason by the United States;

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[404] 22 U.S.C. 2311. Sec. 12(b)(1) of the FA Act of 1973 amended sec. 503, which formerly read as follows:

"Sec. 503. General Authority.—The President is authorized to furnish military assistance on such terms and conditions as he may determine, to any friendly country or international organization, the assisting of which the President finds will strengthen the security of the United States and promote world peace and which is otherwise eligible to receive such assistance by—

"(a) acquiring from any source and providing (by loan or grant) any defense article or defense service;

"(b) making financial contributions to multilateral programs for the acquisition or construction of facilities for collective defense;

"(c) providing financial assistance for expenses incident to participation by the United States Government in regional or collective defense organizations;

"(d) assigning or detailing members of the Armed Forces of the United States and other personnel of the Department of Defense to perform duties of a noncombatant nature, including those related to training or advice."

[405] Par. (3) was added by sec. 112(a) of the International Security and Development Cooperation Act of 1980 (Public Law 96-533; 94 Stat. 3138).

[406] The word "country" was inserted in lieu of the words "specified in section 504(a)(1) of this Act, within the dollar limitations of that section" by sec. 110(c) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1536).

[407] The last sentence of para (3) was added by sec. 123(a) of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 205).

(4) the agency making the loan is reimbursed for the loan based on the amount charged to the appropriation for military assistance under subsection (c); and

(5) [408] the loan agreement provides that (A) if the defense article is damaged while on loan, the country or international organization to which it was loaned will reimburse the United States for the cost of restoring or replacing the defense article, and (B) if the defense article is lost or destroyed while on loan, the country or international organization to which it was loaned will pay to the United States an amount equal to the replacement cost (less any depreciation in the value) of the defense article.

(c)(1) In the case of any loan of a defense article or defense service made under this section, there shall be a charge to the appropriation for military assistance for any fiscal year while the article or service is on loan in an amount based on—

(A) the out-of-pocket expenses authorized to be incurred in connection with such loan during such fiscal year; and

(B) the depreciation which occurs during such year while such article is on loan.

(2) The provisions of this subsection shall not apply—

(A) to any particular defense article or defense service which the United States Government agreed, prior to the date of enactment of this subsection, to lend; and

(B) to any defense article or defense service, or portion thereof, acquired with funds appropriated for military assistance under this Act.

Sec. 504.[409] **Authorization.**—(a)[410] (1) There are authorized to be appropriated to the President to carry out the purposes of this chapter $805,100,000 for the fiscal year 1986 and $805,100,000 for the fiscal year 1987.

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[408] Par. (5) was amended and restated by sec. 109(c) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1536). It formerly read as follows: "(5) arrangements are made with the agency making the loan to be reimbursed in the event such article is lost or destroyed while on loan, such reimbursement being made first out of any funds available to carry out this chapter and based on the depreciated value of the article at the time of loss or destruction."

[409] 22 U.S.C. 2312.

[410] Subsec. (a) was amended and restated by sec. 103 of the International Security and Development Cooperation Act of 1985, (Public Law 99-83; 99 Stat. 195).

Authorizations under sec. 504 in recent years included the following: fiscal year 1977—$235,000,000; fiscal year 1978—$228,900,000; fiscal year 1979—$133,500,000; fiscal year 1980—$110,200,000; fiscal year 1981—$106,100,000; fiscal year 1982—$238,500,000; fiscal year 1983—$238,500,000; fiscal year 1984—$639,700,000; fiscal year 1985—no authorization.

Foreign Assistance and Related Programs Appropriations Act, 1987 (sec. 101(f) of the Continuing Appropriations Act, 1987; Public Law 99-591; 100 Stat. 3341) provides the following:

MILITARY ASSISTANCE

For necessary expenses to carry out the provisions of section 503 of the Foreign Assistance Act of 1961, including administrative expenses and purchase of passenger motor vehicles for replacement only for use outside of the United States, $900,000,000: *Provided*, That none of the funds under this heading shall be obligated for law enforcement agencies in El Salvador and Honduras until the notification required under Section 660(d) of the Foreign Assistance Act of 1961, as amended, is provided to the Committees on Appropriations: *Provided further*, That of the funds provided under this paragraph not more than $37,000,000 shall be used for "Overseas Military Program Management": *Provided further*, That the reports required by section 702 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83) shall also be provided to the Committees on Appropriations: *Provided further*, That funds appropriated under this paragraph shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further*, That amounts appropriated under this heading for defense articles shall be available notwithstanding section 10 of Public Law 91-672 and section 15(a) of the State Department Basic Authorities Act of 1956.

(2) Amounts appropriated under this subsection are authorized to remain available until expended.

(b) In order to make sure that a dollar spent on military assistance to foreign countries is as necessary as a dollar spent for the United States military establishment, the President shall establish procedures for programing and budgeting so that programs of military assistance come into direct competition for financial support with other activities and programs of the Department of Defense.

Sec. 505.[411] **Conditions of Eligibility.**—(a) In addition to such other provisions as the President may require, no defense articles or related training or other defense service[412] shall be furnished to any country on a grant basis unless it shall have agreed that—

(1) it will not, without the consent of the President—

(A) permit any use of such articles or related training or other defense service[412] by anyone not an officer, employee, or agent of that country,

(B) transfer, or permit any officer, employee, or agent of that country to transfer such articles or related training or other defense service[412] by gift, sale, or otherwise, or

(C) use or permit the use of such articles or related training or other defense service[412] for purposes other than those for which furnished;

(2) it will maintain the security of such articles or related training or other defense service,[412] and will provide substantially the same degree of security protection afforded to such articles or related training or other defense service[412] by the United States Government;

(3) it will, as the President may require, permit continuous observation and review by, and furnish necessary information to, representatives of the United States Government with regard to the use of such articles or related training or other defense service;[412] and

(4) unless the President consents to other disposition, it will return to the United States Government for such use or disposition as the President considers in the best interests of the United States, such articles or related training or other defense service[412] which are no longer needed for the purposes for which furnished.

(b) No defense articles shall be furnished on a grant basis to any country at a cost in excess of $3,000,000 in any fiscal year unless the President determines—

(1) that such country conforms to the purposes and principles of the Charter of the United Nations;

(2) that such defense articles will be utilized by such country for the maintenance of its own defensive strength, or[413] the defensive strength of the free world;

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[411] 22 U.S.C. 2314. Former sec. 506 was redesignated sec. 505 by sec. 201(e) of the FA Act of 1967.

[412] Sec. 203(b) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329; 90 Stat. 735) added the words "or related training or other defense service".

[413] Sec. 201(b) of the FA Act of 1971 substituted "or" in lieu of "and".

(3) that such country is taking all reasonable measures, consistent with its political and economic stability, which may be needed to develop its defense capacities; and

(4) that the increased ability of such country to defend itself is important to the security of the United States.

(c)[414, 415] The President shall regularly reduce and, with such deliberate speed as orderly procedure and other relevant considerations, including prior commitments, will permit, shall terminate all further grants of military equipment and supplies to any country having sufficient wealth to enable it, in the judgment of the President, to maintain and equip its own military forces at adequate strength, without undue burden to its economy.

(d)[414, 415] (1) Assistance and deliveries of assistance under this chapter to any country shall be terminated as hereinafter provided, if such country uses defense articles or defense services furnished under this Act, the Mutual Security Act of 1954,[416] or any predecessor Foreign Assistance Act, in substantial violation (either in terms of quantities or in terms of the gravity of the consequences regardless of the quantities involved) of any agreement entered into pursuant to any such Act (A) by using such articles or services for a purpose not authorized under section 502 or, if such agreement provides that such articles or services may only be used for purposes more limited than those authorized under section 502, for a purpose not authorized under such agreement; (B) by transferring such articles or services to, or permitting any use of such articles or services by, anyone not an officer, employee, or agent of the recipient country without the consent of the President; or (C) by failing to maintain the security of such articles or services.

(2)(A) Assistance and deliveries of assistance shall be terminated pursuant to paragraph (1) of this subsection if the President so determines and so states in writing to the Congress, or if the Congress so finds by joint resolution.

(B) The President shall report to the Congress promptly upon the receipt of information that a violation described in paragraph (1) of this subsection may have occurred.

(3) Assistance to a country shall remain terminated in accordance with paragraph (1) of this subsection until such time as—

(A) the President determines that the violation has ceased; and

(B) the country concerned has given assurances satisfactory to the President that such violation will not recur.

(4) The authority contained in section 614(a) of this Act may not be used to waive the provisions of this section with respect to further assistance under this chapter.

(e)[417] In considering a request for approval of any transfer of any weapon, weapons system, munitions, aircraft, military boat,

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[414] Subsecs. (c) and (d) were added by sec. 201(a) of the FA Act of 1962.

[415] Sec. 304(a) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94–329; 90 Stat. 751) amended subsec. (d) which formerly read as follows:

"(d) Any country which hereafter uses defense articles or defense services furnished such country under this Act, the Mutual Security Act of 1954, as amended, or any predecessor foreign assistance Act, in substantial violation of the provisions of this chapter or any agreements entered into pursuant to any of such Acts shall be immediately ineligible for further assistance."

[416] For text, see page 535.

[417] Former subsec. (e), which related to conditions of eligibility, was repealed by Public Law 92–226. New subsecs. (e) and (f) were added by sec. 12(3) of the FA Act of 1973.

military vessel, or other implement of war to another country, the President shall not give his consent under subsection (a)(1) or (a)(4) to the transfer unless the United States itself would transfer the defense article under consideration to that country.[418] In addition, the President shall not give his consent under subsection (a)(1) or (a)(4) to the transfer of any significant defense articles on the United States Munitions List unless the foreign country requesting consent to transfer agrees to demilitarize such defense articles prior to transfer, or the proposed recipient foreign country provides a commitment in writing to the United States Government that it will not transfer such defense articles if not demilitarized, to any other foreign country or person without first obtaining the consent of the President.

(f)[417] Effective July 1, 1974, no defense article shall be furnished to any country on a grant basis unless such country shall have agreed that the net proceeds of sale received by such country in disposing of any weapon, weapons system, munition, aircraft, military boat, military vessel, or other implement of war received under this chapter will be paid to the United States Government and shall be available to pay all official costs of the United States Government payable in the currency of that country, including all costs relating to the financing of international educational and cultural exchange activities in which that country participates under the programs authorized by the Mutual Educational and Cultural Exchange Act of 1961.[419] In the case of items which were delivered prior to 1975, the President may waive the requirement that such net proceeds be paid to the United States Government if he determines that to do so is in the national interest of the United States.[420]

(g)[421] (1) It is the policy of the United States that no assistance under this chapter should be furnished to any foreign country, the laws, regulations, official policies, or governmental practices of which prevent any United States person (as defined in section 7701(a)(30) of the Internal Revenue Code of 1954) from participating in the furnishing of defense articles or defense services under this chapter on the basis of race, religion, national origin, or sex.

(2)(A) No agency performing functions under this chapter shall, in employing or assigning personnel to participate in the performance of any such function, whether in the United States or abroad, take into account the exclusionary policies or practices of any foreign government where such policies or practices are based upon race, religion, national origin, or sex.

(B) Each contract entered into by any such agency for the performance of any function under this chapter shall contain a provision to the effect that no person, partnership, corporation, or other entity performing functions pursuant to such contract, shall, in employing or assigning personnel to participate in the performance of any such function, whether in the United States or abroad, take into account the exclusionary policies or practices of any foreign government where such policies or practices are based upon race, religion, national origin, or sex.

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[418] Sec. 204(b)(2) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329; 90 Stat. 735) amended sec. 505(e) by striking out the following words after "country": ", and prior to the date he intends to give his consent to the transfer, the President notifies the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate in writing of each intended consent, the justification for giving such consent, the defense article for which he intends to give his consent to be so transferred, and the foreign country to which that defense article is to be transferred".

[419] For text, see page 1406.

[420] The last sentence of para (f) was added by sec. 123(b) of the International Security Cooperation and Development Act of 1985 (Public Law 99-83; 99 Stat. 205).

[421] Subsec. (g) was added by sec. 302(a) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329; 90 Stat. 751).

(3) The President shall promptly transmit reports to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate concerning any transaction in which any United States person (as defined in section 7701(a)(30) of the Internal Revenue Code of 1954) is prevented by a foreign government on the basis of race, religion, national origin, or sex, from participating in the furnishing of assistance under this chapter, or education and training under chapter 5, to any foreign country. Such reports shall include (A) a description of the facts and circumstances of any such discrimination, (B) the response thereto on the part of the United States or any agency or employee thereof, and (C) the result of such response, if any.

(4)(A) Upon the request of the Committee on Foreign Relations of the Senate or the Committee on International Relations of the House of Representatives, the President shall, within 60 days after receipt of such request, transmit to both such committees a statement, prepared with the assistance of the Assistant Secretary of State for Human Rights and Humanitarian Affairs,[422] with respect to the country designated in such request, setting forth—

(i) all the available information about the exclusionary policies or practices of the government of such country when such policies or practices are based upon race, religion, national origin, or sex, and prevent any such person from participating in a transaction involving the furnishing of any assistance under this chapter or any education and training under chapter 5;

(ii) the response of the United States thereto and the results of such response;

(iii) whether, in the opinion of the President, notwithstanding any such policies or practices—

(I) extraordinary circumstances exist which necessitate a continuation of such assistance or education and training transaction, and, if so, a description of such circumstances and the extent to which such assistance or education and training transaction should be continued (subject to such conditions as Congress may impose under this section), and

(II) on all the facts it is in the national interest of the United States to continue such assistance or education and training transaction; and

(iv) such other information as such committee may request.

(B) In the event a statement with respect to an assistance or training transaction is requested pursuant to subparagraph (A) of this paragraph but is not transmitted in accordance therewith within 60 days after receipt of such request, such assistance or training transaction shall be suspended unless and until such statement is transmitted.

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[422] Sec. 109(a)(4) of the Foreign Relations Authorization Act, Fiscal Year 1978 (Public Law 95–105; 91 Stat. 846) substituted the title designation of Assistant Secretary of State in lieu of Coordinator.

(C)(i) In the event a statement with respect to an assistance or training transaction is transmitted under subparagraph (A) of this paragraph, the Congress may at any time thereafter adopt a joint resolution terminating or restricting such assistance or training transaction.

(ii) Any such resolution shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.[423]

(iii) The term "certification", as used in section 601 of such Act, means, for the purposes of this paragraph, a statement transmitted under subparagraph (A) of this paragraph.

Sec. 506.[424] Special Authority.—(a) If the President determines and reports to the Congress in accordance with section 652 of this Act that—

(1) an unforeseen emergency exists which requires immediate military assistance to a foreign country or international organization; and

(2) the emergency requirement cannot be met under the authority of the Arms Export Control Act or any other law except this section;

he may direct, for the purposes of this part, the drawdown of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training, of an aggregate value of not to exceed $75,000,000 in any fiscal year.[425]

(b)(1) The authority contained in this section shall be effective for any such emergency only upon prior notification to the Committee on Foreign Affairs of the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Appropriations of each House of Congress.

(2) The President shall keep the Congress fully and currently informed of all defense articles, defense services, and military education and training provided under this section.

(c) There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for defense articles, defense services, and military education and training provided under this section.

Sec. 507.[426] Restrictions on Military Aid to Latin America.— * * * [Repealed—1973]

Sec. 508.[426] Restrictions on Military Aid to Africa.— * * * [Repealed—1973]

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[423] For text, see page 427.

[424] 22 U.S.C. 2318. Former sec. 510 was redesignated sec. 506 by sec. 201(j)(1) of the FA Act of 1967. Sec. 506, as amended by sec. 102 of Public Law 94-329, was further amended and restated by sec. 5(b) of the International Security Assistance Act of 1979 (Public Law 96-92; 93 Stat. 702).

[425] The aggregate value of this special authority was increased from $10 million to $50 million by sec. 112(d) of the International Security and Development Cooperation Act of 1980 (Public Law 96-533; 94 Stat. 3139). It was subsequently increased from $50 million to $75 million by sec. 110(b) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1526).

[426] Sec. 12(b)(5) of the FA Act of 1973 repealed secs. 507, 508, and 509.

Sec. 509.[426] Certification of Recipient's Capability.—* * * [Repealed—1973]

Sec. 510.[427] Restrictions on Training Foreign Military Students.—* * * [Repealed—1976]

Sec. 511.[428] Considerations in Furnishing Military Assistance.—Decisions to furnish military assistance made under this part shall be made in coordination with the Director of the United States Arms Control and Disarmament Agency and shall take into account his opinion as to[429] whether such assistance will—

(1) contribute to an arms race;

(2) increase the possibility of outbreak or escalation of conflict; or

(3) prejudice the development of bilateral or multilateral arms control arrangements.

Sec. 512.[430] Military Assistance Advisory Groups and Missions.—* * * [Repealed—1973]

Sec. 513.[431] Military Assistance Authorizations for Thailand and Laos, and South Vietnam.—* * * [Repealed—1981]

Sec. 514.[432] Stockpiling of Defense Articles for Foreign Countries.—(a) No defense article in the inventory of the Department of Defense which is set aside, reserved, or in any way earmarked or intended for future use by any foreign country may be made available to or for use by any foreign country unless such transfer is authorized under this Act or the Arms Export Control Act, or any subsequent corresponding legislation, and the value of such transfer is charged against funds authorized under such legislation or against the limitations specified in such legislation, as appropriate, for the fiscal period in which such defense article is transferred. For purposes of this subsection, "value" means the acquisition cost plus crating, packing, handling, and transportation costs incurred in carrying out this section.

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[427] Sec. 510 was repealed by sec. 106(b) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329; 90 Stat. 733).

[428] 22 U.S.C. 2321d. Sec. 511 was added by sec. 201(f) of the FA Act of 1971.

[429] Sec. 150(c) of Public Law 94-141. Foreign Relations Authorization Act, Fiscal Year 1976, struck out the words "take into account" and inserted in lieu thereof "be made in coordination with the Director of the United States Arms Control and Disarmament Agency and shall take into account his opinion as to".

[430] Sec. 12(5) of the FA Act of 1973 repealed secs. 512 and 514.

[431] Sec. 513, as added by sec. 20(f) of the FA Act of 1971 and amended by sec. 12(6)(B) of the FA Act of 1973 and sec. 12 of the FA Act of 1974, was repealed by sec. 734(a)(1) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560). Sec. 513 had prohibited military assistance for Thailand (after June 30, 1972), Laos (after June 30, 1974), and South Vietnam (after June 30, 1976) unless the assistance had been authorized under this Act or the Foreign Military Sales Act (now the Arms Export Control Act).

[432] 22 U.S.C. 2321h. The original sec. 514, which concerned special foreign country accounts, was added by sec. 201(f) of Public Law 92-226 (86 Stat. 26). This section was repealed by sec. 12(b) of Public Law 93-189 (87 Stat. 722). This new sec. 514, as added by sec. 15 of Public Law 93-559 (88 Stat. 1799), was amended by sec. 103 of the International Security Assistance and Arms Export Control Act of 1976. It formerly read: "(a) Notwithstanding any other provision of law, no funds, other than funds made available under this chapter or section 401(a) of Public Law 89-367 (80 Stat. 37), or any subsequent corresponding legislation, may be obligated for the purpose of stockpiling any defense article or war reserve material, including the acquisition, storage, or maintenance of any war reserve equipment, secondary items, or munitions, if such article or material is set aside, reserved, or in any way earmarked or intended for future use by any foreign country under this Act or such section.

"(b) The cost of any such article or material set aside, reserved, or in any way earmarked or intended by the Department of Defense for future use by, for, or on behalf of the country referred to in section 401(a)(1) of Public Law 89-367 (80 Stat. 37) shall be charged against the limitation specified in such section or any subsequent corresponding legislation, for the fiscal year in which such article or material is set aside, reserved, or otherwise earmarked or intended; and the cost of any such article or material set aside, reserved or in any way earmarked or intended for future use by, for, or on behalf of any other foreign country shall be charged against funds authorized under this chapter or the fiscal year in which such article or material is set aside, reserved, or otherwise earmarked. No such article or material may be made available to or for use by any foreign country unless such article or material has been charged against the limitation specified in such section, or any subsequent corresponding legislation, or against funds authorized under this chapter, as appropriate."

(b)(1) The value of defense articles to be set aside, earmarked, reserved, or intended for use as war reserve stocks for allied or other foreign countries (other than for purposes of the North Atlantic Treaty Organization) in stockpiles located in foreign countries may not exceed in any fiscal year an amount greater than is specified in security assistance authorizing legislation for that fiscal year.

(2) The value of such additions to stockpiles in foreign countries shall not exceed $360,000,000 for the fiscal year 1986 and shall not exceed $125,000,000 for the fiscal year 1987.[433]

(c) Except for stockpiles in existence on the date of enactment of the International Security Assistance and Arms Export Control Act of 1976[434] and for stockpiles located in the Republic of Korea or[435] countries which are members of the North Atlantic Treaty Organization, no stockpile may be located outside the boundaries of a United States military base or a military base used primarily by the United States.

(d) No defense article transferred from any stockpile which is made available to or for use by any foreign country may be considered an excess defense article for the purpose of determining the value thereof.

(e) The President shall promptly report to the Congress each new stockpile, or addition to an existing stockpile, described in this section of defense articles valued in excess of $10,000,000 in any fiscal year.

Sec. 515.[436] Overseas Management of Assistance and Sales Programs.—(a) In order to carry out his responsibilities for the management of international security assistance programs conducted under this chapter, chapter 5 of this part, and the Arms Export Control Act, the President may assign members of the Armed Forces of the United States to a foreign country to perform one or more of the following functions:

(1) equipment and services case management;

(2) training management;

(3) program monitoring;

(4) evaluation and planning of the host government's military capabilities and requirements;

(5) administrative support;

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[433] The stockpile figures for fiscal years 1986 and 1987 were added by sec. 124 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 205). Figures for recent years included the following: fiscal year 1976 and 197T—$96,750,000; fiscal year 1977—$125,000,000; fiscal year 1978—$270,000,000; fiscal year 1979—$90,000,000; fiscal year 1980—$95,000,000; fiscal year 1981—$85,000,000; fiscal year 1982—$130,000,000; fiscal year 1983—$125,000,000, fiscal year 1984—$125,000,000, fiscal year 1985—$248,000,000.

[434] Approved June 30, 1976.

[435] The reference to the Republic of Korea was added by sec. 6(a)(2) of the International Security Assistance Act of 1979 (Public Law 96-92; 93 Stat. 703). Sec. 6 also required the President to submit a report to the Congress by Dec. 31, 1979, regarding the stockpiling authorities for the Republic of Korea.

[436] 22 U.S.C. 2321i. Sec. 515, as amended by sec. 16 of FA Act of 1974, sec. 104 of Public Law 94-329, sec. 7(c) of Public Law 95-92, sec. 9 of Public Law 95-424, sec. 7 of Public Law 95-92, and sec. 114 of Public Law 96-533, was comprehensively amended and restated by sec. 112 of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1527).

(6) promoting rationalization, standardization, interoperability, and other defense cooperation measures among members of the North Atlantic Treaty Organization and with the Armed Forces of Japan, Australia, and New Zealand; and

(7) liaison functions exclusive of advisory and training assistance.

(b) Advisory and training assistance conducted by military personnel assigned under this section shall be kept to an absolute minimum. It is the sense of the Congress that advising and training assistance in countries to which military personnel are assigned under this section shall be provided primarily by other personnel who are not assigned under this section and who are detailed for limited periods to perform specific tasks.

(c)(1) The number of members of the Armed Forces assigned to a foreign country under this section may not exceed six unless specifically authorized by the Congress. The President may waive this limitation if he determines and reports to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, 30 days prior to the introduction of the additional military personnel, that United States national interests require that more than six members of the Armed Forces be assigned under this section to carry out international security assistance programs in a country not specified in this paragraph. Pakistan, Tunisia, El Salvador, Honduras,[437] Indonesia, the Republic of Korea, the Philippines, Thailand, Egypt, Jordan, Morocco, Saudi Arabia, Greece, Portugal, Spain, and Turkey are authorized to have military personnel strengths larger than six under this section to carry out international security assistance programs.

(2) The total number of members of the Armed Forces assigned under this section to a foreign country in a fiscal year may not exceed the number justified to the Congress for that country in the congressional presentation materials for that fiscal year, unless the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives are notified 30 days in advance of the introduction of the additional military personnel.

(d) Effective October 1, 1982, the entire costs (including salaries of the United States military personnel) of overseas management of international security assistance programs under this section shall be charged to or reimbursed from funds made available to carry out this chapter, other than any such costs which are either paid directly for such defense services under section 21(a) of the Arms Export Control Act[438] or reimbursed from charges for services collected from foreign governments pursuant to section 21(e) and section 43(b) of that Act.[438]

(e) Members of the Armed Forces assigned to a foreign country under this section shall serve under the direction and supervision of the Chief of the United States Diplomatic Mission to that country.

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[437] Sec. 125 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 205), strikes out the words: "For the fiscal year 1982 and the fiscal year 1983" and substituted in lieu thereof the words "Pakistan, Tunisia, El Salvador, Honduras".

[438] For text of the Arms Export Control Act, see pages 248 (sec. 21(a)), 250 (sec. 21(e)), and 282 (sec. 43(b)).

(f) The President shall continue to instruct United States diplomatic and military personnel in the United States missions abroad that they should not encourage, promote, or influence the purchase by any foreign country of United States-made military equipment, unless they are specifically instructed to do so by an appropriate official of the executive branch.

Sec. 516. [439] **Modernization of Defense Capabilities of Countries of Nato's Southern Flank.**—(a) Authority To Transfer Excess Defense Article.—Not withstanding any other provision of law and subject to subsection (b), during the fiscal years 1987 and 1988 the President may transfer to those member countries of the North Atlantic Treaty Organization (NATO) on the southern flank of NATO which are eligible for United States security assistance and which are integrated into determines necessary to help modernize the defense capabilities of such countries. Such articles may be transferred without cost to the recipient countries.

(b) Limitations on Transfers.—The President may transfer defense articles under this section only if—

(1) the equipment is drawn from existing stocks of the Department of Defense;

(2) no funds available to the Department of Defense for the procurement of defense equipment are expended in connection with the transfer; and

(3) the President determines that the transfer of the excess defense articles will not have an adverse impact on the military readiness of the United States.

(c) Notification to Committees of Congress.—The President may not transfer defense articles under this section until 30 days after he has notified the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and transfer. This notification shall include a certification of the need for the transfer and an assessment of the impact of the transfer on the military readiness of the United States.

(d) Waiver or Requirement for Reimbursement of DOD Expenses.—Section 632(d) shall not apply with respect to transfers of defense articles under this section.

(e) Definition.—As used in subsection (a), the term "member countries of the North Atlantic Treaty Organization (NATO) on the southern flank of NATO" means Greece, Italy, Portugal, Spain, and Turkey.

Chapter 3—Foreign Military Sales [440]

Sec. 521.[441] **Administration of Sales Programs Involving Defense Articles and Services.**—* * * [Repealed—1968]

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[439] Sec. 516 was added by sec. 1101 of Public Law 99–661 (100 Stat. 3816). Sec. 516, as previously added by sec. 105 of Public Law 94–329 and amended by sec. 7(b) of Public Law 95–384, sec. 5(c) of Public Law 96–92, and sec. 112(d) of Public Law 96–533, was repealed by sec. 110(d) of the International Security and Development Cooperation Act of 1981 (Public Law 97–113; 95 Stat. 1526). Sec. 516 had required the termination of authorities contained in this chapter (except for authorities in secs. 506, 514, and 515) as of Sept. 30, 1982, except to the extent Congress might authorize military assistance in specified amounts for specified countries.

[440] The new chapter heading was added by sec. 201(o)(2) of the FA Act of 1967.

[441] Repealed by sec. 45(a) of the Foreign Military Sales Act, Public Law 90–629.

Sec. 522.[441] **Sales from Stock.**—* * * [Repealed—1968]

Sec. 523.[441] **Procurement of Sales.**—[Repealed—1968]

Sec. 524.[442] **Reimbursements.**—(a)[443] Whenever funds made available for use under this part have been or[444] are used to furnish military assistance on cash or credit terms, United States dollar repayments, including dollar proceeds derived from the sale of foreign currency repayments to any agency or program of the United States Government, receipts received from the disposition of evidences of indebtedness and charges (including fees and premiums) or interest collected[445] shall be credited to a separate fund account[446] and, shall be available until expended solely for the purposes of financing sales and guaranties, including the overhead costs thereof,[447] and, notwithstanding any provision of law relating to receipts and credits accruing to the United States Government, repayment in foreign currency may be used to carry out this part. Such amounts of the appropriations made available under this part (including unliquidated balances of funds heretofore obligated for financing sales and guarantees) as may be determined by the President shall be transferred to, and merged with the separate fund account.[448]

(b)[429] (1) The special fund account established under subsection (a) of this section shall terminate as of the end of June 30, 1968, or on such earlier date as may be selected by the President.

(2) Upon the termination of such fund account pursuant to paragraph (1), all of the assets of such fund account (including loans and other payments receivable) shall be transferred to a special account in the Treasury, which special account shall be available solely for the purpose of discharging outstanding liabilities and obligations of the United States arising out of credit sales agreements entered into, and guaranties issued, under this part, prior to June 30, 1968. Any moneys in such special account in excess of the aggregate United States dollar amount of such liabilities and obligations shall be transferred from time to time to the general fund of the Treasury.

(3)[449] * * * [Repealed—1968]

Sec. 525.[449] **Guaranties.**—* * * [Repealed—1968]

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[443] 22 U.S.C. 2344. Former sec. 508 was redesignated sec. 524 by sec. 201(h)(1) of the FA Act of 1967.

[443] Subsection designation "(a)" and a new subsec. (b) were added by sec. 201(h)(2) of the FA Act of 1967.

[444] The words "have been or" were added by sec. 201(e)(1) of the FA Act of 1965.

[445] The words to this point, beginning with "receipts received from", were added by sec. 201(e)(2) of the FA Act of 1965.

[446] Sec. 201(e)(3) of the FA Act of 1965 substituted the words "a separate fund account" in lieu of "the current applicable appropriation."

[447] Sec. 201(e)(1) of the FA Act of 1965 substituted the words "financing sales and guaranties, including the overhead costs thereof" in lieu of "furnishing further military assistance on cash or credit terms".

[448] The last sentence was added by sec. 201(c) of the FA Act of 1966.

[449] Repealed by sec. 45(a) of the Foreign Military Sales Act, Public Law 90-629. The subject matter of par. (3), relating to arms sales credits, is now covered in sec. 23 of the Arms Export Control Act.

Chapter 4—Economic Support Fund[450]

NOTE.—Section 202 of the Foreign Assistance Act of 1971 transferred the former Chapter 4 of Part I governing supporting assistance to its present location as Chapter 4 of Part II of the Act. Section 202(b) of the Foreign Assistance Act of 1971 provides as follows:

"Chapter 4 of part I of the Foreign Assistance Act of 1961 is hereby repealed. References to such chapter or any sections thereof shall hereafter be deemed to be references to chapter 4 of part II of the Foreign Assistance Act of 1961, as added by subsection (a) of this section, or to appropriate sections thereof. All references to part I of the Foreign Assistance Act of 1961 shall hereafter be deemed to be references also to chapter 4 of part II, and all references to part II of such Act shall be deemed not to include chapter 4 of such Part II."

In changing the title of chapter 4 from Security Supporting Assistance to Economic Support Fund, Sec. 10(b)(6) of the International Security Assistance Act of 1978 (92 Stat. 735) stated that after September 30, 1978, any reference to security supporting assistance shall be deemed a reference to assistance provided under chapter 4 of part II of this Act.

Sec. 531.[451] **Authority.**—(a) The Congress recognizes that, under special economic, political, or security conditions, the national interests of the United States may require economic support for countries in amounts which could not be justified solely under chapter 1 of part I. In such cases, the President is authorized to furnish assistance to countries and organizations, on such terms and conditions as he may determine, in order to promote economic or political stability. To the maximum extent feasible, the President shall provide assistance under this chapter consistent with the policy directions, purposes, and programs of part I of this Act.

(b) The Secretary of State shall be responsible for policy decisions and justifications for economic support programs under this chapter, including determinations of whether there will be an economic support program for a country and the amount of the program for each country. The Secretary shall exercise this responsibility in cooperation with the Administrator of the agency primarily responsible for administering part I of this Act.[452]

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[450] Ch. 4, which had been added by the FA Act of 1971 and had been titled "Security Supporting Assistance," was retitled as "Economic Support Fund" and comprehensively amended and restated by sec. 10(a) of the International Security Assistance Act of 1978 (Public Law 95-384; 92 Stat. 733). Sec. 10(b)(6) of the same Act stated that after Sept. 30, 1978, any reference in any act to security supporting assistance shall be considered to be a reference to this chapter.

Sec. 201 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 210), replaced secs. 531 and 532, amended and redesignated secs. 535 as 533, and repealed all other sections regarding earmarking of funds for specific regions or purposes. See pp. 307-309 of the International Security and Development Cooperation Act of 1985, (Public Law 99-83; 99 Stat. 210), for use of ESF funds for the Middle East, Cyprus, Portugal, agricultural commodities under commodity import programs, tied aid credit program, and restriction on use of funds for nuclear facilities. In addition, sec. 712 of Public Law 99-83 (99 Stat. 244) added a new section, designated sec. 534 to this chapter.

See also secs. 644-647 of the Export-Import Bank Act Amendments of 1983 (title VI of Public Law 98-166) which establishes a tied aid credit program in the United States Export-Import Bank in order to promote U.S. exports. This program is to be carried out in cooperation with the Agency for International Development and permits the AID Administrator to draw on Economic Support Funds allocated for Commodity Import Programs to finance a tied aid credit activity. See vol. II, for complete text of secs. 644-647.

See also sec. 206 of the International Security and Development Cooperation Act of 1985 (p. 309) which authorizes not less than $50 million in fiscal year 1986 and not less than $100 million in fiscal year 1987 out of the commodity import program portion of the Economic Support Fund for use in a tied aid credit program.

[451] 22 U.S.C. 2346.

(c) As part of the annual presentation materials for foreign assistance submitted to the Congress, the agency primarily responsible for administering this part shall provide a detailed justification for the uses and the purposes of the funds provided under this chapter. Such material shall include, but not be limited to, information concerning the amounts and kinds of cash grant transfers, the amounts and kinds of budgetary and balance-of-payments support provided, and the amounts and kinds of project assistance provided with funds made available under this chapter.

(d) To the maximum extent feasible, funds made available pursuant to this chapter for commodity import programs or other program assistance shall be used to generate local currencies, not less than 50 percent of which shall be available to support activities consistent with the objectives of section 103 through 106 of this Act, and administered by the agency primarily responsible for administering part I of this Act.

(e) Amounts appropriated to carry out this chapter shall be available for economic programs and may not be used for military or paramilitary purposes.

Sec. 532.[453] **Authorizations of Appropriations.**—(a) There are authorized to be appropriated to the President to carry out the purposes of this chapter—

(1) $2,015,000,000 for the fiscal year 1986 and $2,015,000,000 for the fiscal year 1987 for the following countries signing the Camp David agreement: Israel and Egypt;[454] and

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[452] This responsibility, as it relates to the Administrator, was transferred to the Director of IDCA, pursuant to sec. 6 of Reorganization Plan No. 2 of 1979 (establishing IDCA).

[453] 22 U.S.C. 2346a.

[454] The authorization under this chapter during recent years included the following: fiscal year 1979—$1,902,000,000; fiscal year 1980—$1,935,000,000 (plus an $80,000,000 supplemental authorization for Central American Assistance); fiscal year 1981—$2,065,300,000; fiscal year 1982—$2,623,500,000; fiscal year 1983—$2,723,500,000; fiscal year 1984—$3,074,000,000; fiscal year 1985—no authorization.

Foreign Assistance and Related Programs Appropriations Act, 1987 (sec. 101(f) of the Continuing Appropriations Act, 1987, Public Law 99-591, 100 Stat. 3341) provides the following:

Economic support fund: For necessary expenses to carry out the provisions of chapter 4 of part II, $3,550,000,000 including such funds as may be made available in fiscal year 1987 for Economic support funds for Central American countries through final enactment of section 205 of H.R. 5052: *Provided,* That of the funds appropriated under this paragraph, not less than $1,200,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within 30 days of enactment of this Act or by October 31, 1986, whichever is later: *Provided further,* That not less than $815,000,000 shall be available only for Egypt, which sum shall be provided as a cash transfer in accordance with the provisions of section 202(b) of Public Law 99-83, and not less than $200,000,000 shall be provided as a Commodity Import Program: *Provided further,* That notwithstanding any other provision of law, the Agency for International Development is authorized to obligate such funds as it deems necessary in excess of $115,000,000 from the funds appropriated for assistance to Egypt for the fiscal year 1987 as direct cash transfer for Egypt; *Provided further,* That such obligations in excess of $115,000,000 shall only be made in support of the implementation of a comprehensive structural economic reform program by the Government of Egypt: *Provided further,* That all such transfers in excess of $115,000,000 shall be subject to the regular notification procedures of the Committee on Foreign Affairs of the House of Representatives, the Committee on Foreign Relations of the Senate, and the Appropriations Committees of the House and Senate: *Provided further,* That such notifications for the provision of cash transfers in excess of $115,000,000 shall include detailed descriptions of the comprehensive structural economic reform program of the Government of Egypt: *Provided further,* That if the Agency for International Development obligates cash transfer assistance for Egypt exceeding $115,000,000, as permitted above, then such in-

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(2) $1,785,000,000 for the fiscal year 1986 and $1,785,000,000 for the fiscal year 1987 for assistance under this chapter for recipients or purposes other than the countries referred to in paragraph (1).[454]

(b) Amounts appropriated to carry out this chapter are authorized to remain available until expended.

Sec. 533.[455] **Emergency Assistance.**—(a) Of the funds appropriated to carry out this chapter up to $75,000,000 for the fiscal year 1986 and up to $75,000,000 for the fiscal year 1987 may be made available for emergency use under this chapter when the national interests of the United States urgently require economic support to promote economic or political stability.

(b) Notwithstanding any provision of this chapter or of an appropriations Act (including a joint resolution making continuing appropriations) which earmarks funds available to carry out this

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creased funding shall be derived through proportionate reductions in both the Commodity Import Program and project assistance: *Provided further,* That it is the sense of the Congress that the recommended levels of assistance for Egypt and Israel are based in great measure upon their continued participation in the Camp David Accords and upon the Egyptian-Israeli peace treaty; and that Egypt and Israel are urged to continue their efforts to restore a full diplomatic relationship, including ambassadors, and achieve realization of the Camp David Accords: *Provided further,* That not less than $250,000,000 of the funds appropriated under this paragraph shall be available only for Pakistan: *Provided further,* That not less than $35,000,000 of the funds appropriated under this paragraph shall be available for a United States contribution to the International Fund for Northern Ireland and Ireland: *Provided further,* That not less than an additional sum of $200,000,000 shall be available only for the Philippines: *Provided further,* That not less than $15,000,000 of the funds appropriated under this paragraph shall be available be available for Cyprus: *Provided further,* That up to $15,000,000 shall be made available for Jordan in addition to funds otherwise made available by this paragraph and allocated to Jordan: *Provided further,* That any of the funds appropriated under this paragraph for El Salvador which are placed in the Central Reserve Bank of El Salvador shall be maintained in a separate account and not commingled with any other funds, except that such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the cash transfer nature of this assistance or which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (H. Rept. No. 98-1159): *Provided further,* That pursuant to section 660(d) of the Foreign Assistance Act of 1961 up to $1,000,000 of the funds appropriated under this paragraph shall be made available to assist the Government of El Salvador's Special Investigative Unit for the purpose of bringing to justice those responsible for the murders of United States citizens in El Salvador: *Provided further,* That a report of the investigation shall be provided to the Congress: *Provided further,* That up to $20,000,000 of the funds appropriated under this paragraph may be made availabe to carry out the Administration of Justice program pursuant to section 534 of the Foreign Assistance Act of 1961: *Provided further,* That up to $20,000,000 of the funds made available by this paragraph may be provided to countries that are receiving "International Narcotics Control" assistance and that have made substantial progress in illicit drug control efforts: *Provided further,* That all funds made available pursuant to the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations and that such notifications shall contain an expansion of the progress in illicit drug control that has been made by the recipient country: *Provided further,* That all of the funds provided under this paragraph which are made available for disadvantaged persons in South Africa shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further,* That after February 1, 1987, any country which receives in excess of a total of $5,000,000 as cash transfer assistance shall maintain such funds in a separate account and shall not commingle such funds with any other funds, except that such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the cash transfer nature of this assistance or which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (H. Rept. No. 98-1159): *Provided further,* That all local currencies that may be generated with funds provided as a cash transfer in accordance with the previous proviso shall be deposited in a special accounts to be used in accordance with section 609 of the Foreign Assistance Act of 1961: *Provided further,* That not more than $5,000,000 of the funds made available under this paragraph may be available to finance tied aid credits, unless the President determines it is in the national interest to provide in excess of $5,000,000 and so notifies the Committees on Appropriations through the regular notification procedures: *Provided further,* That funds made available under this paragraph shall remain available until September 30, 1988.

[455] 22 U.S.C. 2346d. Sec. 202 of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1529) added sec. 535. Sec. 201(b) of the International Security and Development Cooperation Act of 1985 replaced the years "1982" and "1983" with "1986" and "1987".

chapter for a specific country or purpose, up to 5 percent of each amount so earmarked may be used to carry out this section.

Sec. 534.[456] **Administration of Justice.**—(a) The President may furnish assistance under this chapter to countries and organizations, including national and regional institutions, in order to strengthen the administration of justice in countries in Latin America and the Caribbean.

(b) Assistance under this section may only include—

(1) support for specialized professional training, scholarships, and exchanges for continuing legal education;

(2) programs to enhance prosecutorial and judicial capabilities and protection for participants in judicial cases;

(3) notwithstanding section 660 of this Act, programs to enhance investigative capabilities, conducted under judicial or prosecutorial control:

(4) strengthening professional organizations in order to promote services to members and the role of the bar in judicial selection, enforcement of ethical standards, and legal reform;

(5) increasing the availability of legal materials and publications;

(6) seminars, conferences, and training and educational programs to improve the administration of justice and to strengthen respect for the rule of law and internationally recognized human rights; and

(7) revision and modernization of legal codes and procedures.

(c) Not more than $20,000,000 of the funds made available to carry out this chapter for any fiscal year shall be available to carry out this section, in addition to amounts otherwise available for such purposes.

(d) Funds may not be obligated for assistance under this section unless the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate are notified of the amount and nature of the proposed assistance at least 15 days in advance in accordance with the procedures applicable to reprogrammings pursuant to section 634A of this Act.

(e) The authority of this section shall expire on September 30, 1987.

Sec. 535. [457] **Economic Support for Disadvantaged South Africans.**—(a)(1) Up to $40,000,000, of the funds authorized to be appropriated to carry out this chapter for the fiscal year 1987 and each fiscal year thereafter shall be available for assistance for disadvantaged South Africans. Assistance under this section shall be provided for activities that are consistent with the objective of a majority of South Africans for an end to the apartheid system and the establishment of a society based on non-racial principles. Such activities may include scholarships, assistance to promote the participation of disadvantaged South Africans in trade unions and private enterprise alternative education and community development programs.

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[456] 22 U.S.C. 2346c. Sec. 534 was added by sec. 712 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 244).

[457] 22 U.S.C. 2346d. Section 535 was added by sec. 511 of Public Law 99-440 (100 Stat. 411).

(2) Up to $3,000,000 of the amounts provided in each fiscal year pursuant to subsection (a) shall be available for training programs for South Africa's trade unionists.

(b) Assistance provided pursuant to the section shall be made available notwithstanding any other provision of law and shall not be used to provide support to organizations or groups which are financed or controlled by the Government of South Africa. Nothing in this subsection may be construed to prohibit programs which are consistent with subsection (a) and which award scholarships to students who choose to attend South African-supported institutions.

Chapter 5—International Military Education and Training[458]

Sec. 541.[459] General Authority.—The President is authorized to furnish, on such terms and conditions consistent with this Act as the President may determine (but whenever feasible on a reimbursable basis), military education and training to military and related civilian personnel of foreign countries. Such training and education may be provided through—

(1) attendance at military educational and training facilities in the United States (other than Service academies) and abroad;

(2) attendance in special courses of instruction at schools and institutions of learning or research in the United States and abroad; and

(3) observation and orientation visits to military facilities and related activities in the United States and abroad.

Sec. 542.[460] Authorization.—There are authorized to be appropriated to the President to carry out the purposes of this chapter $56,221,000 for the fiscal year 1986 and $56,221,000 for the fiscal year 1987.[461]

Sec. 543.[462] Purposes.—Education and training activities conducted under this chapter shall be designed—

(1) to encourage effective and mutually beneficial relations and increased understanding between the United States and foreign countries in furtherance of the goals of international peace and security;

(2) to improve the ability of participating foreign countries to utilize their resources, including defense articles and defense

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[458] Ch. 5 was added by sec. 106(a) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329; 90 Stat. 732).

[459] 22 U.S.C. 2347.

[460] 22 U.S.C. 2347a.

[461] The authorization figures for fiscal year 1986 and 1987 were added by sec. 104 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 195). Authorizations under Sec. 542 during recent years included the following: fiscal year 1976—$27,000,000; fiscal year 1977—$30,200,000; fiscal year 1978—$31,000,000; fiscal year 1979—$31,800,000; fiscal year 1980—$31,800,000; fiscal year 1981—$34,000,000; fiscal year 1982—$42,000,000; fiscal year 1983--$42,000,000; fiscal year 1984—$56,452,000; fiscal year 1985—no authorization.

Foreign Assistance and Related Programs Appropriations Act, 1987 (sec. 101(f) of the Continuing Appropriations Act, 1987, Public Law 99-591, 100 Stat. 3341) provides the following:

"For necessary expenses to carry out the provisions of section 541, $56,000,000."

Sec. 734(a)(1) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560) struck out the second sentence of sec. 542. This sentence had prohibited training under this section outside the U.S. after June 30, 1976, unless the President reported and justified such training to the Congress.

Note that sec. 2004(a) of Public Law 99-570, 100 Stat. 3207 earmarks $2,000,000 of the funds made available for fiscal year 1987 under this chapter "only for education and training in the operation and maintenance of aircraft used in narcotics control and eradication efforts."

[462] 22 U.S.C. 2347b.

services obtained by them from the United States, with maximum effectiveness, thereby contributing to greater self-reliance by such countries; and

(3)[463] to increase the awareness of nationals of foreign countries participating in such activities of basic issues involving internationally recognized human rights.

Sec. 544.[464, 465] Exchange Training.—In carrying out this chapter, the President is authorized to provide for attendance of foreign military personnel at professional military education institutions in the United States (other than service academies) without charge, and without charge to funds available to carry out this chapter (notwithstanding section 632(d) of this Act), if such attendance is pursuant to an agreement providing for the exchange of students on a one-for-one, reciprocal basis each fiscal year between those United States professional military education institutions and comparable institutions of foreign countries and international organizations.".

Sec. 545.[465, 466] Training in Maritime Skills.—The President is encouraged to allocate a portion of the funds made available each fiscal year to carry out this chapter for use in providing education and training in maritime search and rescue, operation and maintenance of aids to navigation, port security, at-sea law enforcement, international maritime law, and general maritime skills.

Chapter 6—Peacekeeping Operations[467]

Sec. 551.[468] General Authority.—The President is authorized to furnish assistance to friendly countries and international organizations, on such terms and conditions as he may determine, for peacekeeping operations and other programs carried out in furtherance of the national security interests of the United States. Such assistance may include reimbursement to the Department of Defense for expenses incurred pursuant to section 7 of the United Nations Participation Act of 1945,[469] except that such reimbursements may not exceed $5,000,000 in any fiscal year unless a greater amount is specifically authorized by this section.

Sec. 552.[470] Authorization of Appropriations.—(a) There are authorized to be appropriated to the President to carry out the purposes of this chapter, in addition to amounts otherwise available for such purposes, $37,000,000 for the fiscal year 1986 and $37,000,000 for the fiscal year 1987.[471]

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[463] Par. (3) was added by sec. 11(b)(3) of the International Security Assistance Act of 1978 (Public Law 95-384; 92 Stat. 736).

[464] 22 U.S.C. 2347c.

[465] Secs. 544 and 545 were added by secs. 126 and 127(a) of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 205).

[466] 22 U.S.C. 2347d.

[467] Ch. 6 was added by sec. 12(a) of the International Security Assistance Act of 1978 (Public Law 95-384; 92 Stat. 736).

[468] 22 U.S.C. 2348. The final sentence in this section was added by sec. 10(b) of the International Security Assistance Act of 1979 (Public Law 96-92; 93 Stat. 705).

[469] For text, see sec. J, vol. II.

[470] 22 U.S.C. 2348a.

[471] The authorization figures for fiscal years 1986 and 1987 were added by sec. 105(a) of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 195). Authorizations under sec. 552 during recent years included the following: fiscal year 1979—$30,900,000; fiscal year 1980—$21,100,000; fiscal year 1981—$25,000,000; fiscal year 1982—

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(b) Amounts appropriated under this section are authorized to remain available until expended.

(c)[472] If the President determines that, as the result of an unforeseen emergency, the provision of assistance under this chapter in amounts in excess of funds otherwise available for such assistance is important to the national interests of the United States, the President may (1) exercise the authority of section 610(a) of this Act to transfer funds available to carry out chapter 4 of this part for use under this chapter without regard to the 20-percent increase limitation contained in such section, except that the total amount so transferred in any fiscal year may not exceed $15,000,000; and[473] (2)[474] in the event the President also determines that such unforeseen emergency requires the immediate provision of assistance under this chapter, direct the drawdown of commodities and services from the inventory and resources of any agency of the United States Government of an aggregate value not to exceed $25,000,000 in any fiscal year.

(d) There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for commodities and services provided under subsection (c)(2).

Sec. 553.[475] Middle East Special Requirements Fund.—* * * [Repealed—1980]

Sec. 553.[476] Administrative Authorities.—Except where expressly provided to the contrary, any reference in any law to part I of this Act shall be deemed to include reference to this chapter and

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$19,000,000; fiscal year 1983—$19,000,000; fiscal year 1984—$46,200,000; fiscal year 1985—no authorization.

Sec. 4(b)(1) of Public Law 97-132 (95 Stat. 1694) authorized an additional $125,000,000 to carry out this chapter during fiscal year 1982 for use in paying the U.S. contribution to the budget of the Multinational Force and Observers in Sinai. See sec. K, vol. II, for text of Public Law 97-132.

Foreign Assistance and Related Programs Appropriations Act, 1987 (sec. 101(f) of the Continuing Appropriations Act, 1987; Public Law 99-591; 100 Stat. 3341) provides the following:

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551, $31,689,000: *Provided*, That, notwithstanding sections 451, 492(b), or 614 of the Foreign Assistance Act of 1961, or any other provision of law, these funds may be used only as justified in the Congressional Presentation Document for fiscal year 1987: *Provided further*, That, to the extent that these funds cannot be used to provide for such assistance, they shall revert to the Treasury as miscellaneous receipts: *Provided further*, That not more than half of the funds which are appropriated under this paragraph and which are allocated for the United Nations Force in Cyprus may be obligated for the United States contribution to that Force until the Secretary of State submits a report to the Congress detailing how the United States and other contributing countries plan to eliminate the financial deficit of that Force.

[472] Subsec. (c) was added by sec. 10(c) of the International Security Assistance Act of 1979 (Public Law 96-92; 93 Stat. 705).

[473] Sec. 114(b) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1528) increased the amount which may be transferred in any fiscal year from $10,000,000 to $15,000,000 and deleted language prohibiting earmarked funds from being transferred.

[474] Subsec. (c) para. (2) and subsec. (d) were added by sec. 105(b) of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 195).

[475] The Middle East Special Requirements Fund was originally added as Sec. 903 of this Act by the FA Act of 1974 and moved to sec. 553 by the International Security Assistance Act of 1978 (Public Law 95-384; 92 Stat. 737). Sec. 553 was repealed by sec. 116(b) of the International Security and Development Cooperation Act of 1980 (Public Law 96-533; 94 Stat. 3140).

[476] 22 U.S.C. 2348c. Originally added as sec. 554, it was redesignated as Sec. 553 by sec. 116(b) of the International Security and Development Cooperation Act of 1980 (Public Law 96-533; 94 Stat. 3140).

any reference in any law to part II of this Act shall be deemed to exclude reference to this chapter.

Chapter 7—Air Base Construction in Israel[477]

Sec. 561.[478] General Authority.—The President is authorized—

(1) to construct such air bases in Israel for the Government of Israel as may be agreed upon between the Government of Israel and the Government of the United States to replace the Israeli airbases located at Etzion and Etam on the Sinai peninsula that are to be evacuated by the Government of Israel; and

(2) for purposes of such construction, to furnish as a grant to the Government of Israel, on such terms and conditions as the President may determine, defense articles and defense services, which he may acquire from any source, of a value not to exceed the amount appropriated pursuant to section 562(a).

Sec. 562.[479] Authorization and Utilization of Funds.—(a) There is authorized to be appropriated to the President to carry out this chapter not to exceed $800,000,000, which may be made available until expended.[480]

(b) Upon agreement by the Government of Israel to provide to the Government of the United States funds equal to the difference between the amount required to complete the agreed construction work and the amount appropriated pursuant to subsection (a) of this section, and to make those funds available, in advance of the time when payments are due, in such amounts and at such times as may be required by the Government of the United States to meet those additional costs of construction, the President may incur obligations and enter into contracts to the extent necessary to complete the agreed construction work, except that this authority shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts.

(c) Funds made available by the Government of Israel pursuant to subsection (b) of this section may be credited to the appropriation account established to carry out the purposes of this section for the payment of obligations incurred and for refund to the Government of Israel if they are unnecessary for that purpose, as determined by the President. Credits and the proceeds of guaranteed loans made available to the Government of Israel pursuant to the Arms Export Control Act, as well as any other source of financing available to it, may be used by Israel to carry out its undertaking to provide such additional funds.

Sec. 563.[481] Waiver Authorities.—(a) It is the sense of the Congress that the President should take all necessary measures consistent with law to insure the efficient and timely completion of the construction authorized by this chapter, including the exercise of authority vested in him by section 633(a) of this Act.

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[477] Ch. 7 was added by sec. 3 of the Special International Security Assistance Act of 1979 (Public Law 96–35; 93 Stat. 89).

[478] 22 U.S.C. 2349.

[479] 22 U.S.C. 2349a.

[480] Supplemental Appropriations Act, 1979 (Public Law 96–35; 93 Stat. 103) states:

"For necessary expenses to carry out the provisions of chapter 7 of the Foreign Assistance Act of 1961, as amended, $800,000,000, to remain available until expended: *Provided*, That authority to enter into contracts may be exercised to the extent necessary to carry out the purposes of that chapter."

[481] 22 U.S.C. 2349b. See also sec. 6 of Executive Order 11223 which pertains to the administration of this chapter (page 597 of text).

(b) The provisions of paragraph (3) of section 636(a) of this Act shall be applicable to the use of funds available to carry out this chapter, except that no more than sixty persons may be engaged at any one time under that paragraph for purposes of this chapter.

Chapter 8—Antiterrorism Assistance[482]

Sec. 571.[483] **General Authority.**—Subject to the provisions of this chapter, the President is authorized to furnish, on such terms and conditions as the President may determine, assistance to foreign countries in order to enhance the ability of their law enforcement personnel to deter terrorists and terrorist groups from engaging in international terrorist acts such as bombing, kidnaping, assassination, hostage taking, and hijacking. Such assistance may include training services and the provision of equipment and other commodities related to bomb detection and disposal, management of hostage situations, physical security, and other matters relating to the detection, deterrence, and prevention of acts of terrorism, the resolution of terrorist incidents, and the apprehension of those involved in such acts.

Sec. 572.[484] **Purposes.**—Activities conducted under this chapter shall be designed—

(1) to enhance the antiterrorism skills of friendly countries by providing training and equipment to deter and counter terrorism;

(2) to strengthen the bilateral ties of the United States with friendly governments by offering concrete assistance in this area of great mutual concern; and

(3) to increase respect for human rights by sharing with foreign civil authorities modern, humane, and effective antiterrorism techniques.

Sec. 573.[485] **Specific Authorities and Limitations.**—(a) Notwithstanding section 660 of this Act, services and commodities may be granted for the purposes of this chapter to eligible foreign countries, subject to reimbursement of the value thereof (within the meaning of section 644(m)) pursuant to section 632 of this Act from funds available to carry out this chapter.

(b) Whenever the President determines it to be consistent with and in furtherance of the purposes of this chapter, and on such terms and conditions consistent with this Act as he may determine, any agency of the United States Government is authorized to furnish services and commodities, without charge to funds available to carry out this chapter, to an eligible foreign country, subject to payment in advance of the value thereof (within the meaning of section 644(m)) in United States dollars by the foreign country. Credits and the proceeds of guaranteed loans made available to such countries pursuant to the Arms Export Control Act shall not be used for such payments. Collections under this chapter shall be credited to the currently applicable appropriation, account, or fund of the agency providing such services and commodities and shall be available for the purposes for which such appropriation, account, or fund is authorized to be used.

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[482] Chapter 8 was added by the International Security and Development Assistance Authorizations Act of 1983 (sec. 101(b)(2) of the Further Continuing Appropriations, 1984; Public Law 98–151; 97 Stat. 972). Pursuant to Public Law 98–151, chapter 8 was enacted as contained in title II of H.R. 2992, as reported by the House Committee on Foreign Affairs on May 17, 1983, except for sec. 575 which was included in Public Law 98–151.

[483] 22 U.S.C. 2349aa.

Delegation of Authority No. 145–2 (Feb. 4, 1984) delegated the functions conferred upon the President by Chapter 8 to the Director of the Office for Combatting Terrorism.

[484] 22 U.S.C. 2349aa–1.

[485] 22 U.S.C. 2349aa.–2.

(c) The Assistant Secretary of State for Human Rights and Humanitarian Affairs shall be consulted in the development and implementation of the antiterrorism assistance program under this chapter, including determinations of the foreign countries that will be furnished assistance under this chapter and determinations of the nature of assistance to be furnished to each such country.

(d)(1) Training services provided pursuant to this chapter shall not be conducted outside the United States.

(2) Personnel of the United States Government authorized to advise eligible foreign countries on antiterrorism matters shall carry out their responsibilities, to the maximum extent possible, within the United States. Such personnel may provide advice outside the United States on antiterrorism matters to eligible foreign countries for periods not to exceed thirty consecutive calendar days.

(3) Employees of the Department of State shall not engage in the training of law enforcement personnel or provision of services under this chapter, except that employees of the Office of Security of the Department of State may provide training and services to law enforcement personnel for the physical protection of internationally protected persons and related facilities.

(4)[486] (A) Articles on the United States Munitions List may be made available under this chapter only if—

(i) they are small arms in category I (relating to firearms), ammunition in category III (relating to ammunition) for small arms in category I, articles in category IV(c) or VI(c) (relating to detection and handling of explosive devices), articles in category X (relating to protective personnel equipment), or articles in paragraph (b), (c), or (d) of category XIII (relating to speech privacy devices, underwater breathing apparatus and armor plating), and they are directly related to antiterrorism training under this chapter;

(ii) the recipient country is not prohibited by law from receiving assistance under one or more of the following provisions: chapter 2 of this part (relating to grant military assistance), chapter 5 of this part (relating to international military education and training), or the Arms Export Control Act (relating to foreign military sales financing); and

(iii) at least 15 days before the articles are made available to the foreign country, the President notifies the Committee on Foreign Affairs of the House of Representatives and Committee on Foreign Relations of the Senate of the proposed transfer, in accordance with the procedures applicable to reprogramming notifications pursuant to section 634A of this Act.

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[486] Para. (4) was comprehensively amended and restated by sec. 507 of Public Law 99-399 (100 Stat. 873).

(B) The value (in terms of original acquisition cost) of all equipment and commodities provided under subsection (a) in any fiscal year may not exceed 25 percent of the funds made available to carry out this chapter for that fiscal year.

(C) No shock batons or similar devices may be provided under this chapter.

(5) Assistance under this chapter shall not include provision of services, equipment, personnel, or facilities involved in the collection of intelligence as defined in Executive Order 12333 of December 4, 1981, other than limited training in the organization of intelligence for antiterrorism purposes.

(e) This chapter does not apply to information exchange activities conducted by agencies of the United States Government under other authority for such purposes.

(f)[487] Funds made available to carry out this chapter may not be used for personnel compensation or benefits.

Sec. 574.[488] **Reports to Congress.**—(a)(1) Not less than thirty days before providing assistance to a foreign country under this chapter, the President shall transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a written notification which specifies—

(A) the country to which such assistance is to be provided;

(B) the type and value of the assistance to be provided;

(C) the terms and duration of assistance; and

(D) an explanation of how the proposed assistance will further the objectives of this chapter to assist eligible foreign countries in deterring terrorism.

(2) The chairman of either the Committee on Foreign Affairs of the House of Representatives or the Committee on Foreign Relations of the Senate may request, as deemed necessary, a current report on the state of observance of and respect for internationally recognized human rights in the country to which assistance is to be provided. In the event that a report is requested, no assistance under subsection (a) shall be provided to the country specified prior to transmittal of the report to the requesting committee.

(b) The annual congressional presentation materials shall include—

(1) a list of the countries which received assistance under this chapter for the preceding fiscal year, a list of the countries which are programed to receive assistance under this chapter for the current fiscal year, and a list of the countries which are proposed as recipients of assistance under this chapter for the next fiscal year; and

(2) with respect to each country listed pursuant to paragraph (1) and for each such fiscal year, a description of the assistance under this chapter furnished, programed, or proposed, including—

(A) the place where training or other services under this chapter were or will be furnished, the duration of such training or other services, and the number of personnel from that country which were or will receive training under this chapter;

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[487] Subsec. (f) was added by sec. 501(c) of Public Law 99-83 (99 Stat. 221).

[488] 22 U.S.C. 2349aa-3.

(B) the types of equipment or other commodities which were or will be furnished under this chapter; and

(C) whether the assistance was furnished on a grant basis, on an advance payment basis, or on some other basis.

Each report shall also describe the ways in which the provision of such assistance has furthered the objective of enhancing the ability of foreign law enforcement authorities to deter acts of terrorism.

Sec. 575.[489] **Authorizations of Appropriations.**—(a) There are authorized to be appropriated to the President to carry out this chapter $9,840,000 for the fiscal year 1986 and $14,680,000 for the fiscal year 1987.

(b) Amounts appropriated under this section are authorized to remain available until expended.[490]

Sec. 576.[491] **Administrative Authorities.**—Except where expressly provided to the contrary, any reference in any law to part I of this Act shall be deemed to include reference to this chapter and any reference in any law to part II of this Act shall be deemed to exclude reference to this chapter.

Sec. 577.[492] * * * [Repealed—1985]

PART III

Chapter 1—General Provisions

Sec. 601.[493] **Encouragement of Free Enterprise and Private Participation.**—(a) The Congress of the United States recognizes the vital role of free enterprise in achieving rising levels of production standards of living essential to economic progress and development. Accordingly, it is declared to be the policy of the United States to encourage the efforts of other countries to increase the flow of international trade, to foster private initiative and competition, to encourage the development and use of cooperatives, credit unions, and savings and loan associations, to discourage monopolistic practices, to improve the technical efficiency of their industry, agriculture, and commerce, and to strengthen free labor unions; and to encourage the contribution of United States enterprise toward economic strength of less developed friendly countries, through private trade and investment abroad, private participation in programs carried out under this Act (including the use of private trade channels to the maximum extent practicable in carrying out such programs), and exchange of ideas and technical information on the matters covered by this subsection.

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[489] 22 U.S.C. 2349aa–4. The authorization for fiscal year 1987 of $14,680,000 was substituted in lieu of the amount of $9,840,000 by sec. 401 of Public Law 99–399 (100 Stat. 862). FA Appropriations, 1987 (sec. 101(f) of the Continuing Appropriations Act, 1987, Public Law 99–591 (100 Stat. 3341) provides:

"ANTI-TERRORISM ASSISTANCE

"For necessary expenses to carry out the provisions of chapter 8 of part II, $9,840,000."

[490] The authorization for fiscal year 1986 and 1987 was enacted by sec. 501(a) of the International Security and Development Cooperation Act of 1985 (Public Law 99–83; 99 Stat. 219). Previous authorizations include: fiscal year 1984—$5,000,000; fiscal year 1985—no authorization.

In addition, the Urgent Supplemental Appropriations Act, 1986, Public Law 99–349, 100 Stat. 725, provides:

"ANTI-TERRORISM ASSISTANCE

"(TRANSFERS OF FUNDS)

"For an additional amount to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961, $2,739,000, to be derived by transfer from any of the funds appropriated or otherwise made available in titles I, II, III, and IV of the Foreign Assistance and Related Programs Appropriations Act, 1986 (as enacted in Public Law 99–190)."

[491] 22 U.S.C. 2349aa–5.

[492] Formerly, 22 U.S.C. 2349aa–6. Sec. 577 was repealed by sec. 501(d) of the International Security and Development Cooperation Act of 1985 (Public Law 99–83; 99 Stat. 220.) Previously, the authorities under this Chapter would have expired on Sept. 30, 1985.

[493] 22 U.S.C. 2351.

(b) In order to encourage and facilitate participation by private enterprise to the maximum extent practicable in achieving any of the purposes of this Act, the President shall—

(1) make arrangements to find, and draw the attention of private enterprise to opportunities for investment and development in less developed countries and areas;

(2) establish an effective system for obtaining adequate information with respect to the activities of, and opportunities for, nongovernmental participation in the development process, and for utilizing such information in the planning, direction, and execution of programs carried out under this Act, and in the coordination of such programs with the ever-increasing developmental activities of nongovernmental United States institutions;

(3)[494] accelerate a program of negotiating treaties for commerce and trade, including tax treaties, which shall include provisions to encourage and facilitate the flow of private investment to, and its equitable treatment in, friendly countries and areas participating in programs under this Act;

(4)[494] seek, consistent with the national interest, compliance by other countries or areas with all treaties for commerce and trade and taxes, and take all reasonable measures under this Act or other authority to secure compliance therewith and to assist United States citizens in obtaining just compensation for losses sustained by them or payments exacted from them as a result of measures taken or imposed by any country or area thereof in violation of any such treaty;

(5)[494] to the maximum extent practicable[495] carry out programs of assistance through private channels and to the extent practicable in conjunction with local private or governmental participation, including loans under the authority of section 122[496] to any individual, corporation, or other body of persons;[495]

(6)[497] take appropriate steps to discourage nationalization, expropriation, confiscation, seizure of ownership or control of private investment and discriminatory or other actions, having the effect thereof, undertaken by countries receiving assistance under this Act, which divert available resources essential to create new wealth, employment, and productivity in those countries and otherwise impair the climate for new private investment essential to the stable economic growth and development of those countries;

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[494] Sec. 301(a)(2) of the FA Act of 1966 redesignated pars. (2), (3), (4), (5), and (6) as pars. (3), (4), (5), (6), and (7) respectively and added a new par. (2).

[495] Sec. 301(a)(2) of the FA Act of 1963 substituted the words "to the maximum extent practicable" for the words "wherever appropriate", and substituted a semicolon for the period at the end of the paragraph.

[496] Sec. 102(g)(2)(B) of the International Development and Food Assistance Act of 1978 (Public Law 95–424; 92 Stat. 942) substituted "122" in lieu of "201".

[497] Pars. (6) and (7) were added by sec. 301(a)(3) of the FA Act of 1963. Originally added as pars. (5) and (6), they were redesignated by sec. 301(a)(2) of the FA Act of 1966.

(7) utilize wherever practicable the services of United States private enterprise (including, but not limited to, the services of experts and consultants in technical fields such as engineering);

(8)[498] utilize wherever practicable the services of United States private enterprise on a cost-plus incentive fee contract basis to provide the necessary skills to develop and operate a specific project or program of assistance in a less developed friendly country or area in any case in which direct private investment is not readily encouraged, and provide where appropriate for the transfer of equity ownership in such project or program to private investors at the earliest feasible time.

(c)[499] (1) There is hereby established an International Private Investment Advisory Council on Foreign Aid to be composed of such number of leading American business specialists as may be selected, from time to time, by the Administrator of the Agency for International Development for the purpose of carrying out the provisions of this subsection.[500] The members of the Council shall serve at the pleasure of the Administrator, who shall designate one member to serve as Chairman.

(2) It shall be the duty of the Council, at the request of the Administrator, to make recommendations to the Administrator with respect to particular aspects of programs and activities under this Act where private enterprise can play a contributing role and to act as liaison for the Administrator to involve specific private enterprises in such programs and activities.[500]

(3) The members of the Advisory Council shall receive no compensation for their services but shall be entitled to reimbursement

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[498] Sec. 301(a)(3) of the FA Act of 1966 added par. (8).

[499] Subsec. (c) was amended by sec. 301(a)(4) of the FA Act of 1966. It formerly read as follows:

"(c)(1) There is hereby established an Advisory Committee on Private Enterprise in Foreign Aid. The Advisory Committee shall carry out studies and make recommendations for achieving the most effective utilization of the private enterprise provisions of this Act to the head of the Agency charged with administering the programs under part I of this Act, who shall appoint the Committee.

"(2) Members of the Advisory Committee shall represent the public interest and shall be selected from the business, labor and professional world, from the universities and foundations, and from among persons with extensive experience in government. The Advisory Committee shall consist of not more than nine members, and one of the members shall be designated as chairman.

"(3) Members of the Advisory Committee shall receive no compensation for their services but shall be entitled to reimbursement in accordance with section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b-2) for travel and other expenses incurred in attending meetings of the Advisory Committee.

"(4) The Advisory Committee shall, if possible, meet not less frequently than once each month, shall submit such interim reports as the Committee finds advisable, and shall submit a final report not later than June 30, 1965, whereupon the Committee shall cease to exist. Such reports shall be made available to the public and to the Congress.

"(5) The expenses of the Committee, which shall not exceed $50,000, shall be paid from funds otherwise available under this Act."

[500] This function of the Administrator of AID was transferred to the Director of IDCA, pursuant to sec. 6 of Reorganization Plan No. 2 of 1979 (establishing IDCA).

in accordance with section 5703 of title 5 of the United States Code [501] for travel and other expenses incurred by them in the performance of their functions under this subsection.

(4) The expenses of the Advisory Council shall be paid by the Administrator from funds otherwise available under this Act.

(d) [502] It is the sense of Congress that the Agency for International Development should continue to encourage, to the maximum extent consistent with the national interest, the utilization of engineering and professional services of United States firms (including, but not limited to, any corporation, company, partnership, or other association) or by an affiliate of such United States firms in connection with capital projects financed by funds authorized under this Act.[503]

(e) [504] (1) The Congress finds that significantly greater effort must be made in carrying out programs under part I of this Act to award contracts on the basis of competitive selection procedures. All such contracts should be let on the basis of competitive selection procedures except in those limited cases in which the procurement regulations governing the agency primarily responsible for administering part I of this Act allow noncompetitive procedures to be used.

(2)[505] * * * [Repealed—1981]

Sec. 602.[506] **Small Business.**—(a) Insofar as practicable and to the maximum extent consistent with the accomplishment of the purposes of this Act, the President shall assist American small business to participate equitably in the furnishing of commodities, defense articles, and services (including defense services) financed with funds made available under this Act—

(1) by causing to be made available to suppliers in the United States, and particularly to small independent enterprises, information, as far in advance as possible, with respect to purchases proposed to be financed with such funds;

(2) by causing to be made available to prospective purchasers in the countries and areas receiving assistance under this Act information as to such commodities, articles, and services produced by small independent enterprises in the United States; and

(3) by providing for additional services to give small business better opportunities to participate in the furnishing of such commodities, articles, and services financed with such funds.

(b) There shall be an Office of Small Business, headed by a Special Assistant for Small Business, in such agency of the United

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[501] The words "5703 of title 5 of the United States Code" was substituted for "5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b-2)" by sec. 301(a) of the FA Act of 1967.

[502] Subsec. (d) was added by sec. 301(b) of the FA Act of 1964.

[503] This responsibility of the agency and its Administrator was transferred to the Director of IDCA, pursuant to sec. 6 of Reorganization Plan No. 2 of 1979 (establishing IDCA).

[504] Subsec. (e) was added by sec. 501 of the International Development and Food Assistance Act of 1978 (Public Law 95-424; 92 Stat. 956).

[505] Par. (2), which had required certain information to be supplied to Congress within the congressional presentation materials for development assistance in fiscal year 1980 and 1981 concerning contracts entered into by AID without competitive selection procedures, was struck out by sec. 734(a)(1) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560).

[506] 22 U.S.C. 2352.

States Government as the President may direct, to assist in carrying out the provisions of subsection (a) of this section.

(c) The Secretary of Defense shall assure that there is made available to suppliers in the United States, and particularly to small independent enterprises, information with respect to purchase made by the Department of Defense pursuant to part II, such information to be furnished as far in advance as possible.

Sec. 603.[507] **Shipping on United States Vessels.**—The ocean transportation between foreign countries of commodities and defense articles purchased with foreign currencies made available or derived from funds made available under this Act or the Agricultural Trade Development and Assistance Act of 1954 as amended (7 U.S.C. 1691 et seq.), and transfers of fresh fruit and products thereof under this Act shall not be governed by the provisions of section 901(b) of the Merchant Marine Act of 1936, as amended (46 U.S.C. 1241), or any other law relating to the ocean transportation of commodities on United States flag vessels.

Sec. 604.[508] **Procurement.**—(a) Funds made available under this Act may be used for procurement outside the United States only if the President determines that such procurement will not result in adverse effects upon the economy of the United States or the industrial mobilization base, with special reference to any areas of labor surplus or to the net position of the United States in its balance of payments with the rest of the world, which outweigh the economic or other advantages to the United States of less costly procurement outside the United States,[509] and only if the price of any commodity procured in bulk is lower than the market price prevailing in the United States at the time of procurement, adjusted for differences in the cost of transportation to destination, quality, and terms of payment.

(b) No funds made available under this Act shall be used for the purchase in bulk of any commodities at prices higher than the market price prevailing in the United States at the time of purchase, adjusted for differences in the cost of transportation to destination, quality, and terms of payment.

(c) [510] In providing for the procurement of any agricultural commodity or product thereof available for disposition under the Agricultural Trade Development and Assistance Act of 1954 as amended, for transfer by grant under this Act to any recipient country in accordance with its requirements, the President shall, insofar as practicable and when in furtherance of the purposes of this Act, authorize the procurement of such agricultural commodity only within the United States except to the extent that such agricultural commodity is not available in the United States in sufficient quantities to supply emergency requirements of recipients under this Act.

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[507] 22 U.S.C. 2353.

[508] 22 U.S.C. 2354.

[509] See also sec. 237(k) of this Act.

[510] Sec. 301(b)(1) of the FA Act of 1966 struck out the word "surplus" which appeared before the word "agricultural" in three places in this subsec. and added the words "or product thereof available for disposition under the Agricultural Trade Development and Assistance Act of 1954, as amended,". For text of the Agricultural Trade Development and Assistance Act, see page 765.

(d) In providing assistance in the procurement of commodities in the United States, United States dollars shall be made available for marine insurance on such commodities where such insurance is placed on a competitive basis in accordance with normal trade practice prevailing prior to the outbreak of World War II: *Provided*, That in the event a participating country, by statute, decree, rule, or regulation, discriminates against any marine insurance company authorized to do business in any State of the United States, then commodities purchased with funds provided hereunder and destined for such country shall be insured in the United States against marine risk with a company or companies authorized to do a marine insurance business in any State of the United States.

(e) [511] No funds made available under this Act shall be used for the procurement of any agricultural commodity or product thereof outside the United States when the domestic price of such commodity is less than parity, unless the commodity to be financed could not reasonably be produced in the United States in fulfillment of the objectives of a particular assistance program under which such commodity procurement is to be financed.

(f) [512] No funds authorized to be made available to carry out part I of this Act shall be used under any commodity import program to make any payment to a supplier unless the supplier has certified to the agency primarily responsible for administering such part I, such information as such agency shall by regulation prescribe, including but not limited to, a description of the commodity supplied by him and its condition, and on the basis of such information such agency shall have approved such commodity as eligible and suitable for financing under this Act.

(g) [513] (1) None of the funds authorized to be appropriated or made available for obligation or expenditure under this Act may be made available for the procurement of construction or engineering services from advanced developing countries, eligible under the Geographic Code 941, which have attained a competitive capability in international markets for construction services or engineering services.

(2)[513] Paragraph (1) does not apply with respect to an advanced developing country which—

(A) is receiving direct economic assistance under chapter 1 of part I or chapter 4 of part II of this Act, and

(B) if the country has its own foreign assistance programs which finance the procurement of construction or engineering services, permits United States firms to compete for those services.

Sec. 605.[514] **Retention and Use of Certain Items and Funds.**—(a) Any commodities and defense articles procured to carry out this

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[511] Subsec. (e) was added by sec. 301(b)(2) of the FA Act of 1966. The last phrase of subsec. (e), beginning with the words ", unless the commodity * * *", were added by sec. 705(a) of the International Security and Development Cooperation Act of 1980 (Public Law 96–593; 94 Stat. 3157).

[512] Subsec. (f) was added by sec. 301(a) of the FA Act of 1968.

[513]1 Subsec. (g) was added by sec. 705(b) of the International Security and Development Cooperation Act of 1980 (Public Law 96–533; 94 Stat. 3158). Para. (2) was added by sec. 1207 of the International Security and Development Cooperation Act of 1985 (Public Law 99–83; 99 Stat. 278).

[514] 22 U.S.C. 2355. Sec. 301(a)(1) of the FA Act of 1965 substituted the words "CERTAIN ITEMS AND FUNDS" for "ITEMS" in the title caption of sec. 605.

Act shall be retained by, or upon reimbursement, transferred to, and for the use of, such agency of the United States Government as the President may determine in lieu of being disposed of to a foreign country or international organization, whenever in the judgment of the President the best interests of the United States will be served thereby or whenever such retention is called for by concurrent resolution. Any commodities or defense articles so retained may be disposed of without regard to provisions of law relating to the disposal of property owned by the United States Government, when necessary to prevent spoilage or wastage of such commodities or defense articles or to conserve the usefulness thereof. Funds realized from any disposal or transfer shall revert to the respective appropriation, fund, or account used to procure such commodities or defense articles or to the appropriation, fund, or account currently available for the same general purpose.

(b) Whenever commodities are transferred to the United States Government as repayment of assistance under this Act, such commodities may be used in furtherance of the purposes and within the limitations of this Act.

(c) [515] Funds realized as a result of any failure of a transaction financed under authority of part I of this Act to conform to the requirements of this Act, or to applicable rules and regulations of the United States Government, or to the terms of any agreement or contract entered into under authority of part I of this Act, shall revert to the respective appropriation, fund, or account used to finance such transaction or to the appropriation, fund, or account currently available for the same general purpose.

(d) [515] Funds realized by the United States Government from the sale, transfer, or disposal of defense articles returned to the United States Government by a recipient country or international organization as no longer needed for the purpose for which furnished shall be credited to the respective appropriation, fund, or account used to procure such defense articles or to the appropriation, fund, or account currently available for the same general purpose.

Sec. 606.[516] **Patents and Technical Information.**—(a) Whenever, in connection with the furnishing of assistance under this Act—

(1) an invention or discovery covered by a patent issued by the United States Government is practiced within the United States without the authorization of the owner, or

(2) information, which is (A) protected by law, and (B) held by the United States Government subject to restrictions imposed by the owner, is disclosed by the United States Government or any of its officers, employees, or agents in violation of such restrictions,

the exclusive remedy of the owner, except as provided in subsection (b) of this section, is to sue the United States Government for reasonable and entire compensation for such practice or disclosure in the district court of the United States for the district in which such owner is a resident, or in the United States Claims Court [517] within six years after the cause of action arises. Any period during which the United States Government is in possession of a written claim under subsection (b) of this section before mailing a notice of denial of that claim does not count in computing the six years. In any such suit, the United States Government may plead any defense that may be pleaded by a private person in such an action. The last paragraph of section 1498(a) of title 28 of the United States Code shall apply to inventions and information covered by this section.

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[515] Subsecs. (c) and (d) were added by sec. 301(a)(2) of the FA Act of 1965.

[516] 22 U.S.C. 2356.

[517] Reference to the United States Claims Court was substituted in lieu of a reference to the Court of Claims by sec. 160(a)(6) of the Federal Courts Improvement Act (Public Law 97-164; 96 Stat. 48).

(b) Before suit against the United States Government has been instituted, the head of the agency of the United States Government concerned may settle and pay any claim arising under the circumstances described in subsection (a) of this section. No claim may be paid under this subsection unless the amount tendered is accepted by the claimant in full satisfaction.

(c) Funds appropriated pursuant to this Act shall not be expended by the United States Government for the acquisition of any drug product or pharmaceutical product manufactured outside the United States if the manufacture of such drug product or pharmaceutical product in the United States would involve the use of, or be covered by, an unexpired patent of the United States which has not previously been held invalid by an unappealed or unappealable judgment or decree of a court of competent jurisdiction, unless such manufacture is expressly authorized by the owner of such patent.

Sec. 607.[518] **Furnishing of Services and Commodities.**—(a) Whenever the President determines it to be consistent with and in furtherance of the purposes of part I and within the limitations of this Act, any agency of the United States Government is authorized to furnish services and commodities on an advance-of-funds or reimbursement basis to friendly countries, international organizations, the American Red Cross, and voluntary nonprofit relief agencies registered with and approved by the Agency for International Development [519] (including foreign voluntary nonprofit relief agencies so registered and approved when no United States voluntary nonprofit relief agency is available).[520] Such advances or reimbursements may be credited to the currently applicable appropriation, account, or fund of the agency concerned and shall be available for the purposes for which such appropriation, account, or fund is authorized to be used, under the following circumstances:

(1) Advances or reimbursements which are received under this section within one hundred and eighty days after the close of the fiscal year in which such services and commodities are delivered.

(2) Advances or reimbursements received pursuant to agreements executed under this section in which reimbursement will not be completed within one hundred and eighty days

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[518] 22 U.S.C. 2357. Subsection designation "(a)" was added by sec. 301(b) of the FA Act of 1968.

[519] The reference to the Agency for International Development was substituted in lieu of a reference to the Advisory Committee on Voluntary Foreign Aid by sec. 121 of the International Development Cooperation Act of 1979 (Public Law 96-53; 93 Stat. 366).

[520] The parenthetical phrase was added by sec. 122(a) of the International Development and Food Assistance Act of 1977 (Public Law 95-88; 91 Stat. 541). Subsec. (b) of sec. 122 further instructed the President to issue regulations "governing registration with and approval by the Advisory Committee on Voluntary Foreign Aid of foreign nonprofit agencies."

after the close of the fiscal year in which such services and commodities are delivered: *Provided*, That such agreements require the payment of interest at the current rate established pursuant to section 2(b)(1)(B) of the Export-Import Bank Act of 1945 (59 Stat. 526), and repayment of such principal and interest does not exceed a period of three years from the date of signing of the agreement to provide the service: *Provided further*, That funds available for this paragraph in any fiscal year shall not exceed $1,000,000 of the total funds authorized for use in such fiscal year by chapter 1 of part I of this Act, and shall be available only to the extent provided in appropriation Acts. Interest shall accrue as of the date of disbursement to the agency or organization providing such services.[521]

(b) When any agency of the United States Government provides services on an advance-of-funds or reimbursable basis under this section, such agency may contract with individuals for personal service abroad or in the United States to perform such services or to replace officers or employees of the United States Government who are assigned by the agency to provide such services. Such individuals shall not be regarded as employees of the United States Government for the purpose of any law administered by the Civil Service Commission.

(c)[522] (1) Except as provided in subsection (d),[523] no Government-owned excess property shall be made available under this section, section 608, or otherwise in furtherance of the purposes of part I of this Act, unless, before the shipment of such property for use in a specified country (or transfer, if the property is already in such country), the agency administering such part I has approved such shipment (or transfer) and made a written determination—

(A) that there is a need for such property in the quantity requested and that such property is suitable for the purpose requested;

(B) as to the status and responsibility of the designated end-user and his ability effectively to use and maintain such property; and

(C) that the residual value, serviceability, and appearance of such property would not reflect unfavorably on the image of the United States and would justify the costs of packing, crating, handling, transportation, and other accessorial costs, and that the residual value at least equals the total of these costs.

(d)[524] The Secretary of State, acting through the Assistant Secretary of State for Oceans and International Environmental and

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[521] Sec. 315 of Public Law 94-161 (89 Stat. 849) substituted the words to this point commencing with "Such advances or reimbursements may be credited * * *" in lieu of "Such advances or reimbursements which are received under this section within one hundred and eighty days after the close of the fiscal year in which such services and commodities are delivered, may be credited to the current applicable appropriation, account, or fund of the agency concerned and shall be available for the purposes for which such appropriation, account, or fund is authorized to be used."

[522] Sec. 522 of the International Development and Food Assistance Act of 1978 (92 Stat. 959, Public Law 95–424) redesignated subsec. (b) (as added by FA Act of 1968) as subsec. (c) and added a new subsec. (b).

[523] The words "except as provided in subsec. (d)," were added by sec. 129(1)(B) of the Foreign Relations Authorization Act, fiscal years 1986 and 1987 (Public Law 99-93; 99 Stat. 419). Sec. 129(1)(A) of the Act also redesignated paras. (1), (2) and (3) as (A), (B) and (C).

[524] Subsec. (d) was added by sec. 129(2) of the Foreign Relations Authorization Act, Fiscal years 1986 and 1987 (Public Law 99-93; 99 Stat. 419).

Scientific Affairs, is authorized to transfer to any friendly country, international organization, the American Red Cross, or other voluntary nonprofit relief agency described in subsection (a), Government-owned excess property made available under this section or section 608 in order to support activities carried out under part I of this Act which are designed to enhance environmental protection in foreign countries if the Secretary of State makes a written determination—

(1) that there is a need for such property in the quantity requested and that such property is suitable for the purpose requested;

(2) as to the status and responsibility of the designated end-user and his ability effectively to use and maintain such property; and

(3) that the residual value, serviceability, and appearance of such property would not reflect unfavorably on the image of the United States and would justify the costs of packing, crating, handling, transportation, and other accessorial costs, and that the residual value at least equals the total of these costs.".

Sec. 608.[525] **Advance Acquisition of Property.**—(a) It is the sense of the Congress that in furnishing assistance under part I excess personal property, or (if a substantial savings would occur) other property already owned by an agency of the United States Government, should be utilized wherever practicable in lieu of or supplementary to the procurement of new items for United States-assisted projects and programs.[526] The President is authorized to maintain in a separate account, which shall, notwithstanding section 1210 of the General Appropriation Act, 1951 (64 Stat. 765), be free from fiscal year limitations, $5,000,000 of funds made available under chapter 1 of part I,[527] which may be used to pay costs (including personnel costs)[528] of acquisition, storage, renovation and rehabilitation, packing, crating, handling transportation, and related costs of property classified as domestic or foreign excess property pursuant to the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 et seq.), any property available from an agency of the United States Government[529] or other property, in advance of known requirements therefor for use in furtherance of the purposes of part I: *Provided*, That the amount of property classified as domestic excess property pursuant to the Federal Property and Administrative Services Act of 1949, as amended, held at any one time pursuant to this section shall not exceed $15,000,000 in total original acquisition cost. Property acquired pursuant to the preceding sentence may be furnished (1) pursuant to any provision of part I for which funds are authorized for the furnishing of assistance, in which case the separate account established pursuant to this section shall be repaid from funds made available for such provision for all costs incurred, or (2) pursuant to section 607, in which case such separate account shall be repaid in accordance with the provisions of that section for all costs incurred.

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[525] 22 U.S.C. 2358.

[526] This sentence was added by sec. 301(b) of the FA Act of 1967. The phrases within the sentence of "or (if substantial savings would occur) other property already owned by an agency of the United States Government," and "or supplementary to" were added by sec. 701(1) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1544).

[527] The words "chapter 1 of part I" were substituted in lieu of "section 212" by sec. 102(g)(2)(C) of the International Development and Food Assistance Act of 1978 (Public Law 95-424; 92 Stat. 942).

[528] The words "(including personnel costs)," were added by sec. 301(c) of the FA Act of 1966.

[529] The words "any property available from an agency of the United States Government," were added by sec. 701(2) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1544).

(b) Property classified as domestic excess property under the Federal Property and Administrative Services Act of 1949, as amended, shall not be transferred to the agency primarily responsible for administering part I for use pursuant to the provisions of part I or section 607 unless (1) such property is transferred for use exclusively by an agency of the United States Government, or (2) it has been determined in the same manner as provided for surplus property in section 203(j) of the Federal Property and Administrative Services Act of 1949, as amended, that such property is not needed for donation pursuant to that subsection. The foregoing restrictions shall not apply to the transfer in any fiscal year for use pursuant to the provisions of part I of amounts of such property with a total original acquisition cost to the United States Government not exceeding $45,000,000.

Sec. 609.[530] **Special Account.**—(a) In cases where any commodity is to be furnished on a grant basis under chapter 4 of part I under arrangements which will result in the accrual of proceeds to the recipient country from the sale thereof, the President shall require the recipient country to establish a Special Account, and

(1) deposit in the Special Account, under terms and conditions as may be agreed upon, currency of the recipient country in amounts equal to such proceeds;

(2) make available to the United States Government such portion of the Special Account as may be determined by the President to be necessary for the requirements of the United States Government: *Provided,* That such portion shall not be less than 10 per centum in the case of any country to which such minimum requirement has been applicable under any Act repealed by this Act; and

(3) utilize the remainder of the Special Account for programs agreed to by the United States Government to carry out the purposes for which new funds authorized by this Act would themselves be available: *Provided,* That whenever funds from such Special Account are used by a country to make loans, all funds received in repayment of such loans prior to termination of assistance to such country shall be reused only for such purposes as shall have been agreed to between the country and the United States Government.

(b) Any unencumbered balances of funds which remain in the Account upon termination of assistance to such country under this Act shall be disposed of for such purposes as may, subject to approval by Act of the Congress, be agreed to between such country and the United States Government.

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[530] 22 U.S.C. 2359.

Sec. 610.[516] **Transfer Between Accounts.**—(a) [531] Whenever the President determines it to be necessary for the purposes of this Act, not to exceed 10 per centum of the funds made available for any provision of this Act (except funds made available pursuant to title IV of chapter 2 of part I) [532] may be transferred to, and consolidated with, the funds made available for any other provision of this Act, (except funds made available under chapter 2 of part II of this Act) [533] and may be used for any of the purposes for which such funds may be used, except that the total in the provision for the benefit of which the transfer is made shall not be increased by more than 20 per centum of the amount of funds made available for such provision.

(b) [531] The authority contained in this section and in sections 451, 506,[534] and 614 shall not be used to augment appropriations made available pursuant to sections 636(g)(1) and 637 or used otherwise to finance activities which normally would be financed from appropriations for administrative expenses.[535]

(c) [536] Any funds which the President has notified Congress pursuant to section 653 that he intends to provide in military assistance to any country may be transferred to, and consolidated with, any other funds he has notified Congress pursuant to such section that he intends to provide to that country for development assistance purposes.

Sec. 611.[537] **Completion of Plans and Cost Estimates.**—(a) No agreement or grant which constitutes an obligation of the United States Government in excess of $500,000 [538] under section 1501 of title 31, United States Code,[539] shall be made for any assistance authorized under chapter I of part I, title II of chapter 2 of part I, or chapter 4 of part II—[540]

(1) if such agreement or grant requires substantive technical or financial planning, until engineering, financial, and other plans necessary to carry out such assistance, and a reasonably firm estimate of the cost to the United States Government of providing such assistance, have been completed; and

(2) if such agreement or grant requires legislative action within the recipient country, unless such legislative action may reasonably be anticipated to be completed in time to

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[531] 22 U.S.C. 2360. Subsection designation "(a)" and subsec. (b) were added by sec. 301(a) of the FA Act of 1962.

[532] The parenthetical phrase was added by sec. 301 of the FA Act of 1969.

[533] The parenthetical phrase was added by sec. 19(a)(1) of the FA Act of 1974.

[534] Sec. 301(c) of the FA Act of 1967 substituted "506" for "510".

[535] The final sentence of subsec. (b), which had been amended by the FA Act of 1966, was repealed by sec. 10(b)(2) of the International Security Assistance Act of 1978 (Public Law 95–424; 92 Stat. 735). It formerly read as follows:

"Not to exceed $9,000,000 of the funds appropriated under section 402 of this Act for any fiscal year may be transferred to and consolidated with appropriations made under section 637(a) of this Act for the same fiscal year, subject to the further limitation that funds so transferred shall be available solely for additional administrative expenses incurred in connection with programs in Vietnam."

[536] Subsec. (c) was added by sec. 19(a)(2) of the FA Act of 1974.

[537] 22 U.S.C. 2361.

[538] Sec. 1208 of the International Security and Development Cooperation Act of 1985 (Public Law 99–83; 99 Stat. 278), raised this amount from $100,000.

[539] This reference to 31 U.S.C. 1501 replaced an earlier reference to 31 U.S.C. 200.

[540] The words "chapter 1 of part I, title II of chapter 2 of part I, or chapter 4 of part II" were substituted in lieu of "titles I, II, and VI of chapter 2 and chapter 4 of part I" by sec. 102(g)(2)(D) of the International Development and Food Assistance Act of 1978 (Public Law 95–424; 92 Stat. 943).

permit the orderly accomplishment of the purposes of such agreement or grant.

(b) Plans required under subsection (a) of this section for any water or related land resource construction project or program shall include a computation of benefits and costs made insofar as practicable in accordance with the principles, standards, and procedures established pursuant to the Water Resources Planning Act[541] (42 U.S.C. 1962, et seq.) or acts amendatory or supplementary thereto.

(c) To the maximum extent practicable, all contracts for construction outside the United States made in connection with any agreement or grant subject to subsection (a) of this section shall be made on a competitive basis.

(d) Subsection (a) of this section shall not apply to any assistance furnished for the sole purpose of preparation of engineering, financial, and other plans.

(e) [542] In addition to any other requirements of this section, no assistance authorized under chapter 1 of part I, title II of chapter 2 of part I, or chapter 4 of part II [543] shall be furnished with respect to any capital assistance project estimated to cost in excess of $1,000,000 until the head of the agency primarily responsible for administering part I of the Act has received and taken into consideration a certification from the principal officer of such agency in the country in which the project is located as to the capability of the country (both financial and human resources) to effectively maintain and utilize the project taking into account among other things the maintenance and utilization of projects in such country previously financed or assisted by the United States.

Sec. 612.[544] **Use of Foreign Currencies.**—(a) [544] Except as otherwise provided in this Act or other Acts, foreign currencies received either (1) as a result of the furnishing of nonmilitary assistance under the Mutual Security Act of 1954, as amended, or any Act repealed thereby and unobligated on the date prior to the effective date of this Act, or (2) on or after the effective date of this Act, as a result of the furnishing of nonmilitary assistance under the Mutual Security Act of 1954, as amended, or any Act repealed thereby, or (3) as a result of the furnishing of assistance under part I, which are in excess of the amounts reserved under authority of section 105(d) of the Mutual Educational and Cultural Exchange Act of 1961 or any other Act relating to educational and cultural exchanges, may be sold by the Secretary of the Treasury to agencies of the United States Government for payment of their obligations outside the United States, and the United States dollars received as reimbursement shall be deposited into miscellaneous receipts of the Treasury. Foreign currencies so received which are in excess of the amounts so reserved and of the requirements of the United States Government in payment of its obligations outside the United States, as such requirements may be determined from time to time by the President, shall be available for the authorized purposes of part I in such amounts as may be specified from time to time in appropriation Acts.

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[541] The reference to this Act was added by sec. 1208(2) of Public Law 99-83 (99 Stat. 278), and replaced an earlier reference to a document entitled: "Principles and Standards for Planning Water and Related Land Resources, dated October 25, 1973." The reference to the 1973 document was substituted in lieu of a reference of the "Memorandum of the President dated May 15, 1962" by sec. 117 of the International Development Cooperation Act of 1979 (Public Law 96-53; 93 Stat. 365). Previously, sec. 301(c) of the FA Act of 1963 had substituted the reference to the 1962 memorandum in lieu of a reference to "circular A-47 of the Bureau of the Budget."

[542] Subsec. (e) was added by sec. 301(d) of the FA Act of 1967.

[543] The words "chapter 1 of part I, title 2 of chapter 2 of part I, or chapter 4 of part II" were substituted in lieu of "titles I, II, or VI of chapter 2 or chapter 4 of part I" by sec. 102(g)(2)(E) of the International Development and Food Assistance Act of 1978 (Public Law 95-424; 92 Stat. 943).

[544] 22 U.S.C. 2362. Subsection designation "(a)" was added by sec. 301(d)(1) of the FA Act of 1963.

(b) [545] Any Act of Congress making appropriations to carry out programs under this or any other Act for United States operations abroad is hereby authorized to provide for the utilization of United States-owned excess foreign currencies to carry out any such operations authorized by law.[546]

[547] As used in this subsection, the term "excess foreign currencies" means foreign currencies or credits owned by or owed to the United States which are, under applicable agreements with the foreign country concerned, available for the use of the United States Government and are determined by the President to be excess to the normal requirements of departments and agencies of the United States for such currencies or credits and are not prohibited from use under this subsection by an agreement entered into with the foreign country concerned.

The President shall take all appropriate steps to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars. Dollar funds made available pursuant to this Act shall not be expended for goods and services when United States-owned foreign currencies are available for such purposes unless the administrative official approving the voucher certifies as to the reason for the use of dollars in each case.[548]

(c) [549] In addition to funds otherwise available, excess foreign currencies, as defined in subsection (b), may be made available to friendly foreign governments and to private, nonprofit United States organizations to carry out voluntary family planning programs in countries which request such assistance. No such program shall be assisted unless the President has received assurances that in the administration of such program the recipient will take reasonable precautions to insure that no person receives any family planning assistance or supplies unless he desires such services. The excess foreign currencies made available under this subsection shall not, in any one year, exceed 5 per centum of the aggregate of all excess foreign currencies. As used in this subsection, the term "voluntary family planning program" includes, but is not limited to, demographic studies, medical and psychological research, personnel training, the construction and staffing of clinics and rural health centers, specialized training of doctors and paramedical personnel, the manufacture of medical supplies, and the dissemination of family planning information, medical assistance, and supplies to individuals who desire such assistance.

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[545] Subsec. (b) was added by sec. 301(c) of the FA Act of 1964. Originally added as subsec. (c), it was redesignated by sec. 301(c) of the FA Act of 1964 and former subsec. (b) was redesignated as sec. 104(t) of Public Law 480 (the latter has subsequently been transferred in part to sec. 103(m) of Public Law 480).

[546] Foreign Assistance Appropriations Act, 1985 (sec. 101 of the Continuing Appropriations, 1985; Public Law 98-473; 98 Stat. 1890) provides the following:

"Overseas training and special development activities (foreign currency program): For necessary expenses as authorized by section 612, $1,100,000 in foreign currencies which the Treasury Department declares to be excess to the normal requirements of the United States."

[547] The first sentence of this paragraph was struck out by sec. 301(b) of the FA Act of 1965. It read as follows: "The President shall take all appropriate steps to assure that, to the maximum extent possible, United States-owned excess foreign currencies are utilized in lieu of dollars."

[548] This paragraph was added by sec. 301(b) of the FA Act of 1965.

[549] Subsec. (c) was added by sec. 301(e) of the FA Act of 1966.

(d) [550] In furnishing assistance under this Act to the government of any country in which the United States owns excess foreign currencies as defined in subsection (b) of this section, except those currencies generated under the Agricultural Trade Development and Assistance Act of 1954, as amended,[551] the President shall endeavor to obtain from the recipient country an agreement for the release, on such terms and conditions as the President shall determine, of an amount of such currencies up to the equivalent of the dollar value of assistance furnished by the United States for programs as may be mutually agreed upon by the recipient country and the United States to carry out the purposes for which new funds authorized by this Act would themselves be available.

Sec. 613.[552] Accounting, Valuation, Reporting, and Administration of Foreign Currencies.[553]—(a) Under the direction of the President, the Secretary of the Treasury shall have responsibility for valuation and central accounting with respect to foreign credits (including currencies) owed to or owned by the United States. In order to carry out such responsibility the Secretary shall issue regulations binding upon all agencies of the Government.

(b) The Secretary of the Treasury shall have sole authority to establish for all foreign currencies or credits the exchange rates at which such currencies are to be reported by all agencies of the Government.

(c) [554] * * * [Repealed—1981]

(d) [555] In cases where assistance is to be furnished to any recipient country in furtherance of the purposes of this or any other Act on a basis which will result in the accrual of foreign currency proceeds to the United States, the Secretary of the Treasury shall issue regulations requiring that agreements, in respect of such assistance, include provisions for the receipt of interest income on the foreign currency proceeds deposited in authorized depositories: *Provided,* That whenever the Secretary of State determines it not to be in the national interest to conclude arrangements for the receipt of interest income he may waive the requirement thereof: *Provided further,* That the Secretary of State, or his delegate, shall promptly make a complete report to the Congress on each such determination and the reasons therefor.

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[550] Subsec. (d) was added by sec. 302 of the FA Act of 1969.

[551] For text, see page 765.

[552] 22 U.S.C. 2363.

[553] Sec. 301(c)(1) of the FA Act of 1965 substituted "ACCOUNTING, VALUATION, REPORTING, AND ADMINISTRATION OF FOREIGN CURRENCIES" for "ACCOUNTING, VALUATION, AND REPORTING OF FOREIGN CURRENCIES".

[554] Subsec. (c), as amended by sec. 46 of Public Law 94-273, was repealed by sec. 734(a)(1) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560). Subsec. (c) had required a semiannual report to the Congress on the amount of all foreign currencies acquired without payment of dollars on hand for each foreign country. Such information is now required on an annual basis as part of the report required under sec. 634(a) of this Act.

[555] Subsec. (d) was added by sec. 301(c)(2) of the FA Act of 1965.

Sec. 614.[556] **Special Authorities.**—(a)[557] (1) The President may authorize the furnishing of assistance under this Act without regard to any provision of this Act, the Arms Export Control Act, any law relating to receipts and credits accruing to the United States, and any Act authorizing or appropriating funds for use under this Act, in furtherance of any of the purposes of this Act, when the President determines, and so notifies in writing the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, that to do so is important to the security interests of the United States.

(2) The President may make sales, extend credit, and issue guarantees under the Arms Export Control Act, without regard to any provision of this Act, the Arms Export Control Act, any law relating to receipts and credits accruing to the United States, and any Act authorizing or appropriating funds for use under the Arms Export Control Act, in furtherance of any of the purposes of such Act, when the President determines, and so notifies in writing the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, that to do so is vital to the national security interests of the United States.

(3) Before exercising the authority granted in this subsection, the President shall consult with, and shall provide a written policy justification to, the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(4)[558] (A) The authority of this subsection may not be used in any fiscal year to authorize—

(i) more than $750,000,000 in sales to be made under the Arms Export Control Act;

(ii) the use of more than $250,000,000 of funds made available for use under this Act or the Arms Export Control Act; and

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[556] 22 U.S.C. 2364.

[557] Subsec. (a), as amended by the FA Act of 1966 and the FA Act of 1967, was further amended and restated by sec. 117(a) of the International Security and Development Cooperation Act of 1980 (Public Law 96-533; 94 Stat. 3140), and by sec. 128 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 209). It formerly read as follows:

"(a) The President may authorize in each fiscal year the use of funds made available for use under this Act and the furnishing of assistance under section 506 in a total amount not to exceed $250,000,000 and the use of not to exceed $100,000,000 of foreign currencies accruing under this Act or any other law without regard to the requirements of this Act, any law relating to receipts and credits accruing to the United States, any Act appropriating funds for use under this Act, or the Mutual Defense Assistance Control Act of 1951 (22 U.S.C. 1611 et seq.), in furtherance of any of the purposes of such Acts, when the President determines that such authorization is important to the security of the United States. Not more than $50,000,000 of the funds available under this subsection may be allocated to any one country in any fiscal year. The limitation contained in the preceding sentence shall not apply to any country which is a victim of active Communist or Communist-supported aggression. The authority of this section shall not be used to waive the limitations on transfers contained in section 610(a) of this Act."

[558] Subsec. (a)(4) was amended and restated by sec. 128 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 206). It formerly read as follows:

"(4) The authority of this subsection may not be used to authorize the use of more than $250,000,000 of funds made available for use under this Act or the Arms Export Control Act, or the use of more than $100,000,000 of foreign currencies accruing under this Act or any other law, in any fiscal year. Not more than $50,000,000 of the funds available under this subsection may be allocated to any one country in any fiscal year, unless such country is a victim of active Communist or Communist-supported aggression."

(iii) the use of more than $100,000,000 of foreign currencies accruing under this Act or any other law.

(B) If the authority of this subsection is used both to authorize a sale under the Arms Export Control Act and to authorize funds to be used under the Arms Export Control Act or under this Act with respect to the financing of that sale, then the use of the funds shall be counted against the limitation in subparagraph (A)(ii) and the portion, if any, of the sale which is not so financed shall be counted against the limitation in subparagraph (A)(i).

(C) Not more than $50,000,000 of the $250,000,000 limitation provided in subparagraph (A)(ii) may be allocated to any one country in any fiscal year unless that country is a victim of active Communist or Communist-supported aggression, and not more than $500,000,000 of the aggregate limitation of $1,000,000,000 provided in subparagraphs (A)(i) and (A)(ii) may be allocated to any one country in any fiscal year.

(5) The authority of this section may not be used to waive the limitations on transfers contained in section 610(a) of this Act.

(b) Whenever the President determines it to be important to the national interest, he may use funds available for the purposes of chapter 4 of part I in order to meet the responsibilities or objectives of the United States in Germany, including West Berlin, and without regard to such provisions of law as he determines should be disregarded to achieve this purpose.

(c) The President is authorized to use amounts not to exceed $50,000,000 of the funds made available under this Act pursuant to his certification that it is inadvisable to specify the nature of the use of such funds, which certification shall be deemed to be a sufficient voucher for such amounts.[559] The President shall promptly and fully inform the Speaker of the House of Representatives and the chairman and ranking minority member of the Committee on Foreign Relations of the Senate of each use of funds under this subsection.[560]

Sec. 615.[561] **Contract Authority.**—Provisions of this Act authorizing the appropriation of funds shall be construed to authorize the granting in any appropriation Act of authority to enter into contracts, within the amounts so authorized to be appropriated, creating obligations in advance of appropriations.

Sec. 616.[562] **Availability of Funds.**—Except as otherwise provided in this Act, funds shall be available to carry out the provisions of this Act as authorized and appropriated to the President each fiscal year.

Sec. 617.[563] **Termination of Assistance.**—Assistance under any provision of this Act may, unless sooner terminated by the President, be terminated by concurrent resolution. Funds made available under this Act shall remain available for a period not to exceed eight [564] months from the date of termination of assistance under this Act for the necessary expenses of winding up programs related thereto. In order to ensure the effectiveness of assistance under this Act, such expenses for orderly termination of programs may include the obligation and expenditure of funds to complete the training or studies outside their countries of origin of students whose course of study or training program began before assistance was terminated.[565]

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[559] See also secs. 624(d)(7) and 636(a)(8) of this Act.

[560] The last sentence was added by sec. 30(g) of the FA Act of 1966.

[561] 22 U.S.C. 2365.

[562] 22 U.S.C. 2366.

[563] 22 U.S.C. 2367.

[564] Sec. 14 of the FA Act of 1973 substituted the word "eight" in lieu of the word "twelve".

Sec. 618. Use of Settlement Receipts.—* * * [Repealed—1978]

Sec. 619.[566] Assistance to Newly Independent Countries.—* * * [Repealed—1978]

Sec. 620.[567] Prohibitions Against Furnishing Assistance.[568]—(a)(1) [569] No assistance shall be furnished under this Act to the present government of Cuba.[570] As an additional means of implementing and carrying into effect the policy of the preceding sentence, the President is authorized to establish and maintain a total embargo upon all trade between the United States and Cuba.

(2) [571] Except as may be deemed necessary by the President in the interest of the United States, no assistance shall be furnished under this Act to any government of Cuba, nor shall Cuba be entitled to receive any quota authorizing the importation of Cuban sugar into the United States or to receive any other benefit under any law of the United States, until the President determines that such government has taken appropriate steps according to international law standards to return to United States citizens, and to entities not less than 50 per centum beneficially owned by United States citizens, or to provide equitable compensation to such citizens and entities for property taken from such citizens and entities on or after January 1, 1959, by the Government of Cuba.

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[565] This sentence was added by sec. 310 of the International Security and Development Cooperation Act of 1980 (Public Law 96–533; 94 Stat. 3148).

[566] Secs. 618 and 619 were repealed by sec. 604 of the International Development and Food Assistance Act of 1978 (Public Law 95–424; 92 Stat. 961).

[567] 22 U.S.C. 2370.

[568] Sec. 301(d)(1) of the FA Act of 1965 substituted "PROHIBITIONS AGAINST FURNISHING ASSISTANCE.—" for "PROHIBITIONS AGAINST FURNISHING ASSISTANCE TO CUBA AND CERTAIN OTHER COUNTRIES.—" But see Secs. 491(b) and 664 of this Act.

[569] Sec. 301(e)(1)(A) of the FA Act of 1963 inserted "(1)" after subsec. (a).

[570] The phrase, "; nor shall any such assistance be furnished to any country which furnishes assistance to the present government of Cuba unless the President determines that such assistance is in the national interest of the United States", which formerly appeared at this point, was struck out by sec. 123(a)(1) of the International Development and Food Assistance Act of 1977 (Public Law 95–88; 91 Stat. 541).

[571] Pars. (2) and (3) were added by sec. 301(e)(1)(B) of the FA Act of 1963. Paragraph (3) was subsequently repealed by sec. 123(a)(2) of the International Development and Food Assistance Act of 1977 (Public Law 95–88; 91 Stat. 541). It formerly read as follows:

"(3) No funds authorized to be made available under this Act (except under section 214) shall be used to furnish assistance to any country which has failed to take appropriate steps, not later than 60 days after the date of enactment of the Foreign Assistance Act of 1963—

"(A) to prevent ships or aircraft under its registry from transporting to Cuba (other than to United States installations in Cuba)—

"(i) any items of economic assistance,

"(ii) any items which are, for the purposes of title I of the Mutual Defense Assistance Control Act of 1951, as amended, arms, ammunition, and implements of war, atomic energy materials, petroleum, transportation materials of strategic value, or items of primary strategic significance used in the production of arms, ammunition, and implements of war, or

"(iii) any other equipment, materials, or commodities, so long as Cuba is governed by the Castro regime; and

"(B) to prevent ships or aircraft under its registry from transporting any equipment, materials, or commodities from Cuba (other than from United States installations in Cuba) so long as Cuba is governed by the Castro regime."

(b)[572] * * * [Repealed—1981]

(c)[573] No assistance shall be provided under this Act to the government of any country which is indebted to any United States citizen or person for goods or services furnished or ordered where (i) such citizen or person has exhausted available legal remedies, which shall include arbitration, or (ii) the debt is not denied or contested by such government, or (iii) such indebtedness arises under an unconditional guaranty of payment given by such government, or any predecessor government, directly or indirectly, through any controlled entity: *Provided,* That the President does not find such action contrary to the national security.

(d) No assistance shall be furnished on a loan basis under chapter 1 of part I[574] of this Act for construction or operation of any productive enterprise in any country where such enterprise will compete with United States enterprise unless such country has agreed that it will establish appropriate procedures to prevent the exportation for use or consumption in the United States of more than 20 per centum of the annual production of such facility during the life of the loan. In case of failure to implement such agreement by the other contracting party, the President is authorized to establish necessary import controls to effectuate the agreement. The restrictions imposed by or pursuant to this subsection may be waived by the President where he determines that such waiver is in the national security interest.

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[572] Subsec. (b) was repealed by sec. 734(a)(1) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560). It previously read as follows:

"(B) No assistance shall be furnished under this Act to the government of any country unless the President determines that such country is not dominated or controlled by the international Communist movement."

[573] Subsection (c) was amended by Sec. 301(d)(2) of the FA Act of 1962. It formerly read as follows:

"(c) No assistance shall be provided under this Act to the government of any country which is indebted to any United States citizen for goods or services furnished, where such citizen has exhausted available legal remedies and the debt is not denied or contested by such government."

[574] The words "on a loan basis under chapter 1 of part I" were substituted in lieu of "under section 201" by Sec. 102(g)(2)(F) of the International Development and Food Assistance Act of 1978 (Public Law 95-424; 92 Stat. 943).

Subsec. (e) was added by sec. 301(d)(3) of the FA Act of 1962 and was amended by sec. 301(e)(2) of the FA Act of 1963 and by secs. 301(d) (1) and (2) of the FA Act of 1964. As originally enacted, it read as follows:

"(e) The President shall suspend assistance to the government of any country to which assistance is provided under this act when the government of such country or any governmental agency or subdivision within such country on or after January 1, 1962—

"(1) has nationalized or expropriated or seized ownership or control of property owned by any United States citizen or by any corporation, partnership, or association not less than 50 per centum beneficially owned by the United States citizens, or

"(2) has imposed or enforced discriminatory taxes or other exactions, or restrictive maintenance or operational conditions, which have the effect of nationalizing, expropriating, or otherwise seizing ownership or control of property so owned, and such country, government agency or government subdivision fails within a reasonable time (not more than six months after such action or after the date of enactment of this subsection, whichever is later) to take appropriate steps, which may include arbitration, to discharge its obligations under interpational law toward such citizen or entity, including equitable and speedy compensation for such property in convertible foreign exchange, as required by international law, or fails to take steps designed to provide relief from such taxes, exactions, or conditions, as the case may be, and such suspension shall continue until he is satisfied that appropriate steps are being taken and no other provision of this Act shall be construed to authorize the President to waive the provisions of this subsection."

Sec. 5(b) of the Africa Famine Relief and Recovery Act of 1985 (Public Law 99-8; 99 Stat. 22), permitted assistance with funds appropriated by the Act without regard to sec. 620(e)(1) [the "Hickenlooper Amendment"].

(e)[574] (1)[575] The President shall suspend assistance to the government of any country to which assistance is provided under this or any other Act when the government of such country or any government agency or subdivision within such country on or after January 1, 1962—

(A)[576, 577] has nationalized or expropriated or seized ownership or control of property owned by any United States citizen or by any corporation, partnership, or association not less than 50 per centum beneficially owned by United States citizens, or

(B)[576, 577] has taken steps to repudiate or nullify existing contracts or agreements with any United States citizen or any corporation, partnership, or association not less than 50 per centum beneficially owned by United States citizens, or

(C)[576, 577] has imposed or enforced discriminatory taxes or other exactions, or restrictive maintenance or operational conditions, or has taken other actions, which have the effect of nationalizing, expropriating, or otherwise seizing ownership or control of property so owned,

and such country, government agency, or government subdivision fails within a reasonable time (not more than six months after such action, or, in the event of a referral to the Foreign Claims Settlement Commission of the United States within such period as provided herein, not more than twenty days after the report of the Commission is received) to take appropriate steps, which may include arbitration, to discharge its obligations under international law toward such citizen or entity, including speedy compensation for such property in convertible foreign exchange, equivalent to the full value thereof, as required by international law, or fails to take steps designed to provide relief from such taxes, exactions, or conditions, as the case may be; and such suspension shall continue until the President is satisfied that appropriate steps are being taken, and the provisions of this subsection shall not be waived with respect to any country unless the President determines and certifies that such a waiver is important to the national interests of the United States. Such certification shall be reported immediately to Congress.[578]

Upon request of the President (within seventy days after such action referred to in subparagraphs (A), (B), or (C) of paragraph (1)[579] of this section), the Foreign Claims Settlement Commission of the United States (established pursuant to Reorganization Plan No. 1 of 1954, 68 Stat. 1279) is hereby authorized to evaluate expropriated property, determining the full value of any property nationalized, expropriated, or seized, or subject to discriminatory or other actions as aforesaid, for purposes of this subsection and to render an advisory report to the President within ninety days after such request. Unless authorized by the President, the Commission shall not publish its advisory report except to the citizen or entity owning such property. There is hereby authorized to be appropriated such amount, to remain available until expended, as may be necessary from time to time to enable the Commission to carry out expeditiously its functions under this subsection.

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[575] Paragraph designation "(1)" was added by sec. 301(d)(1) of the FA Act of 1964.

[576] Sec. 301(d)(2) of the FA Act of 1964 redesignated subpars. (1), (2), and (3) as subpars. (A), (B), and (C), respectively.

[577] Sec. 301(d)(2) of the FA Act of 1964 redesignated subpars. (1), (2), and (3) as subpars. (A), (B), and (C), respectively.

[578] The words to this point, beginning with "the provisions of this subsection * * *" were substituted in lieu of "no other provision of this Act shall be construed to authorize the President to waive the provisions of this subsection," by sec. 15 of the FA Act of 1973.

[579] Sec. 301(d)(3) of the FA Act of 1964 substituted the words "subparagraphs (A), (B), or (C) of paragraph (1)" for the words "paragraphs (1), (2), or (3)".

(2) [580] Notwithstanding any other provision of law, no court in the United States shall decline on the ground of the federal act of state doctrine to make a determination on the merits giving effect to the principles of international law in a case in which claim of title or other right to property [581] is asserted by any party including a foreign state (or a party claiming through such state) based upon (or traced through) a confiscation or other taking after January 1, 1959, by an act of that state in violation of the principles of international law, including the principles of compensation and the other standards set out in this subsection: *Provided,* That this subparagraph shall not be applicable (1) in any case in which an act of a foreign state is not contrary to international law or with respect to a claim of title or other right to property acquired pursuant to an irrevocable letter of credit of not more than 180 days duration issued in good faith prior to the time of the confiscation or other taking, or (2) in any case with respect to which the President determines that application of the act of state doctrine is required in that particular case by the foreign policy interests of the United States and a suggestion to this effect is filed on his behalf in that case with the court.[582]

(f) [583, 584] (1) No assistance shall be furnished under this Act, as amended, (except section 214(b)) to any Communist country. This restriction may not be waived pursuant to any authority contained in this Act unless the President finds and promptly reports to Congress that: (A) such assistance is vital to the security of the United States; (B) the recipient country is not controlled by the international Communist conspiracy; and (C) such assistance will further promote the independence of the recipient country from international communism. For the purposes of this subsection, the phrase "Communist country" includes specifically, but is not limited to, the following countries: [585]

Czechoslovak Socialist Republic.
Democratic People's Republic of Korea.
Estonia.
German Democratic Republic.
Hungarian People's Republic.
Latvia.

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[580] Par. (2) was added by sec. 301(d)(4) of the FA Act of 1964.

[581] Sec. 301(d)(2) of the FA Act of 1965 inserted the words "to property".

[582] The words ", or (3) in any case in which the proceedings are commenced after January 1, 1966", which appeared at this point, were struck out by sec. 301(d)(2) of the FA Act of 1965.

[583] Subsec. (f) was added by sec. 301(d)(3) of the FA Act of 1962.

[584] Sec. 1202 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 276) redesignated clauses "(1)", "(2)" and "(3)" as "(A)", "(B)" and "(C)", added the text of para. (2); and added the "(1)" designation immediately after subsec. (f). People's Republic of China and Tibet were removed on Dec. 11, 1985 pursuant to subsec. (f)(2), see 51 F.R. 1890 (Jan. 15, 1986). Yugoslavia was removed on Aug. 5, 1986, see 51 FR 29662 (Aug. 19, 1986).

[585] Sec. 707 of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1546) made technical changes to this sentence in subsec. (f) and to the list of countries specified below.

Lithuania.
Mongolian People's Republic.
People's Republic of Albania.
People's Republic of Bulgaria.
People's Republic of China.
Polish People's Republic.
Republic of Cuba.
Socialist Federal Republic of Yugoslavia.
Socialist Republic of Romania.
Socialist Republic of Vietnam.
Tibet.
Union of Soviet Socialist Republics (including its captive constituents republics.)[586]

(2)[584] Notwithstanding the provisions of paragraph (1) of this subsection, the President may remove a country, for such period as the President determines, from the application of this subsection, and other provisions which reference this subsection, if the President determines and reports to the Congress that such action is important to the national interest of the United States. It is the sense of the Congress that when consideration is given to authorizing assistance to a country removed from the application of this subsection, one of the factors to be weighed, among others, is whether the country in question is giving evidence of fostering the establishment of a genuinely democratic system, with respect for internationally recognized human rights.

(g)[587] Notwithstanding any other provision of law, no monetary assistance shall be made available under this Act to any government or political subdivision or agency of such government which will be used to compensate owners for expropriated or nationalized property and, upon finding by the President that such assistance has been used by any government for such purpose, no further assistance under this Act shall be furnished to such government until appropriate reimbursement is made to the United States for sums so diverted. This prohibition shall not apply to monetary assistance made available for use by a government (or a political subdivision or agency of a government) to compensate nationals of that country in accordance with a land reform program, if the President determines that monetary assistance for such land reform program will further the national interests of the United States.[588]

(h)[587] The President shall adopt regulations and established procedures to insure that United States foreign aid is not used in a manner which, contrary to the best interests of the United States, promotes or assists the foreign aid projects or activities of the Communist-bloc countries.

(i)[589] * * * [Repealed—1981]

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[586] The parenthetical phrase was added by sec. 301(e) of the FA Act of 1964.

[587] Subsecs. (g) and (h) were added by sec. 301(d)(3) of the FA Act of 1962.

[588] The last sentence of subsec. (g) was added by sec. 1203 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 277).

[589] Subsec. (i), as added by sec. 301(e)(3) of the FA Act of 1963 and amended by sec. 301(h)(1) of the FA Act of 1966, was repealed by sec. 734(a)(1) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560). Formerly, subsec. (i) had prohibited any foreign assistance or sales under Public Law 480 to countries engaging in or preparing for aggressive military efforts or participating in an international conference involving the planning of insurrection or subversion directed against the United States or other nations receiving American foreign aid or Public Law 480 sales.

(j) [590] The President shall consider terminating assistance under this or any other Act to any country which permits, or fails to take adequate measures to prevent, the damage or destruction by mob action of United States property within such country, and fails to take appropriate measures to prevent a recurrence thereof and to provide adequate compensation for such damage or destruction.

(k) [591] Without the express approval of Congress, no assistance shall be furnished under this Act to any country for construction of any productive enterprise with respect to which the aggregate value of assistance to be furnished by the United States will exceed $100,000,000, except that this sentence does not apply with respect to assistance for construction of any productive enterprise in Egypt which is described in the presentation materials to Congress.[592] Except as otherwise provided in section 506,[593] no military assistance to be furnished beginning July 1, 1966, by the United States will exceed $100,000,000 unless such program has been included in the presentation to the Congress during its consideration of authorizations for appropriations under this Act or of appropriations pursuant to authorizations contained in this Act. No provision of this or any other Act shall be construed to authorize the President to waive the provisions of this subsection.

(l) [594] The President shall consider denying assistance under this Act to the government of any less developed country which, after December 31, 1966, has failed to enter into an agreement with the President to institute the investment guaranty program under section 234(a)(1) of this Act, providing protection against the specific risks of inconvertibility under subparagraph (A), and expropriation or confiscation under subparagraph (B), of such section 234(a)(1).

(m) [595] [Repealed—1981]

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[590] Subsec. (j), which was added by sec. 301(e)(3) of the FA Act of 1963, was amended by sec. 301(f)(1) of the FA Act of 1967. It formerly read as follows: "No assistance under this Act shall be furnished to Indonesia unless the President determines that the furnishing of such assistance is essential to the national interest of the United States. The President shall keep the Foreign Relations Committee and the Appropriations Committee of the Senate and the Speaker of the House of Representatives fully and currently informed of any assistance furnished to Indonesia under this Act."

[591] Subsec. (k), which was added by sec. 301(e)(3) of the FA Act of 1963, was amended by sec. 301(h)(2) of the FA Act of 1966. It formerly read as follows:

"(k) Until the enactment of the Foreign Assistance Act of the 1965 or other general legislation, during the calendar year 1965, authorizing additional appropriations to carry out programs of assistance under this Act, no assistance shall be furnished under this Act to any country for construction of any productive enterprise with respect to which the aggregate value of such assistance to be furnished by the United States will exceed $100,000,000. No other provision of this Act shall be construed to authorize the President to waive the provisions of this subsection."

[592] The words to this point beginning with ", except that this sentence does not apply" were added by sec. 606 of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329; 90 Stat. 757). A reference to fiscal years 1977, 1980, and 1981 which previously appeared at the end of this sentence (the latter two added by sec. 203 of Public Law 96-533 (94 Stat. 3145)) were deleted by sec. 702 of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1544).

[593] Sec. 301(f)(2) of the FA Act of 1967 substituted "506" for "510".

[594] Subsec. (l), which was added by sec. 301(e)(3) of the FA Act of 1963, was amended by sec. 301(h)(3) of the FA Act of 1936. It formerly read as follows:

"(l) No assistance shall be provided under this Act after December 31, 1966, to the government of any less developed country which has failed to enter into an agreement with the President to institute the investment guaranty program under section 221(b)(1) of this Act, providing protection against the specific risks of inconvertibility under subparagraph (A), and expropriation or confiscation under subparagraph (B), of such section 221(b)(1)."

[595] Subsec. (m), as added by sec. 301(e)(3) of the FA Act of 1963 and amended by sec. 301(g) of the FA Act of 1964, was repealed by sec. 734(a)(1) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560). It formerly read as follows:

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(n)[596] * * * [Repealed—1977]

(o)[597] In determining whether or not to furnish assistance under this Act, consideration shall be given to excluding from such assistance any country which hereafter seizes, or imposes any penalty or sanction against, any United States fishing vessel on account of its fishing activities in international waters. The provisions of this subsection shall not be applicable in any case governed by international agreement to which the United States is a party.

(p)[598] * * * [Repealed—1974]

(q)[599] No assistance shall be furnished under this Act to any country which is in default, during a period in excess of six calendar months, in payment to the United States of principal or interest on any loan made to such country under this Act, unless such country meets its obligations under the loan or unless the President determines that assistance to such country is in the national interest and notifies the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate of such determination.

(r)[599] No recipient of a loan made under the authority of this Act, any part of which is outstanding on or after the date of enactment of this subsection, shall be relieved of liability for the repayment of any part of the principal of or interest on such loan.

(s)[600] (1) In order to restrain arms races and proliferation of sophisticated weapons, and to ensure that resources intended for economic development are not diverted to military purposes, the President shall take into account before furnishing development loans, Alliance loans or supporting assistance to any country under this

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"(m) No assistance shall be furnished on a grant basis under this Act to any economically developed nation capable of sustaining its own defense burden and economic growth, except (1) to fulfill firm commitments made prior to July 1, 1963, or (2) additional orientation and training expenses under part II hereof during each fiscal year in amount not to exceed $500,000."

[596] Subsec. (n), as added by sec. 301(d)(4) of the FA Act of 1965 and amended by the FA Act of 1966, 1967, and 1974, was repealed by sec. 123(b) of the International Development and Food Assistance Act of 1977 (Public Law 95–88; 91 Stat. 541). It formerly read as follows:

"(n) No loans, credits, guaranties, or grants or other assistance shall be furnished under this or any other Act, and no sales shall be made under the Agricultural Trade Development and Assistance Act of 1954, to any country which sells or furnishes to North Vietnam, or which permits ships or aircraft under its registry to transport to or from North Vietnam, any equipment, materials, or commodities, so long as the regime in North Vietnam gives support to hostilities in South Vietnam, unless the President determines that such loans, credits, guaranties, grants, other assistance, or sales are in the national interest of the United States."

[597] Subsec. (o) was added by sec. 301(d)(4) of the FA Act of 1965.

[598] Subsec. (p), which was added by sec. 301(h)(5) of the FA Act of 1966, and related to assistance to the United Arab Republic, was repealed by Sec. 44 of the FA Act of 1974.

[599] Subsecs. (q) and (r) were added by sec. 301(h)(5) of the FA Act of 1966. See Presidential Determination of October 30, 1985 that it is in the national interest to furnish assistance to Costa Rica in fiscal year 1986, 50 F.R. 48271.

[600] Subsec. (s), which was added by sec. 301(f)(4) of the FA Act of 1967, was amended by sec. 303(a) of the FA Act of 1969. It formerly read as follows:

"(s) In furnishing development assistance under this Act, and in making sales under the Agricultural Trade Development and Assistance Act of 1954, as amended, the President shall take into account (1) the percentage of the recipient or purchasing country's budget which is devoted to military purposes, and (2) the degree to which the recipient or purchasing country is using its foreign exchange resources to acquire military equipment. When the President finds that development assistance under this Act, or sales under the Agricultural Trade Development and Assistance Act of 1954, as amended, are being diverted to military expenditures, or a recipient or purchasing country is diverting its own resources to unnecessary military expenditures, to a degree which materially interferes with its development, the President shall terminate such assistance and sales until he is assured that such diversion will no longer take place. No other provision of this Act shall be construed to authorize the President to waive the provisions of this subsection."

Act, and before making sales under the Agricultural Trade Development and Assistance Act of 1954, as amended: [601]

(A) the percentage of the recipient or purchasing country's budget which is devoted to military purposes; and

(B) the degree to which the recipient or purchasing country is using its foreign exchange or other [568] resources to acquire military equipment.

(C) [602] * * * [Repealed—1981]

(2) The President shall report annually to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate his actions in carrying out this provision.

(t) [603] No assistance shall be furnished under this or any other Act and no sales shall be made under the Agricultural Trade Development and Assistance Act of 1954,[604] in or to any country which has severed or hereafter severs diplomatic relations with the United States or with which the United States has severed or hereafter severs diplomatic relations, unless (1) diplomatic relations have been resumed with such country and (2) agreements for the furnishing of such assistance or the making of such sales, as the case may be, have been negotiated and entered into after the resumption of diplomatic relations with such country.

(u) [603] In any decision to provide or continue to provide any program of assistance to any country under the Foreign Assistance Act of 1961, as amended, there shall be taken into account the status of the country with respect to its dues, assessments, and other obligations to the United Nations; and where such country is delinquent with respect to any such obligations for the purposes of the first sentence of Article 19 of the United Nations Charter, the President shall furnish the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives a report setting forth the assurance given by the government of the country concerned of paying all of its arrearages and of placing its payments of such obligations on a current basis, or a full explanation of the unusual or exceptional circumstances which render it economically incapable of giving such assurance.

(v) [605] * * * [Repealed—1974]

(w) [606] * * * [Repealed—1978]

(x) [607, 608] (1) All military assistance, all sales of defense articles and services (whether for cash or by credit, guaranty, or any other

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[601] For text, see page 765.

[602] Sec. 734(b) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560) added the words "or other" in subpar. (B) and repealed subpar. (C). Subpar. (C) formerly read as follows:

"(C) the amount spent by the recipient or purchasing country for the purchase of sophisticated weapons systems, such as missile systems and jet aircraft for military purposes, from any country."

[603] Subsecs. (t) and (u) were added by sec. 301(f)(4) of the FA Act of 1967.

[604] For text, see page 701.

[605] Subsec. (v) which was added by sec. 301 of the FA Act of 1971 was repealed by sec. 24 of the FA Act of 1974. Former subsec. (v) concerned assistance to Greece.

[606] Subsec. (w), which had been added by the FA Act of 1971 and had concerned a suspension of aid to Pakistan, was repealed by sec. 502(d)(1) of the International Development and Food Assistance Act of 1978 (Public Law 95–424; 92 Stat. 959).

[607] 22 U.S.C. 2370. Subsec. (x) was added by sec. 22 of the FA Act of 1974.

[608] Sec. 13(a) of the International Security Assistance Act of 1978 (Public Law 95–384; 92 Stat. 737) specified that subsec. (x) would be of no further force and effect once the President had determined and certified to the Congress that resumption of aid to Turkey was in the national

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means), and all licenses with respect to the transportation of arms, ammunitions, and implements of war (including technical data relating thereto) to the Government of Turkey, shall be suspended on the date of enactment of this subsection unless and until the President determines and certifies to the Congress that the Government of Turkey is in compliance with the Foreign Assistance Act of 1961, the Foreign Military Sales Act,[609] and any agreement entered into under such Acts, and that substantial progress toward agreement has been made regarding military forces in Cyprus: *Provided,* That for the fiscal year 1978 [610] the President may suspend the provisions of this subsection and of section 3(c) of the Arms Export Control Act [611] with respect to cash sales and extensions of credits and guaranties under such Act for the procurement of such defense articles and defense services as the President determines are necessary to enable Turkey to fulfill her defense responsibilities as a member of the North Atlantic Treaty Organization, except that during the fiscal year 1978 [612] the total value of defense articles and defense services sold to Turkey under such Act, either for cash or financed by credits and guaranties, shall not exceed $175,000,000.[613] Any such suspension shall be effective only so long as Turkey observes the cease-fire on Cyprus, does not increase its military forces or its civilian population on Cyprus, and does not transfer to Cyprus any United States supplied arms, ammunition, or implements of war. The determination required by the proviso in the first sentence of this paragraph shall be made, on a case-by-case basis, with respect to each cash sale, each approval for use of credits, and each approval for use of a guaranty for Turkey. Each such determination shall be reported to the Congress and shall be accompanied by a full and complete statement of the reasons supporting the President's determination and a statement containing the information specified in clauses (A) through (D) of section 2(c)(4) of the Act of October 6, 1975 (Public Law 94-104).[614] In any case involving the sale of significant combat equipment on the United States Munitions List in which the congressional review provisions of section 36(b) of the Arms Export Control Act [615] do not apply, the President may not issue the letter of offer or approve the use of the credits or guaranty, as the case may be, until the end of the thirty-day period beginning on the date on which the

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interest as well as in the interest of NATO and that Turkey was acting in good faith toward achieving a peaceful settlement of the Cyprus problem. The President made such a determination, dated Sept. 26, 1978. See page 432 for full text of sec. 13(a).

[609] Renamed the Arms Export Control Act.

[610] Sec. 22(d)(1) of the International Security Assistance Act of 1977 (Public Law 95-92; 91 Stat. 624) struck out the references to fiscal years 1976 and 1977 and added the references to fiscal year 1978.

[611] For text, see page 237.

[612] Sec. 22(d)(2) of the International Security Assistance Act of 1977 (Public Law 95-92; 91 Stat. 624) added the words "during the fiscal year 1978", and struck out the following that had previously appeared at this point:

"(A) during the fiscal year 1976 and the period beginning July 1, 1976, and ending September 30, 1976, the total value of defense articles and defense services sold to Turkey under such Act, either for cash or financed by credits and guaranties, shall not exceed $125,000,000, and (B) during the fiscal year 1977."

[613] The figure, "$175,000,000", was inserted in lieu of "$125,000,000" by sec. 22(d)(3) of the International Security Assistance Act of 1977 (Public Law 95-92; 91 Stat. 624).

[614] For text, see page 240.

[615] For text, see page 270.

report required by the preceding sentence is submitted to the Congress.[616]

(2)[617] The President shall submit to the Congress within 60 days after the enactment of this paragraph[618] and at the end of such succeeding sixty-day period, a report on progress made during such period toward the conclusion of a negotiated solution of the Cyprus conflict.

Sec. 620A.[619, 620] **Prohibition on Assistance to Countries Supporting International Terrorism.**—(a) The United States shall not provide any assistance under this Act, the Agricultural Trade Development and Assistance Act of 1954, the Peace Corps Act, the Export-Import Bank Act of 1945,[621] or the Arms Export Control Act, to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism, or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate of the waiver (including the justification for the waiver) in accordance with the procedures applicable to reprogramming notifications pursuant to section 634A of this Act.

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[616] Sec. 403 of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329; 90 Stat. 757) amended sec. 620(x)(1) beginning with the words "*Provided*, That for the fiscal year.". Sec. 620(x)(1) formerly read as follows: *Provided*, That the President is authorized to suspend the provisions of this section and such acts if he determines that such suspension will further negotiations for a peaceful solution of the Cyprus conflict. Any such suspension shall be effective only until February 5, 1975, and only if, during that time, Turkey shall observe the ceasefire and shall neither increase its forces in Cyprus nor transfer to Cyprus any U.S. supplied implements of war."

Sec. 620(A) had previously been amended also at the point beginning with the word "Provided" by sec. 2(c)(1) of Public Law 94-104. However, pursuant to sec. 2(c)(5) of Public Law 94-104, subsec. (c) did not become effective until enactment of foreign assistance legislation authorizing sales, credits, and guaranties under the Foreign Military Sales Act for fiscal year 1976. Such authorization for fiscal year 1976 was not enacted until passage of the International Security Assistance and Arms Export Control Act of 1976. Since sec. 403 of such Act further amended sec. 620(x)(1), the amendments contained in sec. 2(c)(1) of Public Law 94-104 never became effective. See page 552 for complete text of Public Law 94-104.

[617] Par. (2) was added by sec. 2(a)(2) of Public Law 94-104.

[618] Par. (2) did not become effective until enactment of the International Security Assistance and Arms Export Control Act of 1976 on June 30, 1976. See sec. 2(c)(5) of Public Law 94-104 (page 554) for explanation of the effective date of par. (2).

[619] 22 U.S.C. 2371. Sec 620A was added by sec. 303 of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329; 90 Stat. 753).

[620] Sec. 620A was amended and restated by sec. 503(a) of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 220). It formerly read:

"Sec. 620A. Prohibition Against Furnishing Assistance to Countries Which Grant Sanctuary to International Terrorists.—(a) Except where the President finds national security to require otherwise, the President shall terminate all assistance under this Act to any government which aids or abets, by granting sanctuary from prosecution to, any individual or group which has committed an act of international terrorism and the President may not thereafter furnish assistance to such government until the end of the one year period beginning on the date of such termination, except that if during its period of ineligibility for assistance under this section such government aids or abets, by granting sanctuary from prosecution to, any other individual or group which has committed an act of international terrorism, such government's period of ineligibility shall be extended for an additional year for each such individual or group.

"(b) If the President finds that national security justifies a continuation of assistance to any government described in subsection (a), he shall report such finding to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate."

[621] The reference to the Export-Import Bank Act of 1945 was added by sec. 521 of the Further Continuing Appropriations, 1986 Public Law 99-190; 99 Stat. 1305).

(c) If sanctions are imposed on a country pursuant to subsection (a) because of its support for international terrorism, the President should call upon other countries to impose similar sanctions on that country.

Sec. 620B.[622] **Prohibition Against Assistance and Sales to Argentina.—*** * * [Repealed—1981]

Sec. 620C.[623] **United States Policy Regarding the Eastern Mediterranean.**—(a) The Congress declares that the achievement of a just and lasting Cyprus settlement is and will remain a central objective of United States foreign policy. The Congress further declares that any action of the United States with respect to section 620(x) of this Act shall not signify a lessening of the United States commitment to a just solution to the conflict on Cyprus but is authorized in the expectation that this action will be conducive to achievement of a Cyprus solution and a general improvement in relations among Greece, Turkey, and Cyprus and between those countries and the United States. The Congress finds that—

(1) a just settlement on Cyprus must involve the establishment of a free and independent government on Cyprus and must guarantee that the human rights of all of the people of Cyprus are fully protected;

(2) a just settlement on Cyprus must include the withdrawal of Turkish military forces from Cyprus;

(3) the guidelines for inter-communal talks agreed to in Nicosia in February 1977 and the United Nations resolutions regarding Cyprus provide a sound basis for negotiation of a just settlement on Cyprus;

(4) serious negotiations, under United Nations auspices, will be necessary to achieve agreement in, and implementation of, constitutional and territorial terms within such guidelines; and

(5) the recent proposals by both Cypriot communities regarding the return of the refugees to the city of New Famagusta (Varosha) constitute a positive step and the United States should actively support the efforts of the Secretary General of the United Nations with respect to this issue.

(b) United States policy regarding Cyprus, Greece, and Turkey shall be directed toward the restoration of a stable and peaceful atmosphere in the Eastern Mediterranean region and shall therefore be governed by the following principles:

(1) The United States shall actively support the resolution of differences through negotiations and internationally established peaceful procedures, shall encourage all parties to avoid provocative actions, and shall strongly oppose any attempt to resolve disputes through force or threat of force.

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[622] Sec. 620B, as added by sec. 11 of Public Law 95-92 (91 Stat. 619) and amended by sec. 12(c)(1) of Public Law 95-384 (92 Stat. 737), was repealed by sec. 725(a) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1553). Sec. 620B had prohibited the furnishing of MAP, ESF, IMET, and Peacekeeping assistance under this Act, and the extension of credits, sales, or export licenses under the Arms Export Control Act for Argentina after Sept. 30, 1978. See Sec. 725(b) of Public Law 97-113 new text placing conditions on U.S. assistance and sales to Argentina.

[623] 22 U.S.C. 2373. Sec. 620C was added by sec. 13(b) of the International Security Assistance Act of 1978 (Public Law 95-384; 92 Stat. 737).

(2) The United States will accord full support and high priority to efforts, particularly those of the United Nations, to bring about a prompt, peaceful settlement on Cyprus.

(3) All defense articles furnished by the United States to countries in the Eastern Mediterranean region will be used only in accordance with the requirements of this Act, the Arms Export Control Act, and the agreements under which those defense articles were furnished.

(4) The United States will furnish security assistance for Greece and Turkey only when furnishing that assistance is intended solely for defensive purposes, including when necessary to enable the recipient country to fulfill its responsibilities as a member of the North Atlantic Treaty Organization, and shall be designed to ensure that the present balance of military strength among countries of the region, including between Greece and Turkey, is preserved. Nothing in this paragraph shall be construed to prohibit the transfer of defense articles to Greece or Turkey for legitimate self defense or to enable Greece or Turkey to fulfill their North Atlantic Treaty Organization obligations.

(5) The United States shall use its influence to ensure the continuation of the ceasefire on Cyprus until an equitable negotiated settlement is reached.

(6) The United States shall use its influence to achieve the withdrawal of Turkish military forces from Cyprus in the context of a solution to the Cyprus problem.

(c) Because progress toward a Cyprus settlement is a high priority of United States policy in the Eastern Mediterranean, the President and the Congress shall continually review that progress and shall determine United States policy in the region accordingly. To facilitate such a review the President shall, within 60 days after the date of enactment of this section and at the end of each succeeding 60-day period, transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report on progress made toward the conclusion of a negotiated solution of the Cyprus problem. Such transmissions shall include any relevant reports prepared by the Secretary General of the United Nations for the Security Council.

(d) In order to ensure that United States assistance is furnished consistent with the policies established in this section, the President shall, whenever requesting any funds for security assistance under this Act or the Arms Export Control Act for Greece and Turkey, transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate his certification, with a full explanation thereof, that the furnishing of such assistance will be consistent with the principles set forth in subsection (b). The President shall also submit such a certification with any notification to the Congress, pursuant to section 36(b) of the Arms Export Control Act, of a proposed sale of defense articles or services to Greece or Turkey.

Sec. 620D.[624] **Prohibition on Assistance to Afghanistan.**—(a) None of the funds authorized to be appropriated under this Act may be used to furnish assistance to Afghanistan nor may funds authorized to be appropriated under this Act before October 1, 1979, be expended for assistance to Afghanistan until the President certifies to the Congress that—

(1) the Government of Afghanistan has apologized officially and assumes responsibility for the death of Ambassador Adolph Dubs; and

(2) the Government of Afghanistan agrees to provide adequate protection for all personnel of the United States Government in Afghanistan.

(b) The provisions of subsection (a) shall not apply if the President determines that such assistance is in the national interest of the United States because of substantially changed circumstances in Afghanistan.

Sec. 620E.[625] **Assistance to Pakistan.**—(a) The Congress recognizes that Soviet Forces occupying Afghanistan pose a security threat to Pakistan. The Congress also recognizes that an independent and democratic Pakistan with continued friendly ties with the United States is in the interest of both nations. The Congress finds that United States assistance will help Pakistan maintain its independence. Assistance to Pakistan is intended to benefit the people of Pakistan by helping them meet the burdens imposed by the presence of Soviet forces in Afghanistan and by promoting economic development. In authorizing assistance to Pakistan, it is the intent of Congress to promote the expeditious restoration of full civil liberties and representative government in Pakistan. The Congress further recognizes that it is in the mutual interest of Pakistan and the United States to avoid the profoundly destabilizing effects of the proliferation of nuclear explosive devices or the capacity to manufacture or otherwise acquire nuclear devices.

(b) The United States reaffirms the commitment made in its 1959 bilateral agreement with Pakistan relating to aggression from a Communist or Communist-dominated state.

(c) Security assistance for Pakistan shall be made available in order to assist Pakistan in dealing with the threat to its security posed by the Soviet presence in Afghanistan. The United States will take appropriate steps to ensure that defense articles provided by the United States to Pakistan are used for defensive purposes.

(d) The President may waive the prohibitions of section 669 of this Act at any time during the period beginning on the date of enactment of this section and ending on September 30, 1987, to provide assistance to Pakistan during that period if he determines that to do so is in the national interest of the United States.

(e)[626] No assistance shall be furnished to Pakistan and no military equipment or technology shall be sold or transferred to Paki-

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[624] 22 U.S.C. 2374. Sec. 620D was added by sec. 505 of the International Development Cooperation Act of 1979 (Public Law 96-53; 93 Stat. 378).

[625] 22 U.S.C. 2375. Sec. 620E was added by sec. 736 of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1561). The President exercised his authority under subsec. (d) on Feb. 11, 1982.

[626] Subsec. (e) was added by sec. 902 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 268). See also Presidental Determination No. 86-3 of

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stan, pursuant to the authorities contained in this Act or any other Act, unless the President shall have certified in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, during the fiscal year in which assistance is to be furnished or military equipment or technology is to be sold or transferred, that Pakistan does not possess a nuclear explosive device and that the proposed United States assistance program will reduce significantly the risk that Pakistan will possess a nuclear explosive device.

Chapter 2—Administrative Provisions

Sec. 621.[627] **Exercise of Functions.**[628]—(a)[629] The President may exercise any functions conferred upon him by this Act through such agency or officer of the United States Government as he shall direct. The head of any such agency or such officer may from time to time promulgate such rules and regulations as may be necessary to carry out such functions and may delegate authority to perform any such functions, including, if he shall so specify, the authority successively to redelegate any of such functions to any of his subordinates. In providing technical assistance under this Act, the head of any such agency or such officer shall utilize, to the fullest extent practicable, goods and professional and other services from private enterprise on a contract basis. In such fields as education, health, housing, or agriculture, the facilities and resources of other Federal agencies shall be utilized when such facilities are particularly or uniquely suitable for technical assistance, are not competitive with private enterprise, and can be made available without interfering unduly with domestic programs.[630]

(b)[629] The President shall issue and enforce regulations determining the eligibility of any person to receive funds made available under this Act. A person may be suspended under such regulations for a temporary period pending the completion of an investigation and any resulting judicial or debarment proceedings, upon cause for belief that such person or an affiliate thereof probably has undertaken conduct which constitutes a cause for debarment; and, after an opportunity has been afforded to such person for a hearing, he may be debarred for an additional period, not to exceed three years. Among the causes for debarment shall be (1) offering or accepting a bribe or other illegal payment or credit in connection with any transaction financed with funds made available under this Act; or (2) committing a fraud in the procurement or performance of any contract financed with funds made available under this Act; or (3) acting in any other manner which shows a

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November 25, 1985, certifying that Pakistan does not have a nuclear explosive device. Federal Register, Vol. 50, No. 237, Dec. 10, 1985.

[627] 22 U.S.C. 2381.

[628] Sec. 302(a) of the FA Act of 1962 struck out subsection designation "(a)" and repealed subsecs. (b), (c), (d), and (e).

[629] Subsec. designation "(a)" and subsec. (b) were added by the sec. 302(a) of the FA Act of 1968.

[630] Sec. 302(a) of the FA Act of 1963, substituted the last two sentences in lieu of a former sentence, which read as follows: "In providing technical assistance under this Act in the field of education, health, housing, or agriculture, or in other fields, the head of any such agency or such officer shall utiiize, to the fullest extent practicable, the facilities and resources of the Federal agency or agencies with primary responsibilities for domestic programs in such fields."

lack of integrity or honesty in connection with any transaction financed with funds made available under this Act. Reinstatement of eligibility in each particular case shall be subject to such conditions as the President shall direct. Each person whose eligibility is denied or suspended under this subsection shall, upon request, be entitled to a review of his eligibility not less often than once every two years.

Sec. 621A.[631] **Strengthened Management Practices.**—(a) The Congress believes that United States foreign aid funds could be utilized more effectively by the application of advanced management decisionmaking, information and analysis techniques such as systems analysis, automatic data processing, benefit-cost studies, and information retrieval.

(b) To meet this need, the President shall establish a management system that includes: the definition of objectives and programs for United States foreign assistance; the development of quantitative indicators of progress toward these objectives; the orderly consideration of alternative means for accomplishing such objectives; and the adoption of methods for comparing actual results of programs and projects with those anticipated when they were undertaken. The system should provide information to the agency and to Congress that relates agency resources, expenditures, and budget projections to such objectives and results in order to assist in the evaluation of program performance, the review of budgetary requests, and the setting of program priorities.

(c)[632] * * * [Repealed—1978]

Sec. 622.[633] **Coordination With Foreign Policy.**—(a) Nothing contained in this Act shall be construed to infringe upon the powers or functions of the Secretary of State.

(b) The President shall prescribe appropriate procedures to assure coordination among representatives of the United States Government in each country, under the leadership of the Chief of the United States Diplomatic Mission. The Chief of the Diplomatic Mission shall make sure that recommendations of such representatives pertaining to military assistance (including civic action) and military education and training programs[634] are coordinated with political and economic considerations, and his comments shall accompany such recommendations if he so desires.

(c)[635] Under the direction of the President, the Secretary of State shall be responsible for the continuous supervision and gener-

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[631] 22 U.S.C. 2381a. Sec. 621A was added by sec. 302(b) of the FA Act of 1968.

[632] Subsec. (c), which had called for an annual report from the President regarding the implementation of this section, was repealed by sec. 502(d)(1) of the International Development and Food Assistance Act of 1978 (Public Law 95–424; 92 Stat. 959).

[633] 22 U.S.C. 2382.

[634] Sec. 302(a)(1) of the FA Act of 1966 substituted "(including civic action) or sales programs" for "(including any civil action and sales program)". Sec. 45(b)(1) of the Foreign Military Sales Act (Public Law 90–629) struck out "or sales" which appeared before the word "programs". Sec. 106(b) of the International Security Assistance and Arms Export Control Act of 1976 added the words "and military education and training".

[635] Subsec. (c) was amended by sec. 106(b) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94–329; 90 Stat. 733). It formerly read: "Under the direction of the President, the Secretary of State shall be responsible for the continuous supervision and general direction of economic assistance and military assistance programs, including but not limited to determining whether there shall be a military assistance (including civic action) program for a country and the value thereof, to the end that such programs are effectively inte-

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al direction of economic assistance, military assistance, and military education and training programs, including but not limited to determining whether there shall be a military assistance (including civic action) or a military education and training program for a country and the value thereof, to the end that such programs are effectively integrated both at home and abroad and the foreign policy of the United States is best served thereby.

Sec. 623.[636] **The Secretary of Defense.**—(a) In the case of assistance under part II of this Act, the Secretary of Defense shall have primary responsibility for—

(1) the determination of military end-item requirements;

(2) the procurement of military equipment in a manner which permits its integration with service programs;

(3) the supervision of end-item use by the recipient countries;

(4) the supervision of the training of foreign military and related civilian[637] personnel;

(5) the movement and delivery of military end-items; and

(6) within the Department of Defense, the performance of any other functions with respect to the furnishing of military assistance, education and training.[638]

(b) The establishment of priorities in the procurement, delivery, and allocation of military equipment shall be determined by the Secretary of Defense.

Sec. 624.[639] **Statutory Officers.**—(a) The President may appoint, by and with the advice and consent of the Senate, twelve officers[640] in the agency primarily responsible for administering part I, * * * [Repealed—1964]

(1) * * * [Repealed—1964]

(2) * * * [Repealed—1964]

(3) * * * [Repealed—1964][641] and in the selection of one of such persons due consideration shall be given to persons qualified as professional engineers.

(b) Within the limitations established by subsection (a) of this section, the President may fix the rate of compensation, and may designate the title of, any officer appointed pursuant to the author-

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grated both at home and abroad and the foreign policy of the United States is best served thereby."

The responsibility of the Secretary of State under this subsection, insofar as it relates to development assistance, was transferred to the Director of IDCA, pursuant to sec. 6 of Reorganization Plan No. 2 of 1979 (establishing IDCA).

[636] 22 U.S.C. 2383.

[637] The words "and related civilian" were added by sec. 106(b) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329; 90 Stat. 733).

[638] The words ", education and training" were added by sec. 106(b) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329; 90 Stat. 733).

[639] 22 U.S.C. 2384.

[640] However, sec. 7 of Reorganization Plan No. 2 of 1979 stated:

"One of the positions that the President may appoint under section 624(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2384(a), 5 U.S.C. 5315(5)) is hereby abolished."

[641] That part of sec. 624(a) to this point, beginning with the words "of whom—" was repealed by sec. 305(42) of the Government Employees Salary Reform Act of 1964 (Public Law 88-426). The repealed part read as follows:

* * * "of whom—

"(1) one shall have the rank of an Under Secretary and shall be compensated at a rate not to exceed the rate authorized by law for any Under Secretary of an Executive Department;

"(2) one shall have the rank of a Deputy Under Secretary and shall be compensated at a rate not to exceed the rate authorized by law for any Deputy Under Secretary of an Executive Department; and

"(3) ten shall have the rank of Assistant Secretaries and shall be compensated at a rate not to exceed the rate authorized by law for any Assistant Secretary of an Executive Department,".

ity contained in that subsection. The President may also fix the order of succession among the officers provided for in [642] subsection (a) of this section in the event of the absence, death, resignation, or disability of one or more of said officers.[643]

(c) Any person who was appointed by and with the advice and consent of the Senate, to any statutory position authorized by any provision of law repealed by section 642(a) and who is serving in one of such positions at the time of transfer of functions pursuant to subsections (c) and (d) of section 621, may be appointed by the President to a comparable position authorized by subsection (a) of this section on the date of the establishment of the agency primarily responsible for administering part I, without further action by the Senate.

(d) [643] * * * [Repealed—1978]

(e) [644] In addition to the officers otherwise provided for in this section, the President shall appoint, by and with the advice and consent of the Senate, one officer for the purpose of coordinating security assistance programs.

(f) [645] (1) [646] There shall be in the Department of State an Assistant Secretary of State for Human Rights and Humanitarian Affairs who shall be responsible to the Secretary of State for matters pertaining to human rights and humanitarian affairs (including matters relating to refugees, prisoners of war, and members of the United States Armed Forces missing in action) in the conduct of foreign policy. The Secretary of State shall carry out his responsibility under section 502B of this Act through the Assistant Secretary.

(2) The Assistant Secretary of State for Human Rights and Humanitarian Affairs [647] shall maintain continuous observation and review of all matters pertaining to human rights and humanitarian affairs (including matters relating to refugees, prisoners of war, and members of the United States Armed Forces missing in action) in the conduct of foreign policy including—

(A) gathering detailed information regarding humanitarian affairs and the observance of and respect for internationally recognized human rights in each country to which requirements of sections 116 and 502B of this Act are relevant;

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[642] Sec. 302(b)(1) of the FA Act of 1965 struck out the words "paragraph (3) of" which appeared at this point, and also substituted "or one or more of said officers" for "of the officers provided for in paragraphs (1) and (2) of that subsection".

[643] Subsec. (d), which concerned the office of Inspector General, Foreign Assistance, was repealed, effective July 1, 1978, by sec. 124(a) of the International Development and Food Assistance Act of 1977 (Public Law 95-88; 91 Stat. 541).

[644] Subsec. (e) was added by sec. 302 of the FA Act of 1971.

[645] Subsec. (f) was added by sec. 301(b) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329; 90 Stat. 750).

[646] Par. (1) was amended and restated by sec. 109(a)(1) of the Foreign Relations Authorization Act, Fiscal Year 1978 (Public Law 95-105; 91 Stat. 846). It formerly read as follows:

"(1) There is established in the Department of State a Coordinator for Human Rights and Humanitarian Affairs. The Coordinator shall be appointed by the President with the advice and consent of the Senate. He shall be responsible to the Secretary of State for matters pertaining to human rights and humanitarian affairs (including matters relating to refugees, prisoners of war, and members of the United States Armed Forces missing in action) in the conduct of foreign policy. The Secretary of State shall carry out his responsibility under section 502B of this Act through the Coordinator for Human Rights and Humanitarian Affairs."

[647] The title designation of Assistant Secretary of State was inserted in lieu of Coordinator by sec. 109(a)(1)(B) of the Foreign Relations Authorization Act, Fiscal Year 1978 (Public Law 95-105; 91 Stat. 846).

(B) preparing the statements and reports to Congress required under section 502B of this Act;

(C) making recommendations to the Secretary of State and the Administrator of the Agency for International Development [648] regarding compliance with sections 116 and 502B of this Act, and as part of the Assistant Secretary's overall policy responsibility for the creation of United States Government human rights policy, advising the Administrator of the Agency for International Development on the policy framework under which section 116(e) projects are developed and consulting with the Administrator on the selection and implementation of such projects; [649] and

(D) performing other responsibilities which serve to promote increased observance of internationally recognized human rights by all countries.

(g) [650] * * * [Repealed—1981]

Sec. 625.[651] **Employment of Personnel.**—(a) Any agency or officer of the United States Government carrying out functions under this Act is authorized to employ such personnel as the President deems necessary to carry out the provisions and purposes of this Act.

(b) Of the personnel employed in the United States to carry out part I or coordinate part I and part II, not to exceed one hundred and ten [652] may be appointed, compensated or removed without regard to the provisions of any law, of whom not to exceed fifty-one may be compensated at rates higher than those provided for grade 15 of the general schedule established by section 5332 of title 5 of the United States Code,[653] but not in excess of the highest rate of grade 18 of such general schedule: [654] *Provided,* That, under such regulations as the President shall prescribe, officers and employees of the United States Government who are appointed to any of the above positions may be entitled, upon removal from such position, to reinstatement to the position occupied at the time of appointment or to a position of comparable grade and salary. Such positions shall be in addition to those authorized by law to be filled by Presidential appointment, and in addition to the number authorized by section 5108 of title 5 of the United States Code.[655]

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[648] This responsibility of the Administrator was transferred to the Director of IDCA, pursuant to sec. 6 of Reorganization Plan No. 2 of 1979 (establishing IDCA).

[649] The words to this point beginning with ", and as part of the Assistant Secretary's overall policy responsibility * * *" were added by sec. 1002(b) of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (Public Law 98–164; 97 Stat. 1052).

[650] Subsec. (g), as added by sec. 504 of Public Law 95–424 (92 Stat. 959) and amended by sec. 706 of Public Law 96–536 (94 Stat. 3158), was repealed by sec. 705(b)(1) of the International Security and Development Cooperation Act of 1981 (Public Law 97–113; 95 Stat. 1545). Subsec. (g) formerly concerned the responsibilities and duties of the Inspector General of AID. Similar language can now be found at sec. 8A of the Inspector General Act of 1978 (Vol. II, sec. N).

[651] 22 U.S.C. 2385.

[652] Sec. 301(c)(1) of the FA Act of 1962 substituted "one hundred and ten" in lieu of "seventy-six".

[653] Sec. 302(b)(1) of the FA Act of 1967 substituted, "Section 5332 of title 5 of the United States Code" in lieu of "the Classification Act of 1949, as amended (5 U.S.C. 1071 et seq.)".

[654] Sec. 1001(k)(1) of the Postal Service and Federal Employees Salary Act of 1962 (Public Law 87–793) substituted the words "but not in excess of the highest rate of grade 18 of such general schedule" in lieu of "and of these, not to exceed eight may be compensated at a rate in excess of the highest rate provided for grades of such general schedule but not in excess of $19,000 per year".

[655] Sec. 302(b)(2) of the FA Act of 1967 substituted "5108 of title 5 of the United States Code" in lieu of "505 of the Classification Act of 1949, as amended".

(c) Of the personnel employed in the United States to carry out part II, or any Act superseding part II in whole or in part,[656] not to exceed eight may be compensated at rates higher than those provided for grade 15 of the general schedule established by section 5332 of title 5 of the United States Code, but not in excess of the highest rate of grade 18 of such general schedule.[657] Such positions shall be in addition to those authorized by law to be filled by Presidential appointment, and in addition to the number authorized by section 5108 of title 5 of the United States Code.[658]

(d) [659] For the purpose of performing functions under this Act outside the United States, the President may employ or assign individuals, or may authorize the employment or assignment of officers or employees by agencies of the United States Government which are not authorized to utilize the Foreign Service personnel system, who shall receive compensation at any of the rates provided for under section 402 or section 403 of the Foreign Service Act of 1980, or under chapter 53 of title 5, United States Code, or at any other rate authorized by law, together with allowances and benefits under the Foreign Service Act of 1980.[660] Individuals so employed or assigned shall be entitled, except to the extent that the President may specify otherwise in cases in which the period of employment or assignment exceeds thirty months, to the same benefits as are provided by section 310 of that Act for individuals appointed to the Foreign Service.

(e) [661] * * * [Repealed—1981]

(f) [662] Funds provided for in agreements with foreign countries for the furnishing of services under this Act with respect to specific projects shall be deemed to be obligated for the services of personnel employed by agencies of the United States Government (other than the agencies primarily responsible for administering part I or part II of this Act) as well as personnel not employed by the United States Government.

(g) [663] * * * [Repealed—1981]

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[656] The words "or any Act superseding part II in whole or in part," were added by Sec. 302(c) of the FA Act of 1968.

[657] Sec. 302(c)(1) of the FA Act of 1967 substituted "section 5332 of title 5 of the United States Code" in lieu of "the Classification Act of 1949, as amended".

Sec. 1001(k)(2) of the Postal Service and Federal Employees Salary Act of 1962 (Public Law 87–793) substituted the words "but not in excess of the highest rate of grade 18 of such general schedule" in lieu of "and if these, not to exceed three may be compensated at a rate in excess of the highest rate provided for grades of such general schedule but not in excess of $19,000 per year".

[658] Sec. 302(c)(2) of the FA Act of 1967 substituted "5108 of title 5 of the United States Code" in lieu of "505 of the Classification Act of 1949, as amended".

[659] Subsec. (d) was amended and restated by sec. 2203(a) of the Foreign Service Act of 1980 (Public Law 96–465; 94 Stat. 2158). Subsec. (d) had previously been amended by the FA Act of 1962, the FA Act of 1964, the FA Act of 1967 and by the International Development and Food Assistance Act of 1977.

[660] The references in this sentence to ch. 53 of title 5, U.S. Code, and "any other rate authorized by law" were added by sec. 703 of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1544).

[661] Subsec. (e), which authorized the President to prescribe standards for maintaining adequate performance levels of specified personnel, was repealed by sec. 2205(8) of the Foreign Service Act of 1980 (Public Law 96–465; 94 Stat. 2160).

[662] Sec. 625(f) was amended by sec. 302(c)(3) of the FA Act of 1962. It formerly read as follows: "Funds provided for in agreements with foreign countries for the furnishing of services under this Act shall be deemed to be obligated for the services of personnel employed by the United States Government as well as other personnel".

[663] Subsec. (g), which concerned foreign language competence of personnel carrying out functions under this Act, was repealed by sec. 2205(8) of the Foreign Service Act of 1980 (Public Law 96–465; 94 Stat. 2160).

(h) Notwithstanding any other provision of law, officers and employees of the United States Government performing functions under this Act shall not accept from any foreign country any compensation or other benefits. Arrangements may be made by the President with such countries for reimbursement to the United States Government or other sharing of the cost of performing such functions.

(i) To the maximum extent practicable officers and employees performing functions under this Act abroad shall be assigned to countries and positions for which they have special competence, such as appropriate language and practical experience.

(j)[664] * * * [Repealed—1981]

(k)[665] * * * [Repealed—1980]

Sec. 626.[666] **Experts, Consultants, and Retired Officers.**—(a) Experts and consultants or organizations thereof may, as authorized by section 3109 of title 5 of the United States Code,[667] be employed for the performance of functions under this Act, and individuals so employed may be compensated at rates not in excess of the daily equivalent of the highest rate which may be paid to an employee under the General Schedule established by section 5332 of title 5, United States Code,[668] and while away from their homes or regular places of business, they may be paid actual travel expenses and per diem in lieu of subsistence at the applicable rate prescribed in the standardized Government travel regulations, as amended from time to time. Contracts for such employment with such organizations, employment of personnel as experts and consultants, not to exceed ten in number, contracts for such employment of retired military personnel with specialized research and development experience, not to exceed ten in number, and contracts for such employment of retired military personnel with specialized experience of a broad politico-military nature, not to exceed five in number, may be renewed annually.

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[664] Subsec. (j), as added by the FA Act of 1964 and which had concerned the Presidential appointment of U.S. representatives to the Inter-American Committee on the Alliance for Progress, was repealed by sec. 2205(8) of the Foreign Service Act of 1980 (Public Law 96–465; 94 Stat. 2160).

[665] Subsec. (k), as added by the FA Act of 1973 and which designated certain categories of personnel serving in the agency as being eligible to participate in the Foreign Service Retirement and Disability System, was repealed by sec. 2205(8) of the Foreign Service Act of 1980 (Public Law 96–465; 94 Stat. 2160). While nearly all provisions of the Foreign Service Act of 1980 were not effective until Feb. 15, 1981, sec. 2203(d)(1) of such Act specified that the repeal of sec. 625(k) would be effective on the date of enactment of the Act (Oct. 17, 1980).

[666] 22 U.S.C. 2386.

[667] Sec. 302(e)(1) of the FA Act of August 1967 substituted "3109 of title 5 of the United States Code" in lieu of "15 of the Act of August 22, 1946, as amended (5 U.S.C. 55a)".

[668] The words to this point beginning with "the daily equivalent of the highest rate" were substituted in lieu of "$100 per diem" by sec. 603 of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94–329; 90 Stat. 766).

(b) [669] Service of an individual as an expert or consultant under subsection (a) of this section shall not [670] be considered as employment or holding of office or position bringing such individual within the provisions of section 3323(a) [671] of title 5 of the United States Code.

(c) [672] Persons of outstanding experience and ability may be employed without compensation by any agency of the United States Government for the performance of functions under this Act in accordance with the provisions of section 710(b) of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2160(b)), and regulations issued thereunder.

Sec. 627.[673] **Detail of Personnel to Foreign Governments.**—Whenever the President determines it to be in furtherance of the purposes of this Act, the head of any agency of the United States Government is authorized to detail or assign any officer or employee of his agency to any office or position with any foreign government or foreign government agency, where acceptance of such office or position does not involve the taking of an oath of allegiance to another government or the acceptance of compensation or other benefits from any foreign country by such officer or employee.

Sec. 628.[674] **Detail of Personnel to International Organizations.**—Whenever the President determines it to be consistent with and in furtherance of the purposes of this Act, the head of any agency of the United States Government is authorized to detail, assign, or otherwise make available to any international organization any officer or employee of his agency to serve with, or as a member of, the international staff of such organization, or to render any technical, scientific, or professional advice or service to, or in cooperation with, such organization.

Sec. 629.[675] **Status of Personnel Detailed.**—(a) Any officer or employee, while assigned or detailed under section 627 or 628 of this Act, shall be considered, for the purpose of preserving his allowances, privileges, rights, seniority, and other benefits as such, an officer or employee of the United States Government and of the agency of the United States Government from which detailed or assigned, and he shall continue to receive compensation, allowances, and benefits from funds appropriated to that agency or made available to that agency under this Act.

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[669] Sec. 302(c)(1) of the FA Act of 1963 struck out the first sentence of this section since the subject matter was superseded by Public Law 87-849, approved Oct. 23, 1962. The first sentence formerly read as follows: "Service of an individual as an expert or consultant under subsection (a) of this section shall not be considered as service or employment bringing such individual within the provisions of section 281, 283, or 284 of title 18 of the United States Code, or of section 190 of the Revised Statutes (5 U.S.C. 99), or of any other Federal law imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with any claim, proceeding, or matter involving the United States Government, except insofar as such provisions of law may prohibit any such individual from receiving compensation in respect of any particular matter in which such individual was directly involved in the performance of such service."

[670] The words "Service of an individual as an expert or consultant under subsection (a) of this section shall not" were substituted for the words "Nor shall such service" by sec. 302(c)(2) of the FA Act of 1963.

[671] Sec. 126 of the International Development and Food Assistance Act of 1977 (Public Law 95-88; 91 Stat. 542) added the words "section 3323(a)" and struck out the following:

"Sections 3323(a) and 8344 of title 5 of the United States Code, section 872 of the Foreign Service Act of 1946, as amended, or any other law limiting the reemployment of retired officers or employees or governing the simultaneous receipt of compensation and retired pay or annuities, subject to section 5532."

[672] Sec. 302(d) of the FA Act of 1965 redesignated subsec. (d) as subsec. (c). Former subsec. (c), which related to employment of retired officers, was repealed by the Dual Compensation Act (Public Law 88-448), Aug. 19, 1964.

[673] 22 U.S.C. 2387.

[674] 22 U.S.C. 2388.

[675] 22 U.S.C. 2389.

(b) Any officer or employee assigned, detailed, or appointed under section 627, 628, 631, or 624(d) [676] of this Act is authorized to receive under such regulations as the President may prescribe, representation allowances similar to those allowed under section 905 of the Foreign Service Act of 1980.[677] The authorization of such allowances and other benefits and the payment thereof out of any appropriations available therefor shall be considered as meeting all the requirements of section 5536 of title 5 of the United States Code.[678]

Sec. 630.[679] Terms of Detail or Assignment.—Details or assignments may be made under section 627 or 628 of this Act or section 408 of the Mutual Security Act of 1954, as amended—[680]

(1) without reimbursement to the United States Government by the foreign government or international organization;

(2) upon agreement by the foreign government or international organization, to reimburse the United States Government for compensation, travel expenses, benefits,[681] and allowances, or any part thereof, payable to the officer or employee concerned during the period of assignment or detail; and such reimbursements (including foreign currencies) shall be credited to the appropriation, fund, or account utilized for paying such compensation, travel expenses, benefits,[666] or allowances, or to the appropriation, fund, or account currently available for such purposes;

(3) upon an advance of funds, property, or services by the foreign government or international organization to the United States Government accepted with the approval of the President for specified uses in furtherance of the purposes of this Act; and funds so advanced may be established as a separate fund in the Treasury of the United States Government, to be available for the specified uses, and to be used for reimbursement of appropriations or direct expenditure subject to the provisions of this Act, any unexpended balance of such account to be returned to the foreign government or international organization; or

(4) subject to the receipt by the United States Government of a credit to be applied against the payment by the United States Government of its share of the expenses of the international organization to which the officer or employee is detailed or assigned, such credit to be based upon the compensations, travel expenses, benefits [681] and allowances, or any part there-

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[676] Sec. 302(d) of the FA Act of 1962 substituted "624(d)" for "624(e)".

[677] The reference to sec. 905 of the Foreign Service Act of 1980 was substituted in lieu of a reference to sec. 901 of the Foreign Service Act of 1946 by sec. 2203(b) of the Foreign Service Act of 1980 (Public Law 96–465; 94 Stat. 2158).

[678] Sec. 302(f) of the FA Act of 1967 substituted "5536 of title 5 of the United States Code" in lieu of "1765 of the Revised Statutes (5 U.S.C. 70)".

[679] 22 U.S.C. 2390.

[680] For text, see page 535.

[681] The word "benefits" was added by sec. 302(e) of the FA Act of 1965.

of, payable to such officer or employee during the period of detail or assignment in accordance with section 629.

Sec. 631.[682] **Missions and Staffs Abroad.**—(a) The President may maintain special missions or staffs outside the United States in such countries and for such periods of time as may be necessary to carry out the purposes of this Act. Each such special mission or staff shall be under the direction of a chief.

(b) The chief and his deputy of each special mission or staff carrying out the purposes of part I shall be appointed by the President, and may, notwithstanding any other law, be removed by the President at his discretion. Such chief shall be entitled to receive such compensation and allowances as are authorized by the Foreign Service Act of 1980, not to exceed those authorized for a chief of mission (as defined in section 102(a)(3) of that Act), as the President shall determine to be appropriate.[683]

(c) [684] The President may appoint any United States citizen who is not an employee of the United States Government or may assign any United States citizen who is a United States Government employee to serve as Chairman of the Development Assistance Committee or any successor committee thereto of the Organization for Economic Cooperation and Development upon election thereto by members of said Committee, and, in his discretion, may terminate such appointment or assignment, notwithstanding any other provision of law. Such person may receive such compensation and allowances as are authorized by the Foreign Service Act of 1980, not to exceed those authorized for a chief of mission (as defined in section 102(a)(3) of that Act), as the President shall determine to be appropriate. Such person (if not a United States Government employee who is assigned to serve as Chairman) shall be deemed to be an employee of the United States Government for purposes of chapters 81, 83, 87, and 89 of title 5, United States Code.[685] Such person may also, in the President's discretion, receive any other benefits and perquisites available under this Act to chiefs of special missions or staffs outside the United States established under this section.

(d) [686] Wherever practicable, especially in the case of the smaller programs, assistance under part I of this Act [687] shall be administered under the direction of the Chief of the United States Diplomatic Mission by the principal economic officer of the mission.[688]

Sec. 632.[689] **Allocation and Reimbursement Among Agencies.**—(a) The President may allocate or transfer to any agency of the

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[682] 22 U.S.C. 2391.

[683] This sentence was amended and restated by sec. 2203(c) of the Foreign Service Act of 1980 (Public Law 96-465; 94 Stat. 2158). The former text made reference to the Foreign Service Act of 1946 which was repealed by the 1980 Act.

[684] Subsec. (c) was added by sec. 302(d) of FA Act of 1963.

[685] This sentence was amended and restated by sec. 2203(d) of the Foreign Service Act of 1980 (Public Law 96-465; 94 Stat. 2158). The former text made reference to the Foreign Service Act of 1946 which was repealed by the 1980 Act.

[686] Subsec. (d) was added by sec. 302(f) of the FA Act of 1965.

[687] The reference to "part I" was added by sec. 7(b)(1) of the International Security Assistance Act of 1977 (Public Law 95-92; 91 Stat. 617).

[688] The words "in the case of assistance under part I, and by the senior military officer of the mission in the case of assistance under part II", which had previously appeared at this point, were struck out by sec. 7(b)(2) of the International Security Assistance Act of 1977 (Public Law 95-92; 91 Stat. 617).

[689] 22 U.S.C. 2392.

United States Government any part of any funds available for carrying out the purposes of this Act, including any advance to the United States Government by any country or international organization for the procurement of commodities, defense articles, military education and training,[690] or services (including defense services). Such funds shall be available for obligation and expenditure for the purposes for which authorized, in accordance with authority granted in this Act or under authority governing the activities of the agencies of the United States Government to which such funds are allocated or transferred.

(b) Any officer of the United States Government carrying out functions under this Act may utilize the services (including defense services) and facilities of, or procure commodities, defense articles, or military education and training[691] from, any agency of the United States Government as the President shall direct, or with the consent of the head of such agency, and funds allocated pursuant to this subsection to any such agency may be established in separate appropriation accounts on the books of the Treasury.

(c) In the case of any commodity, service, or facility procured from any agency of the United States Government to carry out part I, reimbursement or repayment shall be made to such agency from funds available to carry out such part. Such reimbursement or payment shall be at replacement cost, or, if required by law, at actual cost, or at any other price authorized by law and agreed to by the owning or disposing agency. The amount of any such reimbursement or payment shall be credited to current applicable appropriations, funds, or accounts, from which there may be procured replacements of similar commodities, services, or facilities, except that where such appropriations, funds, or accounts are not reimbursable except by reason of this subsection, and when the owning or disposing agency determines that such replacement is not necessary, any funds received in payment therefor shall be deposited into the Treasury as miscellaneous receipts.

(d) Except as otherwise provided in section 506,[692] reimbursement shall be made to any United States Government agency, from funds available for use under part II, for any assistance furnished under part II from, by, or through such agency. Such reimbursement shall be in an amount equal to the value (as defined in section 644(m)) of the defense articles or of the defense services (other than salaries of members of the Armed Forces of the United States), or other assistance furnished, plus expenses arising from or incident to operations under part II. The amount of such reimbursement shall be credited to the current applicable appropriations, funds, or accounts of such agency.

(e) In furnishing assistance under this Act, accounts may be established on the books of any agency of the United States Government or, on terms and conditions approved by the Secretary of the Treasury, in banking institutions in the United States, (1) against which letters of commitment may be issued which shall constitute recordable obligations of the United States Government, and moneys due or to become due under such letters of commitment shall be assignable under the Assignment of Claims Act of 1940, as amended (second and third paragraphs of 31 U.S.C. 203 and 41 U.S.C. 15), and (2) from which disbursements may be made to, or withdrawals may be made by, recipient countries or agencies, organizations, or persons upon presentation of contracts, invoices, or other appropriate documentation. Expenditure of funds which have been made available through accounts so established shall be accounted for on standard documentation required for expenditure of funds of the United States Government: *Provided,* That such expenditures for commodities, defense articles, military education and training services (including defense services), or facilities procured outside the United States may be accounted for exclusively on such certification as may be prescribed in regulations approved by the Comptroller General of the United States.

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[690] The words ", military education and training" were added by sec. 106(b) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329; 90 Stat. 733).

[691] The words ", defense articles, or military education and training" were substituted in lieu of "and defense articles" by sec. 106(b) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329; 90 Stat. 733).

[692] Sec. 45(b)(3) of the Foreign Military Sales Act (Public Law 90-629) substituted "section 506" in lieu of secs. "506, 522, and 523,".

(f) Credits made by the Export-Import Bank of Washington with funds allocated thereto under subsection (a) of this section or under section 522(a) of the Mutual Security Act of 1954, as amended, shall not be considered in determining whether the Bank has outstanding at any one time loans and guaranties to the extent of the limitation imposed by section 7 of the Export-Import Bank Act of 1945,[693] as amended (12 U.S.C. 635e).

(g) Any appropriation or account available to carry out provisions of part I may initially be charged in any fiscal year, within the limit of available funds, to finance expenses for which funds are available in other appropriations or accounts under part I: *Provided,* That as of the end of such fiscal year such expenses shall be finally charged to applicable appropriations or accounts with proper credit to the appropriations or accounts initially utilized for financing purposes: *Provided further,* That such final charge to applicable appropriations or accounts shall not be required in the case of expenses (other than those provided for under section 637(a)) incurred in furnishing assistance by the agency primarily responsible for administering part I where it is determined that the accounting costs of identifying the applicable appropriation or account to which such expenses should be charged would be disproportionate to the advantage to be gained.

Sec. 633.[694] **Waivers of Certain Laws.**—(a) Whenever the President determines it to be in furtherance of the purposes of this Act, the functions authorized under this Act, may be performed without regard to such provisions of law (other than the Renegotiation Act of 1951, as amended (50 U.S.C. App. 1211 et seq.)), regulating the making, performance, amendment, or modification of contracts and the expenditure of funds of the United States Government as the President may specify.[695]

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[693] For text, see vol. II, sec. H.
[694] 22 U.S.C. 2393.
[695] See Executive Order 11223.

(b) The functions authorized under part II may be performed without regard to such provisions as the President may specify of the joint resolution of November 4, 1939 (54 Stat. 4), as amended.

(c) Notwithstanding the provisions of sections 3544(b) and 8544(b) of title 10 of the United States Code, personnel of the Department of Defense may be assigned or detailed to any civil office to carry out this Act. [Referenced sections repealed by Public Law 90-235. See 10 U.S.C. 973(b).]

Sec. 633A.[696] **Furnishing Information.**—None of the funds made available pursuant to the provisions of this Act shall be used to carry out any provision of this Act in any country or with respect to any project or activity, after the expiration of the thirty-five-day period which begins on the date the General Accounting Office or any committee of the Congress charged with considering legislation, appropriations or expenditures under this Act, has delivered to the office of the head of any agency carrying out such provision, a written request that it be furnished any document, paper, communication, audit, review, finding, recommendation, report, or other material in its custody or control relating to the administration of such provision in such country or with respect to such project or activity, unless and until there has been furnished to the General Accounting Office, or to such committee, as the case may be, (1) the document, paper, communication, audit, review, finding, recommendation, report, or other material so requested, or (2) a certification by the President that has forbidden the furnishing thereof pursuant to request and his reason for so doing.

Sec. 634.[697] **Annual Report.**—(a) In order that the Congress and the American people may be better and more currently informed regarding American foreign policy and the effectiveness of assistance provided by the United States Government to other countries and to international organizations, the Chairman of the Development Coordination Committee shall prepare and transmit to the Congress, no later than February 1 of each year, as a part of the annual presentation materials for foreign assistance, a report as described in this subsection. This report shall include—[698]

(1)(A) a comprehensive and coordinated review of all United States policies and programs having a major impact on the development of developing countries, including but not limited to bilateral and multilateral assistance, trade, debt, employment, food, energy, technology, population, oceans, environment, human settlements natural resources, and participation in international agencies concerned with development;

(B) an assessment of the impact of such policies and programs on the well-being of the poor majority in developing countries in accordance with the policy objectives of chapter 1 of part I, including [699] increasing life expectancy and literacy, lowering infant mortality and birth rates, and increasing food production and employment, such assessment to include an evaluation of the extent to which programs under chapter 1 of part I directly benefit the poor majority; and [700]

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[696] 22 U.S.C. 2393a. Sec. 502(a)(1) of the International Development and Food Assistance Act of 1978 (Public Law 95-424; 92 Stat. 957) added the section designated 633A and moved the text of sec. 634(c) of this Act immediately following this new section designation.

[697] 22 U.S.C. 2394. Sec. 634 was amended and restated by sec. 502(a)(2) of the International Development and Food Assistance Act of 1978 (Public Law 95-424; 92 Stat. 957). Sec. 305(b) of Public Law 99-83 (99 Stat. 215) (concerning the promotion of immunization and oral rehydration) provides as follows:

"Each annual report required by section 634 of the Foreign Assistance Act of 1961 shall describe the progress achieved during the preceding fiscal year in carrying out section 104(c)(3) of such Act."

[698] Sec. 733(1) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1559) amended and restated subsec. (a) to this point.

(C) an assessment of the impact of such policies and programs on economic conditions in the United States, including but not limited to employment, wages, and working conditions;

(2) the dollar value of all foreign assistance and guaranties by category and by country provided or made by the United States Government by any means to all foreign countries and international organizations—

(A) from 1946 to the fiscal year immediately preceding the fiscal year for which the report is required;

(B) as presented to Congress for the immediate preceding fiscal year;

(C) as obligated during the immediately preceding fiscal year;

(D) as planned for the fiscal year in which the report is presented;

(E) as proposed for the fiscal year following the year in which the report is presented; and

(F) [701] of any contract in excess of $100,000 administered by the Agency for International Development which was entered into in the preceding fiscal year without competitive selection procedures, and the reasons for doing so;

(3) a summary of repayments, by country, to the United States from previous foreign assistance loans;

(4) [702] the status of each sale of agricultural commodities on credit terms theretofore made under the Agricultural Trade Development and Assistance Act of 1954 with respect to which there remains outstanding any unpaid obligation; and the status of each transaction with respect to which a loan, contract or guarantee of insurance, or extension of credit (or participation therein) was theretofore made under the Export-Import Bank Act of 1945 with respect to which there remains outstanding any unpaid obligation or potential liability; except that such report shall include individually only any loan, contract, sale, extension of credit, or other transactions listed in this paragraph which is in excess of $1,000,000;

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[699] The words "the progressive developing countries are making toward achieving those objectives which are indicative of improved well-being of the poor majority, which objectives shall include but not be limited to" which previously appeared at this point, were struck out by sec. 733(2) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1559).

[700] The language beginning with "such assessment to include" and ending with . . . . "the poor majority" was added by sec. 312(b) of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 216).

[701] Subpar. (F) was added by sec. 733(3) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1559).

[702] Par. (4) was amended and restated by sec. 733(4) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1559). Previously, par. (4) also required information on loans and contracts concerning security assistance under this Act and credits for the procurement of defense articles under the Arms Export Control Act. This information is now required by sec. 25(a)(11) of the Arms Export Control Act.

(5)(A) the status of the debt servicing capacity of each country receiving assistance under this Act;

(B) all forms of debt relief granted by the United States with respect to such countries, together with a detailed statement of the specific debt relief granted with respect to each such country and the purpose for which it was granted; and

(C) a summary of the net aid flow from the United States to such countries, taking into consideration the debt relief granted by the United States;

(6) [703] the dollar value of all official development assistance, security assistance, international disaster assistance, refugee assistance, and international narcotic control assistance provided by each government of a country which is a member of the Organization for Economic Cooperation and Development or of the Organization of Petroleum Exporting Countries;

(7) the percentage which each type of assistance described in paragraph (6) represents of (A) the gross national product of each country referred to in paragraph (6), and (B) the budget of the government of such country, as well as the per capita contribution for each country for each type of assistance described in paragraph (6);

(8) the amount of all foreign currencies acquired without payment of dollars on hand of each foreign country as of September 30 of the preceding fiscal year;

(9) the Development Coordination Committee's operations pursuant to section 640B(f) of this Act;

(10) the aggregate dollar value and quantity of grant military assistance, military education and training, and any other defense articles and services furnished under this Act by the United States to each foreign country and international organization for the preceding fiscal year;

(11) information concerning the activities of the Minority Resource Center during the preceding fiscal year; and

(12) other information appropriate to the conduct of the foreign assistance program of the United States Government.

(b) For purposes of this section—

(1) "foreign assistance" means any tangible or intangible item provided by the United States Government to a foreign country or international organization under this or any other Act, including but not limited to any training, service, or technical advice, any item of real, personal, or mixed property, any agricultural commodity, United States dollars, and any currencies of any foreign country which are owned by the United States Government; and

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[703] Sec. 707 of the International Security and Development Cooperation Act of 1980 (Public Law 96-533; 94 Stat. 3159) redesignated existing par. (6) as par. (8) and added new pars. (6) and (7). Sec. 733(6) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113 (95 Stat. 1559) struck out par. (8) (as redesignated) and inserted new pars. (8) through (12). Similar information required in each of the new pars. (8) through (12) had been previously required under other provisions as follows: par. (8)—sec. 613(c) of this Act (semiannually); par. (9)—sec. 640B(g) of this Act; par. (10)—sec. 657 of this Act; par. (11)—sec. 133(c)(6) of Public Law 95-88; and par. (12)—former par. (8) of this subsection.

(2) "provided by the United States Government" includes, but is not limited to, foreign assistance provided by means of gift, loan, sale, credit, or guaranty.

Sec. 634A.[704] **Notification of Program Changes.**—(a) [705] None of the funds appropriated to carry out the purposes of this Act (except for programs under title III or title IV of chapter 2 of part I, chapter 5 of part I, and programs of disaster relief and rehabilitation) or the Arms Export Control Act [706] may be obligated for any activities, programs, projects, types of material assistance, countries, or other operations not justified, or in excess of the amount justified, to the Congress for obligation under this Act or the Arms Export Control Act [691] for any fiscal year unless the Committee on Foreign Relations of the Senate, the Committee on International Relations of the House of Representatives, and the Committee on Appropriations of each House of the Congress are notified fifteen days in advance of such obligation. Whenever a proposed reprogramming exceeds $1,000,000 and the total amount proposed for obligation for a country under this Act in a fiscal year exceeds by more than $5,000,000 the amount specified for that country in the report required by section 653(a) of this Act, notifications of such proposed reprogrammings shall specify—

(1) the nature and purpose of such proposed obligation, and

(2) to the extent possible at the time of the proposed obligation, the country for which such funds would otherwise have been obligated.[707]

(b) [705] The notification requirement of this section does not apply to the reprogramming—

(1) of funds to be used for an activity, program, or project under chapter 1 of part I if the amounts to be obligated for that activity, program, or project for that fiscal year do not exceed by more than 10 percent the amount justified to the Congress for that activity, program, or project for that fiscal year; or

(2) of less than $25,000 to be used under chapter 8 of part I, or under chapter 5 of part II, for a country for which a program under that chapter for that fiscal year was justified to the Congress.

(c) [705] The President shall notify the chairman of the Committee on Foreign Relations of the Senate and the chairman of the Committee on Foreign Affairs of the House of Representatives concerning any reprogramming of funds in the International Affairs Budget Function, the authorizations of appropriations for which are in their respective jurisdictions, to the same degree and with the same conditions as the President notifies the Committees on

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[704] 22 U.S.C. 2394-1. Added originally as sec. 671 by the International Development and Food Assistance Act of 1977 (Public Law 95-88; 91 Stat. 543), sec. 634A was redesignated as such and moved to this point by sec. 502(b) of the International Development and Food Assistance Act of 1978 (Public Law 95-424; 92 Stat. 959).

[705] Subsec. (b) and (c) were added by sec. 1209(a)(3) of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat 278). Sec. 1209 (a)(1) of the Act also inserted the designation for subsec. (a) of sec. 634A.

[706] References to the Arm Export Control Act were added by sec. 1209 (a)(2) of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 278).

[707] This final sentence in sec. 634A was added by sec. 704 of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1544).

Appropriations. The requirements of this subsection are in addition to, and not in lieu of, other notification requirements.

Sec. 634B.[708] **Classification of Reports.**—All information contained in any report transmitted under this Act shall be public information. However, in the case of any item of information to be included in any such report that the President, on an extraordinary basis, determines is clearly detrimental to the security of the United States, he shall explain in a supplemental report why publication of each specific item would be detrimental to the security of the United States. A supplemental report shall be transmitted to the Congress at the time the report is transmitted.

Sec. 635.[709] **General Authorities.**—(a) Except as otherwise specifically provided in this Act, assistance under this Act may be furnished on a grant basis or on such terms, including cash, credit, or other terms of repayment (including repayment in foreign currencies or by transfer to the United States Government of commodities) as may be determined to be best suited to the achievement of the purposes of this Act, and shall emphasize loans rather than grants wherever possible.

(b) The President may make loans, advances, and grants to, make and perform agreements and contracts with, or enter into other transactions with, any individual, corporation, or other body of persons, friendly government or government agency, whether within or without the United States and international organizations in furtherance of the purposes and within the limitations of this Act.

(c) It is the sense of Congress that the President, in furthering the purposes of this Act, shall use to the maximum extent practicable the services and facilities of voluntary, nonprofit organizations registered with, and approved by, the Agency for International Development.[710]

(d) The President may accept and use in furtherance of the purposes of this Act, money, funds, property, and services of any kind made available by gift, devise, bequest, grant, or otherwise for such purpose.

(e)(1) [711] Any agency of the United States Government is authorized to pay the cost of health and accident insurance for foreign participants in any program of furnishing technical information and assistance administered by such agency while such participants are absent from their homes for the purpose of participation in such program.

(2) [711] Any agency of the United States Government is authorized to pay the cost of health and accident insurance for foreign employees of that agency while those employees are absent from their places of employment abroad for purposes of training or other official duties.

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[708] 22 U.S.C. 2394-1a. Sec. 634B was added by sec. 502(c) of the International Development and Food Assistance Act of 1978 (Public Law 95-424; 92 Stat. 959).

[709] 22 U.S.C. 2395.

[710] The reference to the Agency for International Development was substituted in lieu of a reference to the Advisory Committee on Voluntary Foreign Aid by sec. 121 of the International Development Cooperation Act of 1979 (Public Law 96-53; 93 Stat. 366).

[711] Sec. 302(i)(1) of the FA Act of 1967 added paragraph designation "(1)" and par. (2).

(f) Alien participants in any program of furnishing technical information and assistance under this Act may be admitted to the United States if otherwise qualified as nonimmigrants under section 101(a)(15) of the Immigration and Nationality Act, as amended (8 U.S.C. 1101(a)(15)), for such time and under such conditions as may be prescribed by regulations promulgated by the Secretary of State and the Attorney General.[712]

(g) In making loans [713] under this Act, the President—

(1) may issue letters of credit and letters of commitment;

(2) may collect or compromise any obligations assigned to, or held by, and any legal or equitable rights accruing to him, and, as he may determine, refer any such obligations or rights to the Attorney General for suit or collection;

(3) may acquire and dispose of, upon such terms and conditions as he may determine, any property, including any instrument evidencing indebtedness or ownership (provided that equity securities may not be directly purchased although such securities may be acquired by other means such as by exercise of conversion rights or through enforcement of liens or pledges or otherwise to satisfy a previously incurred indebtedness), and guarantee payment against any such instrument;

(4) may determine the character of, and necessity for, obligations and expenditures of funds used in making such loans and the manner in which they shall be incurred, allowed, and paid, subject to provisions of law specifically applicable to corporations of the United States Government; and

(5) shall cause to be maintained an integral set of accounts which shall be audited by the General Accounting Office in accordance with principles and procedures applicable to commercial corporate transactions as provided by the Government Corporation Control Act, as amended (31 U.S.C. 841 et seq.).

(h) A contract or agreement which entails commitments for the expenditure of funds [714] available under chapter 1 (except development loans) [715] and title II [716] of chapter 2 of part I and under part II may, subject to any future action of the Congress, extend at any time for not more than five years.

(i) Claims arising as a result of investment guaranty operations may be settled, and disputes arising as the result thereof may be arbitrated with the consent of the parties, on such terms and conditions as the President may direct. Payment made pursuant to any such settlement, or as a result of an arbitration award, shall be final and conclusive notwithstanding any other provision of law.

(j) The provisions of section 955 of title 18 of the United States Code shall not apply to prevent any person, including any individual, partnership, corporation, or association, from acting for, or participating in, any operation or transaction arising under this

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[712] See sec. 101(a)(15)(J) of the Immigration and Nationality Act (8 U.S.C. 1101).

[713] The words "and sales", which appeared at this point, were added by sec. 302(g) of the FA Act of 1965. Sec. 302(i)(2) of the FA Act of 1967 provided that the words "and sales" be deleted from this subsection, effective June 30, 1968.

[714] Sec. 302(g) of the FA Act of 1962 deleted the word "made" which appeared after the word "funds".

[715] The words "(except development loans)" were added by sec. 302(d) of the FA Act of 1966.

[716] The reference to ch. 1 was substituted in lieu of a reference to titles V and VI by sec. 102(g)(2)(G) of the International Development and Food Assistance Act of 1978 (92 Stat. 943).

Act, or from acquiring any obligation issued in connection with any operation or transaction arising under this Act.

(k) [717] Any cost-type contract or agreement (including grants) entered into with a university, college, or other educational institution for the purpose of carrying out programs authorized by part I may provide for the payment of the reimbursable indirect costs of said university, college, or other educational institution on the basis of predetermined fixed-percentage rates applied to the total or an element thereof, of the reimbursable direct costs incurred.

Sec. 636.[718] Provisions on Uses of Funds.—(a) Appropriations for the purposes of or pursuant to this Act (except for Part II), allocations to any agency of the United States Government, from other appropriations, for functions directly related to the purposes of this Act, and funds made available for other purposes to the agency primarily responsible for administering part I, shall be available for:

(1) rent of buildings and space in buildings in the United States, and for repair, alteration, and improvements of such leased properties;

(2) expenses of attendance at meetings concerned with the purposes of such appropriations of this Act, including (notwithstanding the provisions of section 9 of Public Law 60–328 (31 U.S.C. 673)) expenses in connection with meetings and persons whose employment is authorized by section 626;

(3) contracting with individuals for personal service abroad: *Provided,* That such individuals shall not be regarded as employees of the United States Government for the purpose of any law administered by the Civil Service Commission;

(4) purchase, maintenance, operation, and hire of aircraft: *Provided,* That aircraft for administrative purposes may be purchased only as specifically provided for in an appropriation or other Act;

(5) purchase and hire of passenger motor vehicle: *Provided,* That, except as may otherwise be provided in an appropriation or other Act, passenger motor vehicles for administrative purposes outside the United States may be purchased for replacement only, and such vehicles may be exchanged or sold and replaced by an equal number of such vehicles and the cost, including exchange allowance, of each such replacement shall not exceed the current market price in the United States of a mid-sized sedan or station wagon meeting the requirements established by the General Services Administration for a Class III vehicle of United States manufacture (or, if the replacement vehicle is a right-hand drive vehicle, 120 percent of that price [719] in the case of an automobile for the chief of any special mission or staff outside the United States established under section 631: *Provided further,* That passenger motor vehicles other than one for the official use [720, 721] of the head of

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[717] Subsec. (k) was added by sec. 302(e) of the FA Act of 1963.

[718] 22 U.S.C. 2396.

[719] The words to this point beginning with "the current market price * * *" were substituted in lieu of "$3,500" by sec. 505 of the International Development and Food Assistance Act of 1978 (Public Law 95-424; 92 Stat. 960).

[720] Public Law 99–550, 100 Stat. 3067 deleted the following phrase at this point: "(without regard to the limitations contained in section 5 of Public Law 63–127, as amended (31 U.S.C. 638a(c)(2)), and section 201 of Public Law 85–468 (31 U.S.C. 638(c))".

[721] See also sec. 48 of the Arms Control and Disarmament Act, 22 U.S.C. 2588 for a deletion of provisions similar to those contained in note 720.

the agency primarily responsible for administering part I, may be purchased for use in the United States only as may be specifically provided in an appropriation or other Act;

(6) entertainment (not to exceed $25,000 in any fiscal year except as may otherwise be provided in an appropriation or other Act);

(7) exchange of funds without regard to section 3651 of the Revised Statutes (31 U.S.C. 543) and loss by exchange;

(8) expenditures (not to exceed $50,000 in any fiscal year except as may otherwise be provided in an appropriation or other Act) of a confidential character other than entertainment: *Provided,* That a certificate of the amount of such expenditure, the nature of which it is considered inadvisable to specify, shall be made by the head of the agency primarily responsible for administering part I or such person as he may designate, and every such certificate shall be deemed a sufficient voucher for the amount therein specified.[722]

(9) insurance of official motor vehicles or aircraft acquired for use in foreign countries;

(10) rent or lease outside the United States for not to exceed ten years of offices, buildings, grounds, and quarters, including living quarters to house personnel, and payments therefor in advance; maintenance, furnishings, necessary repairs, improvements, and alterations to properties owned or rented by the United States Government or made available for use to the United States Government outside the United States; and costs of fuel, water, and utilities for such properties;

(11) expenses of preparing and transporting to their former homes, or, with respect to foreign participants engaged in any program under part I, to their former homes or places of burial, and of care and disposition of, the remains of persons or members of the families of persons who may die while such persons are away from their homes participating in activities carried out with funds covered by this subsection;

(12) purchase of uniforms;

(13) payment of per diem in lieu of subsistence to foreign participants engaged in any program under part I while such participants are away from their homes in countries other than the United States, at rates not in excess of those prescribed by the standardized Government travel regulations, notwithstanding any other provision of law;

(14) use in accordance with authorities of the Foreign Service Act of 1980 [723] (22 U.S.C. 3901 et seq.) not otherwise provided for;

(15) ice and drinking water for use outside the United States;

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[722] See also sec. 614(a) of this Act.

[723] Sec. 1211(b)(1) of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 279 substituted the reference to the 1980 Act which updated a reference to the 1946 version of the Act which had been repealed and replaced by the 1980 version.

(16) services of commissioned officers of the Environmental Science Services Administration and for the purposes of providing such services to the Environmental Science Services Administration [724] may appoint not to exceed twenty commissioned officers in addition to those otherwise authorized;

(17) expenses in connection with travel of personnel outside the United States, including travel expenses of dependents (including expenses during necessary stopovers while engaged in such travel), and transportation of personal effects, household goods, and automobiles of such personnel when any part of such travel or transportation begins in one fiscal year pursuant to travel orders issued in that fiscal year, notwithstanding the fact that such travel or transportation may not be completed during the same fiscal year, and cost of transporting automobiles to and from a place of storage, and the cost of storing automobiles of such personnel when it is in the public interest or more economical to authorize storage.

(b) Funds made available for the purposes of this Act may be used for compensation, allowances, and travel of personnel including Foreign Service personnel whose services are utilized primarily for the purposes of this Act, for printing and binding without regard to the provisions of any other law, and for expenditures outside the United States for the procurement of supplies and services and for other administrative and operating purposes (other than compensation of personnel) without regard to such laws and regulations governing the obligation and expenditure of funds of the United States Government as may be necessary to accomplish the purposes of this Act.

(c) Notwithstanding any other law, not to exceed $3,000,000 of the funds available for assistance under this Act [725] may be used in any fiscal year (in addition to funds available for such use under other authorities in this Act) to construct or otherwise acquire outside the United States (1) essential living quarters, office space, and necessary supporting facilities for use of personnel carrying out activities authorized by this Act, and (2) schools (including dormitories and boarding facilities) and hospitals for use of personnel carrying out activities authorized by this Act, United States Government personnel, and their dependents. In addition, funds made available for assistance under this Act [725] may be used, notwithstanding any other law, to equip, staff, operate, and maintain such schools and hospitals.

(d) Not to exceed $2,500,000 [726] of funds available for assistance under this Act [725] may be used in any fiscal year to provide assistance, on such terms and conditions as are deemed appropriate, to schools established, or to be established, outside the United States whenever it is determined that such action would be more economical or would best serve the interests of the United States in providing for the education of dependents of personnel carrying out activities authorized by this Act and dependents of United States Government personnel, in lieu of acquisition or construction pursuant to subsection (c) of this section.

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[724] Sec. 302(k) of the FA Act of 1967 substituted "Environmental Science Service Administration" in lieu of "Coast and Geodetic Survey."

[725] The words "(other than title I of chapter 2 of part I)", which previously appeared at this point, were struck by sec. 102(g)(2) of the International Development and Food Assistance Act of 1978 (Public Law 95-424; 92 Stat. 943).

[726] Sec. 302(1) of the FA Act of 1967 substituted "$2,500,000" in lieu of "$1,500,000".

(e) Funds available under this Act [725] may be used to pay costs of training United States citizen personnel employed or assigned pursuant to section 625(d)(2) (through interchange or otherwise) at any State or local unit of government, public or private nonprofit institution, trade, labor, agricultural, or scientific association or organization, or commercial firm; and the provisions of Public Law 84–918 (7 U.S.C. 1881 et seq.) may be used to carry out the foregoing authority notwithstanding that interchange of personnel may not be involved or that the training may not take place at the institutions specified in that Act. Such training shall not be considered employment or holding of office under section 5533 of title 5 of the United States Code,[727] and any payments or contributions in connection therewith may, as deemed appropriate by the head of the agency of the United States Government authorizing such training, be made by private or public sources and be accepted by any trainee, or may be accepted by and credited to the current applicable appropriation of such agency: *Provided, however,* That any such payments to any employee in the nature of compensation shall be in lieu, or in reduction, of compensation received from the United States Government.

(f) Funds made available under chapter 1 of part I [728] may be used for expenses (other than those provided for under section 637(a)) to assist in carrying out functions under chapter 1 [729] of part I, under the Agricultural Trade Development and Assistance Act of 1954, as amended [730] (7 U.S.C. 1691 et seq.), and under the Latin American Development Act, as amended [731] (22 U.S.C. 1942 et seq.), performed by the agency primarily responsible for administering part I or by the Corporation established under title IV of chapter 2 of part I with respect to loan activities which it carries out under the provisions of the Agricultural Trade Development and Assistance Act of 1954, as amended.[732, 733]

(g) Funds made available for the purposes of part II shall be available for—

(1) administrative, extraordinary (not to exceed $300,000 in any fiscal year), and operating expenses incurred in furnishing defense articles, military education and training [734] and de-

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[727] Sec. 302(m) of the FA Act of 1967 substituted "5533 of title 5 of the United States Code" in lieu of "301 of the Dual Compensation Act (5 U.S.C. 3105)".

[728] The reference to ch. 1 of pt. I was substituted in lieu of a reference to sec. 212 by sec. 102(g)(2)(J) of the International Development and Food Assistance Act of 1978 (Public Law 95–424; 92 Stat. 943).

[729] The reference to ch. 1 was substituted in lieu of a reference to title I of ch. 2 by sec. 102(g)(2)(J) of the International Development and Food Assistance Act of 1978 (Public Law 95–424; 92 Stat. 943).

[730] For text, see page 765.

[731] Sec. 302(h)(2) of the FA Act of 1965 substituted the words "Latin American Development Act, as amended" for "Act to provide for assistance in the development of Latin America and in the reconstruction of Chile, and for other purposes".

[732] For text, see page 765.

[733] The words to this point, beginning with "or by the Corporation", were added by sec. 306 of the FA Act of 1969.

[734] The words ", military education and training" were added by sec. 106(b) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94–329; 90 Stat. 733).

fense services on a grant or sales basis by the agency primarily responsible for administering part II; [735]

(2) reimbursement of actual expenses of military officers detailed or assigned as tour directors in connection with orientation visits of foreign military and related civilian personnel,[736] in accordance with the provisions of section 5702(c) of title 5 of the United States Code,[737] applicable to civilian officers and employees; and

(3) maintenance, repair, alteration, and furnishing of United States-owned facilities in the District of Columbia or elsewhere for the training of foreign military and related civilian personnel [736] without regard to the provisions of section 3733 of the Revised Statutes (41 U.S.C. 12) or other provision of law requiring a specific authorization or specific appropriation for such public contracts.

(h) [738] In carrying out programs under this Act, the President shall take all appropriate steps to assure that, to the maximum extent possible, (1) countries receiving assistance under this Act contribute local currencies to meet the cost of contractual and other services rendered in conjunction with such programs, and (2) foreign currencies owned by the United States are utilized to meet the costs of such contractual and other services.

(i) [739] Notwithstanding section 640 or any other provision of this Act, none of the funds made available to carry out this Act shall be used to finance the purchase, sale, long-term lease, exchange, or guaranty of a sale of motor vehicles unless such motor vehicles are manufactured in the United States. *Provided,* That where special circumstances exist the President is authorized to waive the provisions of this section in order to carry out the purposes of this Act.

Sec. 637.[740] **Administrative Expenses.**—(a) [741] * * * [Repealed—1978]

(b) There is hereby authorized to be appropriated [742] such amounts as may be necessary from time to time for administrative expenses which are incurred for functions of the Department of State under this Act and unrepealed provisions of the Mutual Security Act of 1954, as amended, or for normal functions of the Department of State which relate to such functions.[743]

Sec. 638.[744] **Exclusions.**[745]—No provision of this Act shall be construed to prohibit assistance to any country pursuant to the

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[735] The words to this point, beginning with "incurred in furnishing" (except as noted in footnote 637) were added by sec. 302(d) of the FA Act of 1968.

[736] The words "and related civilian personnel" were substituted in lieu of "personnel" by sec. 106(b) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329; 90 Stat. 733).

[737] Sec. 302(n) of the FA Act of 1967 substituted "5702(c) of title 5 of the United States Code" in lieu of "3 of the Travel Expense Act of 1949, as amended (5 U.S.C. 836),".

[738] Subsec. (h) was added by sec. 302(f) of the FA Act of 1963.

[739] Subsec. (i) was added by sec. 302(o) of the FA Act of 1967.

[740] 22 U.S.C. 2397.

[741] Subsec. (a) was repealed by sec. 604 of the International Development and Food Assistance Act of 1978 (Public Law 95-424; 92 Stat. 961).

[742] The words "to the Secretary of State", which appeared at this point, were deleted by sec. 302(h)(2) of the FA Act of 1962.

[743] FA Appropriation Act, 1975: $4,800,000 as authorized by this section.

[744] 22 U.S.A. 2398, sec. 638 was added by sec. 302(h) of the FA Act of 1963.

[745] The word "EXCLUSIONS" was substituted in lieu of "PEACE CORPS ASSISTANCE" by sec. 19 of the FA Act of 1973.

Peace Corps Act, as amended; the Mutual Educational and Cultural Exchange Act of 1961, as amended; or the Export-Import Bank Act of 1945, as amended.[746, 747]

Sec. 639.[748] **Famine or Disaster Relief.**—* * * [Repealed—1975]

Sec. 639A.[749] **Disaster Relief Assistance.**—* * * [Redesignated—1975]

Sec. 639B.[750] **African Development Program.**—* * * [Redesignated—1975]

Sec. 640.[751] **Military Sales.**—* * * [Repealed—1968]

Sec. 640A.[752] **False Claims and Ineligible Commodities.**—(a) Any person who makes or causes to be made or presents or causes to be presented to any bank or other financial institution or to any officer, agent, or employee of any agency of the United States Government a claim for payment from funds made available under this Act for the purposes of furnishing assistance and who knows the claim to be false, fraudulent, or fictitious or to cover a commodity or commodity-related service determined by the President to be ineligible for payment from funds made available under this Act, or who uses to support his claim any certification, statement, or entry on any contract, bill of lading, Government or commercial invoice, or Government form, which he knows, or in the exercise of prudent business management should know, to contain false, fraudulent, or fictitious information, or who uses or engages in any other fraudulent trick, scheme, or device for the purpose of securing or obtaining, or aiding to secure or obtain, for any person any benefit or payment from funds so made available under this Act in connection with the negotiation, procurement, award, or performance of a contract financed with funds so made available under this Act, and any person who enters into an agreement, combination or conspiracy so to do, (1) shall pay to the United States an amount equal to 25 per centum of any amount thereby sought to be wrongfully secured or obtained but not actually received, and (2) shall forfeit and refund any payment, compensation, loan, commission, or advance received as a result thereof, and (3) shall, in addition, pay to the United States for each such act (A) the sum of $2,000 and double the amount of any damage which the United States may have sustained by reason thereof, or (B) an amount equal to 50 per centum of any such payment, compensation, loan, commission, or advance so received, whichever is the greater, together with the costs of suit.

(b) In order to secure recovery under this section, the President may, as he deems appropriate, (1) institute suit in the United States district court for any judicial district in which the person al-

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[746] 12 U.S.C. 635.

[747] The words ": or famine or disaster relief, including such relief through voluntary agencies, under title II of the Agricultural Trade Development and Assistance Act of 1954, as amended", which appeared at this point, were struck out by sec. 202(j) of the FA Act of 1965.

[748] Sec. 639, Famine or Disaster Relief, was repealed by sec. 101(6) of Public Law 94-161 (89 Stat. 849).

[749] Sec. 639A, as added by the FA Act of 1973, was redesignated as sec. 494A of this Act by sec. 101(5) of Public Law 94-161 (89 Stat. 849). It was subsequently repealed in 1978.

[750] Sec. 639B, as added by sec. 20 of the FA Act of 1973, was redesignated as sec. 494B by sec. 101(5) of Public Law 94-161 (89 Stat. 849). It has subsequently been redesignated as sec. 120 of this Act.

[751] Sec. 640 was repealed by sec. 45(a) of the Foreign Military Sales Act (Public Law 90-629).

[752] 22 U.S.C. 2399 Sec. 640A was added by sec. 3020 of the FA Act of 1968.

leged to have performed or participated in an act described by this section may reside or may be found, and (2) upon posting by registered mail to such person a notice of claim describing the basis therefor and identifying the funds to be withheld, withhold from funds owed by any agency of the United States Government to such person an amount equal to the refund, damages, liquidated damages, and exemplary damages claimed by the United States under this section. Any such withholding of funds from any person shall constitute a final determination of the rights and liabilities of such person under this section with respect to the amount so withheld, unless within one year of receiving the notice of claim such person brings suit for recovery, which is hereby authorized, against the United States in any United States district court.

(c) For purposes of this section, the term "person" includes any individual, corporation, partnership, association, or other legal entity.

Sec. 640B. Coordination.[753]—(a) The President shall establish a system for coordination of United States policies and programs which affect United States interests in the development of low-income countries. To that end, the President shall establish a Development Coordination Committee which shall advise him with respect to coordination of United States policies and programs affecting the development of the developing countries, including programs of bilateral and multilateral development assistance. The Committee shall include the head of the agency primarily responsible for administering part I, Chairman, and representatives of the Departments of State, Treasury, Commerce, Agriculture, Energy, and Labor, the Executive Office of the President and other executive departments and agencies, as the President shall designate.[754] The Committee shall advise the President concerning the degree to which bilateral and multilateral development assistance should focus on critical problems in those functional sectors which affect the lives of the majority of people in the developing countries: food production; rural development and nutrition; population planning and health; and education, public administration, and human resource development.[755]

(b) The President shall prescribe appropriate procedures to assure coordination among—

(1) the various departments and agencies of the United States Government having representatives in diplomatic missions abroad; and

(2) representatives of the United States Government in each country, under the direction of the Chief of the United States Diplomatic Mission.

The President shall keep the Congress advised of his actions under this subsection.

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[753] 22 U.S.C. 2399. Sec. 640B was added by sec. 21 of the FA Act of 1973.

[754] Representatives from the Department of Energy were added to this list of Committee members by sec. 118 of the International Development Cooperation Act of 1979 (Public Law 96-53; 93 Stat. 365). The function of the head of the agency primarily responsible for administering part I, as mentioned in this sentence, was transferred to the Director of IDCA, pursuant to sec. 6 of Reorganization Plan No. 2 of 1979 (establishing IDCA).

[755] This sentence was added by sec. 127(a) of the International Development and Food Assistance Act of 1977 (Public Law 95-88; 91 Stat. 542).

(c) Programs authorized by this Act shall be undertaken with the foreign policy guidance of the Secretary of State.

(d) [756] * * * [Repealed—1978]

(e) [757] The head of any of the departments or agencies referred to in subsection (a) may temporarily assign, upon the request of the Chairman, any employee from such department or agency to the staff of the Committee.

(f) [757] To carry out the purposes of subsection (a), the Committee shall—

(1) prepare studies on various development problems;

(2) devise implementation strategies on developmental problems appropriate to each such department or agency;

(3) monitor and evaluate the results of the development activities of each such department or agency; and

(4) arrange for the exchange of information and studies between such agencies and departments.

(g) [758] * * * [Repealed—1981]

Sec. 640C.[759] **Shipping Differential.**—For the purposes of facilitating implementation of section 901(b) of the Merchant Marine Act, 1936 (46 U.S.C. 1241(b)), funds made available for the purposes of chapter 1 of part I or for purposes of chapter 4 of part II [760] may be used to make grants to recipients to pay all or any portion of such differential as is determined by the Secretary of Commerce to exist between United States and foreign-flag vessel charter or freight rates. Grants made under this section shall be paid with United States-owned foreign currencies wherever feasible.

Chapter 3—Miscellaneous Provisions

Sec. 641.[761] **Effective Date and Identification of Programs.**—This Act shall take effect on the date of its enactment. Programs under this Act shall be identified appropriately overseas as "American Aid".

Sec. 642. Statutes Repealed.—(a) There are hereby repealed—

(1) Reorganization Plan Numbered 7 of 1953;

(2) the Mutual Security Act of 1954, as amended (except sections [762] 402, 408, 417, 502(a), 502(b), 514, 523(d) and 536;[763, 764]

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[756] Subsec. (d), which had required an annual report from the President regarding U.S. actions affecting the development of less developed countries, was repealed by sec. 502(d)(1) of the International Development and Food Assistance Act of 1978 (Public Law 95-424; 92 Stat. 959). A similar report is now required under sec. 634 of this Act.

[757] Subsecs. (e) and (f), were added by sec. 127(c) of the International Development and Food Assistance Act of 1977 (Public Law 95-88; 91 Stat. 543).

[758] Subsec. (g), as added by sec. 127(c) of Public Law 95-88 (91 Stat. 543) and amended by sec. 502(d)(2) of Public Law 95-424 (92 Stat. 959), was repealed by sec. 734(a)(1) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560). Formerly, subsec. (g) required an annual report to Congress on the Committee's operations. Such information is now required under sec. 634(a)(9) of this Act (page ——).

[759] 22 U.S.C. 2399d. Sec. 640C was added by sec. 21 of the FA Act of 1973.

[760] The reference to ch. 4 of pt. II was substituted in lieu of a reference to pt. V by sec. 708 of the International Security and Development Cooperation Act of 1980 (Public Law 96-533; 94 Stat. 3159).

[761] 22 U.S.C. 2401.

[762] Sec. 303(a) of the FA Act of 1965 struck out sec. 143 of the Mutual Security Act of 1954 as amended, which was retained by the FA Act of 1961.

[763] For text see Retained Provisions, subsecs. (a), (c), and (d) of sec. 405 of the Mutual Security Act of 1954, as amended, and subsec. (c) of sec. 451 of such Act, which were retained by the

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(3) section 12 of the Mutual Security Act of 1955;

(4) sections 12, 13, and 14 of the Mutual Security Act of 1956;

(5) section 503 of the Mutual Security Act of 1958;

(6) section 108 of the Mutual Security Appropriation Act, 1959;

(7) section 501(a), chapter VI, and sections 702 and 703 of the Mutual Security Act of 1959, as amended; and

(8) section 604 and chapter VIII of the Mutual Security Act of 1960.

(b) References in law to the Acts, or provisions of such Acts, repealed by subsection (a) of this section shall hereafter be deemed to be references to this Act or appropriate provisions of this Act.

(c) The repeal of the Acts listed in subsection (a) of this section shall not be deemed to affect amendments contained in such Acts to Acts not named in that subsection.

Sec. 643.[765] **Saving Provisions.**—(a) Except as may be expressly provided to the contrary in this Act, all determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken, or entered into under authority of any provision of law repealed by section 642(a) and the Foreign Assistance Act of 1969 [766] shall continue in full force and effect until modified by appropriate authority.

(b) Wherever provisions of this Act establish conditions which must be complied with before use may be made of authority contained in, or funds authorized by, this Act, compliance with, or satisfaction of, substantially similar conditions under Acts listed in section 642(a) and the Foreign Assistance Act of 1969 or Acts repealed by those Acts shall be deemed to constitute compliance with the conditions established by this Act.

(c) Funds made available pursuant to provisions of law repealed by section 642(a)(2) and the Foreign Assistance Act of 1969 shall, unless otherwise authorized or provided by law, remain available for their original purposes in accordance with the provisions of law originally applicable thereto, or in accordance with the provisions of law currently applicable to those purposes.

(d) [767] * * * [Repealed—1962]

Sec. 644.[768] **Definitions.**—As used in this Act—

(a) "Agency of the United States Government" includes any agency, department, board, wholly or partly owned corporation, instrumentality, commission, or establishment of the United States Government.

Foreign Assistance Act of 1961, were repealed by sec. 6 of the Migration and Refugee Assistance Act of 1962 (Public Law 87-510). Sec. 414 of the Mutual Security Act of 1954, as amended, was repealed by sec. 212(b) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329).

[764] The words ": *Provided,* That until the enactment of legislation authorizing and appropriating funds for activities heretofore carried on pursuant to sections 405(a), 405(c), 405(d), and 451(c) of the Mutual Security Act of 1954, as amended, such activities may be continued with funds made available under section 451(a) of this Act", which appeared at this point, were struck out by sec. 303(a) of the FA Act of 1965.

[765] 22 U.S.C. 2402.

[766] The words "and the Foreign Assistance Act of 1969" were added by sec. 308 of the FA Act of 1969.

[767] Subsec. (d) was repealed by sec. 303(a) of the FA Act of 1962.

[768] 22 U.S.C. 2403.

(b) "Armed Forces" of the United States means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

(c) "Commodity" includes any material, article, supply, goods, or equipment used for the purposes of furnishing nonmilitary assistance.

(d) "Defense article" includes—

(1) any weapon, weapons system, munition, aircraft, vessel, boat, or other implement of war;

(2) any property, installation, commodity, material, equipment, supply, or goods used for the purposes of furnishing military assistance;

(3) any machinery, facility, tool, material, supply, or other item necessary for the manufacture, production, processing, repair, servicing storage, construction, transportation, operation, or use of any article listed in this subsection; or

(4) any component or part of any article listed in this subsection; but

shall not include merchant vessels or, as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011), source material (except uranium depleted in the isotope 235 which is incorporated in defense articles solely to take advantage of high density or pyrophoric characteristics unrelated to radioactivity),[769] byproduct material, special nuclear material, production facilities,[770] utilization facilities, or atomic weapons or articles involving Restricted Data.[770]

(e) "Defense information" includes any document, writing, sketch, photograph, plan, model, specification, design, prototype, or other recorded or oral information relating to any defense article or defense service, but shall not include Restricted Data as defined by the Atomic Energy Act of 1954, as amended, and data removed from the Restricted Data category under section 142d of that Act.[771]

(f)[772] "Defense service" includes any service, test, inspection, repair, publication, or technical or other assistance or defense information used for the purposes of furnishing military assistance, but does not include military educational and training activities under chapter 5 of part II.

(g)[773] "Excess defense articles" means the quantity of defense articles owned by the United States Government, and not procured

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[769] The parenthetical phrase was added by sec. 22 of the International Security Assistance Act of 1979 (Public Law 96-92; 93 Stat. 710).

[770] Sec. 303(a)(1) of the FA Act of 1967 added the words "production facilities, utilization facilities," and "or articles involving Restricted Data."

[771] Sec. 303(a)(2) of the FA Act of 1967 struck out the words "and formerly Restricted Data" which appeared after the words "Restricted Data," and added the words to this point beginning with ", and data removed."

[772] Subsec. (f) was amended by Sec. 106(b) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329; 90 Stat. 733). It formerly read as follows:

"'Defense service' includes any service, test, inspection, repair, training, publication, or technical or other assistance, or defense information used for the purposes of furnishing military assistance. 'Training' includes formal or informal instruction of foreign students in the United States or overseas by officers or employees of the United States, contract technicians, contractors (including instruction at civilian institutions), or by correspondence courses, technical, educational, or information publications and media of all kinds, training aid, orientation, training exercise, and military advice to foreign military units and forces."

[773] Sec. 22(1) of the FA Act of 1973 amended subsec. (g), which formerly read as follows:

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in anticipation of military assistance or sales requirements, or pursuant to a military assistance or sales order, which is in excess of the Approved Force Acquisition Objective and Approved Force Retention Stock of all Department of Defense Components at the time such articles are dropped from inventory by the supplying agency for delivery to countries or international organizations under this Act.

(h) "Function" includes any duty, obligation, power, authority, responsibility, right, privilege, discretion, or activity.

(i) [774] * * * [Repealed—1973]

(j) "Officer or employee" means civilian personnel and members of the Armed Forces of the United States Government.

(k) "Services" include any service, repair, training of personnel, or technical or other assistance or information used for the purposes of furnishing nonmilitary assistance.

(l) "Surplus agricultural commodity" means any agricultural commodity or product thereof, class, kind, type, or other specification thereof, produced in the United States either publicly or privately owned, which is in excess of domestic requirements, adequate carryover, and anticipated exports for United States dollars, as determined by the Secretary of Agriculture.

(m) [775] "Value" means—

(1) with respect to an excess defense article, the actual value of the article plus the gross cost incurred by the United States Government in repairing, rehabilitating, or modifying the article, except that for purposes of section 632(d) such actual value shall not be taken into account;

(2) with respect to a nonexcess defense article delivered from inventory to foreign countries or international organizations under this Act, the acquisition cost to the United States Government, adjusted as appropriate for condition and market value;

"(g) 'Excess defense articles' means the quantity of defense articles owned by the United States Government, and not procured in anticipation of military assistance or sales requirements, or pursuant to a military assistance or sales order, which is in excess of the mobilization reserve at the time such articles are dropped from inventory by the supplying agency for delivery to countries or international organizations under this Act."

[774] Subsec. (i), which related to mobilization reserve, was repealed by sec. 22(2) of the FA Act of 1973.

[775] Sec. 22(3) of the FA Act of 1973 amended subsec. (m), which formerly read as follows:

"(m) 'Value' means, other than in section 657 of this Act—

"(1) with respect to excess defense articles, the gross cost incurred by the United States Government in repairing, rehabilitating, or modifying such articles;

"(2) with respect to nonexcess defense articles delivered from inventory to countries or international organizations under this Act, the standard price in effect at the time such articles are dropped from inventory by the supplying agency. Such standard price shall be the same price (including authorized reduced prices) used for transfers or sales of such articles in or between the Armed Forces of the United States Government, or, where such articles are not transferred or sold in or between the Armed Forces of the United States, the gross cost to the United States Government adjusted as appropriate for condition and market value; and

"(3) with respect to nonexcess defense articles delivered from new procurement to countries or international organizations under this Act, the contract or production costs of such articles.

"Military assistance programs and orders shall be based upon the best estimates of stock status and prevailing prices: reimbursements to the supplying agency shall be made on the basis of the stock status and prices determined pursuant to this section. Notwithstanding the foregoing provisions of this section, the Secretary of Defense may prescribe regulations authorizing reimbursements to the supplying agency based on negotiated prices for aircraft, vessels, plant equipment and such other major items as he may specify: *Provided*, That such articles are not excess at the time such prices are negotiated: *Provided further*, That such prices are negotiated at the time firm orders are placed with the supplying agency."

(3) with respect to a nonexcess defense article delivered from new procurement to foreign countries or international organizations under this Act, the contract or production costs of such article;

(4) with respect to a defense service, the cost to the United States Government of such service; and

(5)[776] with respect to military education and training or services provided under chapter 8 of part II of this Act, the additional costs that are incurred by the United States Government in furnishing such assistance.

(n)[777] "Military education and training" includes formal or informal instruction of foreign students in the United States or overseas by officers or employees of the United States, contract technicians, contractors (including instruction at civilian institutions), or by correspondence courses, technical, educational, or information publications and media of all kinds, training aids, orientation, and military advice to foreign military units and forces.

(o)[778] "Agriculture" includes aquaculture and fisheries.

(p)[778] "Farmers" includes fishermen and other persons employed in cultivating and harvesting food resources from salt and fresh waters.

Sec. 645.[779] **Unexpended Balances.**—Unexpended balances of funds made available pursuant to this Act, the Mutual Security Act of 1954, as amended, or the Latin American Development Act, as amended[780] are hereby authorized to be continued available for the general purposes for which appropriated, and may at any time be consolidated, and, in addition, may be consolidated with appropriations made available for the same general purposes under the authority of this Act.

Sec. 646.[781] **Construction.**—If any provision of this Act, or the application of any provision to any circumstances or persons shall be held invalid, the validity of the remainder of this Act, and of the applicability of such provision to other circumstances or persons shall not be affected thereby.

Sec. 647.[782] **Dependable Fuel Supply.**—It is of paramount importance that long-range economic plans take cognizance of the need for a dependable supply of fuels, which is necessary to orderly and stable development and growth, and that dependence not be placed upon sources which are inherently hostile to free countries and the ultimate well-being of economically underdeveloped countries and which might exploit such dependence for ultimate political domination. The agencies of government in the United States are directed to work with other countries in developing plans for basing development programs on the use of the large and stable supply of relatively low cost fuels available in the free world.

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[776] Par. (5) was added by sec. 115(b)(1) of the International Security and Development Cooperation Act of 1980 (Public Law 96–533; 94 Stat. 3140). The reference to chapter 8 of part II was added by the International Security and Development Assistance Authorizations Act of 1983 (sec. 101(b)(2) of the Further Continuing Appropriations, 1984; Public Law 98–151; 97 Stat. 972). Pursuant to Public Law 98–151, this amendment was enacted as contained in title II of H.R. 2992, as reported by the House Committee on Foreign Affairs on May 17, 1983.

[777] Subsec. (n) was added by sec. 106(b) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94–329; 90 Stat. 733).

[778] Subsecs. (o) and (p) were added by sec. 103(b) of the International Development and Food Assistance Act of 1978 (Public Law 95–424; 92 Stat. 945).

[779] 22 U.S.C. 2404. Sec. 304 of the FA Act of 1963 amended sec. 645, which formerly read as follows: "Unexpended balances of funds made available pursuant to this Act or the Mutual Security Act of 1954, as amended, are hereby authorized to be continued available for the general purposes for which appropriated, and may at any time be consolidated, and, in addition, may be consolidated with appropriations made available for the same general purposes under the authority of this Act."

[780] Sec. 303(c) of the FA Act of 1965 substituted "the Latin American Development Act, as amended" for "Public Law 86–735".

[781] 22 U.S.C. 2406.

[782] 22 U.S.C. 2405.

Sec. 648.[783] **Special Authorization for Use of Foreign Currencies.**—Subject to the provisions of section 1415 of the Supplemental Appropriation Act, 1953,[784] the President is authorized, as a demonstration of good will on the part of the people of the United States for the Polish and Italian people, to use foreign currencies accruing to the United States Government under this or any other Act, for assistance on such terms and conditions as he may specify, in the repair, rehabilitation, improvement, and maintenance of cemeteries in Italy serving as the burial place of members of the armed forces of Poland who died in combat in Italy during World War II.

Sec. 649.[785] **Limitation on Aggregate Authorization for Use in Fiscal Year 1966.**—* * * [Repealed—1978]

Sec. 650.[786] **Use of United States Armed Forces.**—The furnishing of economic, military, or other assistance under this Act shall not be construed as creating a new commitment or as affecting any existing commitment to use Armed Forces of the United States for the defense of any foreign country.

Sec. 651.[787] **Sale of Supersonic Planes to Israel.**— * * * [Repealed—1978]

Sec. 652.[788] **Limitation Upon Exercise of Special Authorities.**—The President shall not exercise any special authority granted to him under section 506(a), 552(c)(2),[788a] or 610(a)[789] of this Act unless the President, prior to the date he intends to exercise any such authority, notifies the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate in writing of each such intended exercise, the section of this Act under which such authority is to be exercised, and the justification for, and the extent of, the exercise of such authority.

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[783] 22 U.S.C. 2407. Sec. 648 was added by sec. 303, of the FA Act of 1964.

[784] 31 U.S.C. 1306.

[785] Sec. 649, which had been added by the FA Act of 1965, was repealed by sec. 604 of the International Development and Food Assistance Act of 1978 (Public Law 95–424; 92 Stat. 961).

[786] 22 U.S.C. 2409. Sec. 650 was added by sec. 302(b) of the FA Act of 1967.

[787] Sec. 651, as added by the FA Act of 1968, was repealed by sec. 604 of the International Development and Food Assistance Act of 1978 (Public Law 95–424; 92 Stat. 961).

[788] 22 U.S.C. 2411. Sec. 304(a)(1) of the FA Act of 1971 amended Sec. 652, which had been added by sec. 8 of the Special Foreign Assistance Act of 1971. Sec. 652 formerly read as follows:

[788a] The reference to sec. 552(c)(2) was added by sec. 105(b)(2) of Public Law 99–83, 99 Stat. 196.

[789] A reference to sec. 614(a), which previously appeared at this point, was struck out by sec. 117(b) of the International Security and Development Cooperation Act of 1980 (Public Law 96–533; 94 Stat. 3141).

"Sec. 652. Limitation Upon Additional Assistance to Cambodia.—The President shall not exercise any special authority granted to him under sections 506(a), and 614(a) of this Act for the purpose of providing additional assistance to Cambodia, unless the President, at least thirty days prior to the date he intends to exercise any such authority on behalf of Cambodia (or ten days prior to such date if the President certifies in writing that an emergency exists requiring immediate assistance to Cambodia), notifies the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate in writing of each such intended exercise, the section of this Act under which such authority is to be exercised, and the justification for, and the extent of, the exercise of such authority."

Sec. 653.[790] **Change in Allocation of Foreign Assistance.**—(a) Not later than thirty days after the enactment of any law appropriating funds to carry out any provision of this Act (other than section 451 or 637) or the Arms Export Control Act [791], the President shall notify the Congress of each foreign country and international organization to which the United States Government intends to provide any portion of the funds under such law and of the amount of funds under that law, by category of assistance, that the United States Government intends to provide to each.[792]

(b) [793] The provisions of this section shall not apply in the case of any law making continuing appropriations and may not be waived under the provisions of section 614(a) of this Act.

Sec. 654.[794] **Presidential Findings and Determinations.**—(a) In any case in which the President is required to make a report to the Congress, or to any committee or officer of either House of Congress, concerning any finding or determination under any provision of this Act, the Foreign Military Sales Act, or the Foreign Assistance and Related Programs Appropriation Act for each fiscal year, that finding or determination shall be reduced to writing and signed by the President.

(b) No action shall be taken pursuant to any such finding or determination prior to the date on which that finding or determination has been reduced to writing and signed by the President.

(c) Each such finding or determination shall be published in the Federal Register as soon as practicable after it has been reduced to writing and signed by the President. In any case in which the President concludes that such publication would be harmful to the national security of the United States, only a statement that a determination or finding has been made by the President, including the name and section of the Act under which it was made, shall be published.

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[790] 22 U.S.C. 2413. Sec. 653 was added by sec. 304(b) of the FA Act of 1971. Sec 1209(b)(3) of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 279), redesignated former subsec. (c) as subsec. (b) and struck out the former subsec. (b) which read as follows:

"(b) Notwithstanding any other provision of law, no military grant assistance, assistance under chapter 4 of part II of this Act, assistance under chapter 1 of part I of this Act, or assistance under chapter 6 of part II of this Act, may be furnished to any country or international organization in any fiscal year, if such assistance exceeds by 10 percent or more the amount of such military grant assistance, under chapter 4 of part II of this Act, assistance under chapter 1 of part I of this Act, or assistance under chapter 6 of part II of this Act, as the case may be, set forth in the report required by subsection (a) of this section, unless—

> "(1) the President reports to the Congress, at least ten days prior to the date on which such excess funds are provided, the country or organization to be provided the excess funds, the amount and category of the excess funds, and the justification for providing the excess funds; and
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> "(2) in the case of military grant assistance or assistance under chapter 4 of part II of this Act or assistance under chapter 6 of part II, the President includes in the report under paragraph (1) his determination that it is in the security interest of the United States to provide the excess funds.

This subsection shall not apply if the excess funds provided in any fiscal year to any country or international organization for any category of assistance are less than $1,000,000."

[791] This reference to the Arms Export Control Act was added by sec. 1209(b)(1) of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 279).

[792] Sec. 21(1) of the FA Act of 1974 struck the balance of subsection (a) at this point. The stricken part read as follows: "Notwithstanding any other provision of law the United States Government shall not provide to any foreign country or international organization any funds under that law which exceeds by 10 per centum the amount of military grant assistance or security supporting assistance, as the case may be, which the President notified the Congress that the United States Government intended to provide that country or organization under that law, unless the President (1) determines that it is in the security interests of the United States that such country or organization receive funds in excess of the amount included in such notification for that country or organization, and (2) reports to Congress at least ten days prior to the date on which such excess funds are to be provided to that country or organization, each such determination, including the name of the country or organization to receive funds in excess of such per centum, the amount of funds in excess of that per centum which are to be provided, and the justification for providing the additional assistance."

[793] Sec. 1209(b)(3) of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 279) redesignated this former subsec. (c) as subsec. (b).

[794] 22 U.S.C. 2414. Sec. 654 was added by sec. 304(b) of the FA Act of 1971.

(d) No committee or officer of either House of Congress shall be denied any requested information relating to any finding or determination which the President is required to report to the Congress, or to any committee or officer of either House of Congress, under any provision of this Act, the Foreign Military Sales Act, or the Foreign Assistance and Related Programs Appropriation Act for each fiscal year, even though such report has not yet been transmitted to the appropriate committee or officer of either House of Congress.

Sec. 655.[795] Limitations Upon Assistance to or for Cambodia.— * * * [Repealed—1978]

Sec. 656.[796] Limitations on United States Personnel and Personnel Assisted By United States in Cambodia.— * * * [Repealed—1978]

Sec. 657.[797] Annual Report on Military Assistance and Military Exports.— * * * [Repealed—1981]

Sec. 658.[798] Limitations on Use of Funds.— * * * [Repealed—1978]

Sec. 659.[799] Access to Certain Military Bases Abroad.— * * * [Repealed—1981]

Sec. 660.[800] Prohibiting Police Training.—(a) On and after July 1, 1975, none of the funds made available to carry out this Act, and none of the local currencies generated under this Act, shall be used to provide training or advice, or provide any financial support, for police, prisons, or other law enforcement forces for any foreign government or any program of internal intelligence or surveillance on behalf of any foreign government within the United States or abroad.

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[795] Sec. 655, as added by the FA Act of 1971, was repealed by sec. 604 of the International Development and Food Assistance Act of 1978 (Public Law 95–424; 92 Stat. 961).

[796] Sec. 656, as added by Public Law 92–226 (86 Stat. 20), was repealed by sec. 604 of the International Development and Food Assistance Act of 1978 (Public Law 95–424; 92 Stat. 961).

[797] Sec. 657, as originally added by the FA Act of 1971, was repealed by sec. 502(d)(1) of the International Development and Food Assistance Act of 1978 (Public Law 95–424; 92 Stat. 959). Subsequently, sec. 14 of the International Security Assistance Act of 1978 (Public Law 95–384; 92 Stat. 739) added a new sec. 657. Sec. 657 was again repealed by sec. 734(a)(1) of the International Security and Development Cooperation Act of 1981 (Public Law 97–113; 95 Stat. 1560). Some of the information previously required annually under sec. 657 on military assistance and military exports is now required by sec. 634(a)(10) of this Act and sec. 25(a) of the Arms Export Control Act (pages 169 and 213, respectively).

[798] Sec. 658, as added by the FA Act of 1971, was repealed by sec. 604 of the International Development and Food Assistance Act of 1978 (Public Law 95–424; 92 Stat. 961).

[799] Sec. 659, as added by sec. 20(a) of the FA Act of 1974, was repealed by sec. 734(a)(1) of the International Security and Development Cooperation Act of 1981 (Public Law 97–113; 95 Stat. 1560). It formerly read as follows:

"Sec. 659. Access to Certain Military Bases Abroad.—None of the funds authorized to be appropriated for foreign assistance (including foreign military sales, credit sales, and guaranties) under this Act may be used to provide any kind of assistance to any foreign country in which a military base is located if—

"(1) such base was constructed or is being maintained or operated with funds furnished by the United States; and

"(2) personnel of the United States carry out military operations from such base;

"(3) unless and until the President has determined that the government of such country has, consistent with security authorized access, on a regular basis, to bona fide news media correspondents of the United States to such military base."

[800] 22 U.S.C. 2420. Sec. 660 was added by sec. 30(a) of the FA Act of 1974.

(b) Subsection (a) of this section shall not apply—

(1) with respect to assistance rendered under section 515(c) of the Omnibus Crime Control and Safe Streets Act of 1968 [801] with respect to any authority of the Drug Enforcement Administration or the Federal Bureau of Investigation which relates to crimes of the nature which are unlawful under the laws of the United States, or with respect to assistance authorized under section 482 of this Act;

(2) to any contract entered into prior to the date of enactment of this section with any person, organization, or agency of the United States Government to provide personnel to conduct, or assist in conducting, any such program; or

(3) [801a] with respect to assistance, including training, in maritime law enforcement and other maritime skills.

Notwithstanding clause (2), subsection (a) shall apply to any renewal or extension of any contract referred to in such paragraph entered into on or after such date of enactment.

(c) [802] Subsection (a) shall not apply with respect to a country which has a longstanding democratic tradition, does not have standing armed forces, and does not engage in a consistent pattern of gross violations of internationally recognized human rights.

(d) [802, 803] Notwithstanding the prohibition contained in subsection (a), assistance may be provided to Honduras or El Salvador for fiscal years 1986 and 1987 if, at least 30 days before providing assistance, the President notifies the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, in accordance with the procedures applicable to reprogramming notifications pursuant to section 634A of this Act, that he has determined that the government of the recipient country has made significant progress, during the preceding six months, in eliminating any human rights violations including torture, incommunicado detention, detention of persons solely for the non-violent expression of their political views, or prolonged detention without trial. Any such notification shall include a full description of the assistance which is proposed to be provided and of the purposes to which it is to be directed.

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[801] Public Law 90-351, 82 Stat. 197, approved June 19, 1968. Such sec. 515(c) was redesignated as sec. 515(b) by sec. 124 of Public Law 94-503.

[801a] Clause (3) was added by sec. 127(b) by Public Law 99-83, 99 Stat. 205.

[802] Subsec. (c) and (d) were added by sec. 711 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 244).

[803] Sec. 101(j) of the Further Continuing Appropriations, 1986 Public Law 99-190, 99 Stat. 1298 under the heading "Economic Support Fund" provides:

"That pursuant to section 660(d) of the Foreign Assistance Act of 1961 up to $1,000,000 of the funds appropriated under this paragraph shall be available to assist the Government of El Salvador's Special Investigative Unit for the purpose of bringing to justice those responsible for the murders of United States citizens in El Salvador: *Provided further,* That a report of the investigation shall be provided to the Congress."

See also Presidential Determination No. 86-2 of October 29, 1985 50 F.R. 48073, "Presidential Determination to Make Available Assistance to the Public Security Forces in El Salvador."

Sec. 661.[804] **Trade and Development Program.**—(a)[805] The President is authorized to work with friendly countries, especially those in which the United States development programs have been concluded or those not receiving assistance under part I of this Act, in (1) facilitating open and fair access to natural resources of interest to the United States and (2) stimulation of reimbursable aid programs consistent with part I of this Act. Any funds used for purposes of this section may be used notwithstanding any other provision of this Act.

(b) [805] There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $20,000,000 for the fiscal year 1986 and $20,000,000 for the fiscal year 1987.

Sec. 662.[806] **Limitation on Intelligence Activities.**—No funds appropriated under the authority of this or any other Act may be expended by or on behalf of the Central Intelligence Agency for operations in foreign countries, other than activities intended solely for obtaining necessary intelligence, unless and until the President finds that each such operation is important to the national security of the United States. Each such operation shall be considered a significant anticipated intelligence activity for the purpose of section 501 of the National Security Act of 1947.[807]

Sec. 663.[808] **Exchanges of Certain Materials.**—(a) Notwithstanding any other provision of law, whenever the President determines it is in the United States national interest, he shall furnish assistance under this Act or shall furnish defense articles or services under the Foreign Military Sales Act pursuant to an agreement with the recipient of such assistance, articles, or services which provides that such recipient may only obtain such assistance, articles, or services in exchange for any necessary or strategic raw material controlled by such recipient. For the purposes of this section, the term "necessary or strategic raw material" includes petroleum, other fossil fuels, metals, minerals, or any other natural substance which the President determines is in short supply in the United States.

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[804] 22 U.S.C. 2421. Sec. 661 was added by sec. 31 of the FA Act of 1974. The section title was changed from "Reimbursable Development Programs" to "Trade and Development Program" by sec. 312(a) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1536).

[805] The authorization levels for fiscal year 1986 and fiscal year 1987 were provided by sec. 405 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 219). Sec. 405 of the Act also deleted the following words from the end of subsec. (b): "Amounts appropriated under this subsection are authorized to remain available until expended".

Sec. 101(f) of the Continuing Appropriations Act, 1987; (Public Law 99-591, 100 Stat. 3341), provided the following:

"Trade and Development Program: For necessary expenses to carry out the provisions of section 661, $20,000,000."

Sec. 312(b) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1536) designated the existing text of sec. 661 as subsec. (a), struck out the authorization level for fiscal year 1981 in the existing text, and added a new subsec. (b).

Authorizations under this section in recent years include: Fiscal year 1977—$2,000,000; fiscal year 1978—$2,000,000; fiscal year 1979—$3,000.000; fiscal year 1980—$3,800,000; fiscal year 1981—$4,000,000; fiscal year 1982—$6,907,000; fiscal year 1983—$6,907,000; fiscal year 1984—$22,000,000; fiscal year 1985—no authorization.

[806] 22 U.S.C. 2422. Sec. 662 was added by sec. 32 of the FA Act of 1974.

[807] Sec. 407 of Public Law 96-450 (94 Stat. 1981) struck out a requirement for a "timely" report to be submitted to the Senate Foreign Relations/House Foreign Affairs Committees regarding the description and scope of operations referred to in this section. Sec. 407 also added this last sentence and struck out subsec. (b). Subsec. (b) formerly read as follows:

"(b) The provisions of subsection (a) of this section shall not apply during military operations initiated by the United States under a declaration of war approved by the Congress or an exercise of powers by the President under the War Powers Resolution."

[808] 22 U.S.C. 2423; sec. 663 was added by sec. 32 of the FA Act of 1974.

(b) The President shall allocate any necessary or strategic raw material transferred to the United States under this section to any appropriate agency of the United States Government for stockpiling, sale, transfer, disposal, or any other purpose authorized by law.

(c) Funds received from any disposal of materials under subsection (b) shall be deposited as miscellaneous receipts in the United States Treasury.

Sec. 664.[809] Waiver of Prohibition Against Assistance to Countries Engaging in Certain Trade.—* * * [Repealed—1977]

Sec. 665.[810] Transition Provisions for Interim Quarter.—* * * [Repealed—1978]

Sec. 666.[811] Discrimination Against United States Personnel.—(a) The President shall not take into account, in assigning officers and employees of the United States to carry out any economic development assistance programs funded under this Act in any foreign country, the race, religion, national origin, or sex of any such officer or employee. Such assignments shall be made solely on the basis of ability and relevant experience.

(b) Effective six months after the date of enactment of the International Development and Food Assistance Act of 1975, or on such earlier date as the President may determine, none of the funds made available under this Act may be used to provide economic development assistance to any country which objects to the presence of any officer or employee of the United States who is present in such country for the purpose of carrying out any program of economic development assistance authorized by the provisions of this Act on the basis of the race, religion, national origin, or sex of such officer or employee.

(c) The Secretary of State shall promulgate such rules and regulations as he may deem necessary to carry out the provisions of this section.

Sec. 667.[812] Operating Expenses.—(a) There are authorized to be appropriated to the President, in addition to funds otherwise available for such purposes—

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[809] 22 U.S.C. 2424. Sec. 664, as added by sec. 33 of the FA Act of 1974, was repealed by sec. 123(c) of the International Development and Food Assistance Act of 1977 (Public Law 95–88; 91 Stat. 541). It formerly read as follows:

"SEC. 664. WAIVER OF PROHIBITION AGAINST ASSISTANCE TO COUNTRIES ENGAGING IN CERTAIN TRADE.—Any provision of this Act which prohibits assistance to a country because that country is engaging in trade with a designated country, or because that country permits ships or aircraft under its registry to transport any equipment, materials, or commodities to or from such designated country, may be waived by the President if he determines that such waiver is in the national interest and reports such determination to the Congress."

[810] Sec. 665, as added by Public Law 94-161 (89 Stat. 849), was repealed by sec. 604 of the International Development and Food Assistance Act of 1978 (Public Law 95–424; 92 Stat. 961).

[811] 22 U.S.C. 2426. Sec. 666 was added by sec. 318 of Public Law 94-161 (89 Stat. 849).

[812] 22 U.S.C. 2427. Sec. 667, as added by sec. 319 of Public Law 94-161 (89 Stat. 849), was amended and restated by sec. 129(a) of the International Development and Food Assistance Act of 1977 (Public Law 95–88; 91 Stat. 543). It formerly read as follows:

"Sec. 667. OPERATING EXPENSES.—Nothing in this Act is intended to preclude the Committees on Appropriations, in appropriation legislation, from setting a ceiling on operating expenses of the agency primarily responsible for administering part I and limiting the availability of other sums therefor."

(1) $387,000,000 for the fiscal year 1986 and $387,000,000 for the fiscal year 1987 [813] for necessary operating expenses of the agency primarily responsible for administering part I of this Act [814], of which $21,750,000 for the fiscal year 1987 is authorized for the necessary operating expenses of the Office of the Inspector General of the Agency for International Development and the remaining amount for the fiscal year is authorized for other necessary operating expenses of that agency and

(2) such amounts as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law, and for other nondiscretionary costs of such agency.

(b) Amounts appropriated under this section are authorized to remain available until expended.

Sec. 668.[815] **Report on Korea.**—* * * [Repealed—1981]

Sec. 669.[816] **Nuclear Enrichment Transfers.**—(a) Except as provided in subsection (b), no funds authorized to be appropriated by this Act or the Arms Export Control Act may be used for the purpose of providing economic assistance (including assistance under chapter 4 or part II), providing military [817] assistance or grant military education and training, providing assistance under chapter 6 of part II,[818] or extending military credits or making guarantees, to any country which, on or after the date of enactment of the International Security Assistance Act of 1977, delivers nuclear enrichment equipment, materials, or technology to any other country, or receives such equipment, materials, or technology from any other country, unless before such delivery—

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[813] The authorization figures for fiscal years 1986 and 1987 were added by sec. 406 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 219). Authorizations under this section during recent years include: fiscal year 1979—$261,000,000; fiscal year 1980—$263,000,000; fiscal year 1981—$293,800,000; fiscal year 1982—$335,600,000; fiscal year 1983—$335,600,000; fiscal year 1984—$370,000,000; fiscal year 1985—no authorization.

[814] The words following "Act" were added by sec. 402 of Public Law 99-529 (100 Stat. 3010).

Foreign Assistance and Related Programs Appropriations Act, 1987 (sec. 101(f) of the Continuing Appropriations Act, 1987; Public Law 99-591; 100 Stat. 3341), provides the following:

Operating expenses of the Agency for International Development: For necessary expenses to carry out the provisions of section 667, $340,600,000: *Provided*, That not more than $15,000,000 of this amount shall be for Foreign Affairs Administrative Support: *Provided further*, That the Agency for International Development may use amounts appropriated to carry out the provisions of chapter 1 of part I (with the exception of the "Child Survival Fund") and chapter 4 of part II of the Foreign Assistance Act of 1961, for the overseas local support costs of its economic assistance programs and for operating expenses of the Agency for International Development Office of Inspector General: *Provided further*, That except to the extent that the Administrator of the Agency for International Development determines otherwise, not less than 10 per centum of the aggregate of the funds made available for the fiscal year 1987 to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be made available only for activities of economically and socially disadvantaged enterprises (within the meaning of section 133(c)(5) of the International Development and Food Assistance Act of 1977), historically black colleges and universities, and private and voluntary organizations which are controlled by individuals who are black Americans, Hispanic Americans, or Native Americans, or who are economically and socially disadvantaged (within the meaning of section 133(c)(5) (B) and (C) of the International Development and Food Assistance Act of 1977). For purposes of this proviso, economically and socially disadvantaged individuals shall be deemed to include women.

Operating expenses of the Agency for International Development Office of Inspector General: For necessary expenses to carry out the provisions of section 667, $21,000,000, which sum shall be available only for the operating expenses of the Office of the Inspector General notwithstanding sections 451 or 614 of the Foreign Assistance Act of 1961 or any other provision of law: *Provided*, That up to three percent of the amount made available under the paragraph "Operating expenses of the Agency for International Development" may be transferred to and merged and consolidated with amounts made available under this paragraph: *Provided further*, That the full-time equivalent staff years for the Office of the Inspector General for the fiscal year 1987 shall not be less than one hundred and ninety-three: *Provided further*, That except as may be required by an emergency evacuation affecting the United States diplomatic missions of which they are a component element, none of the funds in this Act, or any other Act, may be used to relocate the overseas Regional Offices of the Inspector General to another country.

[815] Sec. 668, as added by sec. 411 of Public Law 94-329 (90 Stat. 760), was repealed by sec. 734(a)(1) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560). This report, which had been required on an annual basis 1976-81, included information on progress made by Korea to modernize its armed forces, on the U.S. role in mutual security efforts in Korea, and on prospects for or implementation of phased reduction of U.S. Armed Forces assigned to duty in Korea. Similar information is now required under sec. 25(a)(9) of the Arms Export Control Act.

[816] 22 U.S.C. 2429. Sec. 669, as added by sec. 305 of Public Law 94-329, was amended and restated by sec. 12 of the International Security Assistance Act of 1977 (Public Law 95-92; 91 Stat. 620).

See also sec. 620E of this Act (page 192) which authorizes the President to waive the prohibitions contained in sec. 669 in order to provide assistance to Pakistan.

(1) the supplying country and receiving country have reached agreement to place all such equipment, materials, or technology, upon delivery, under multilateral auspices and management when available; and

(2) the recipient country has entered into an agreement with the International Atomic Energy Agency to place all such equipment, materials, technology, and all nuclear fuel and facilities in such country under the safeguards system of such Agency.

(b)(1) Notwithstanding subsection (a) of this section, the President may furnish assistance which would otherwise be prohibited under such subsection if he determines and certifies in writing to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate that—

(A) the termination of such assistance would have a serious adverse effect on vital United States interests; and

(B) he has received reliable assurances that the country in question will not acquire or develop nuclear weapons or assist other nations in doing so.

Such certification shall set forth the reasons supporting such determination in each particular case.[819]

(2) [820] (A) A certification under paragraph (1) of this subsection shall take effect on the date on which the certification is received by the Congress. However, if, within 30 calendar days after receiving this certification, the Congress adopts a concurrent resolution stating in substance that the Congress disapproves the furnishing of assistance pursuant to the certification, then upon the adoption of that resolution the certification shall cease to be effective and all deliveries of assistance furnished under the authority of that certification shall be suspended immediately.

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[817] Sec. 10(b)(4) of the International Security Assistance Act of 1978 (Public Law 95–384; 92 Stat. 735), added the parenthetical phrase and struck the words "or security supporting" which previously appeared at this point.

[818] The reference to ch. 6 of pt. II was added by sec. 12(c)(3) of the International Security Assistance Act of 1978 (Public Law 95–384; 92 Stat. 737).

[819] Sec. 735 of the International Security and Development Cooperation Act of 1981 (Public Law 97–113; 95 Stat. 1561) requires an annual report from the President beginning with fiscal year 1983 on the nuclear programs and related activities of any country for which a waiver of secs. 669 or 670 is in effect. See page 396 for the complete text of sec. 735.

[820] Par. (2) was amended and restated by sec. 737(b) of the International Security and Development Cooperation Act of 1981 (Public Law 97–113; 95 Stat. 1562). It formerly read as follows:

"(2) Any joint resolution which would terminate or restrict assistance described in subsection (a) with respect to a country to which the prohibition in such subsection applies shall, if introduced within thirty days after the transmittal of a certification under paragraph (1) of this subsection with respect to such country, be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976."

(B) Any concurrent resolution under this paragraph shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(C) For the purpose of expediting the consideration and adoption of concurrent resolutions under this paragraph, a motion to proceed to the consideration of any such resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the the House of Representatives.

Sec. 670.[821] **Nuclear Reprocessing Transfers, Illegal Exports for Nuclear Explosive Devices, Transfers of Nuclear Explosive Devices, and Nuclear Detonations.**—(a)(1) Except as provided in paragraph (2) of this subsection, no funds authorized to be appropriated by this Act or the Arms Export Control Act may be used for the purpose of providing economic assistance (including assistance under chapter 4 of part II), providing military assistance or grant military education and training, providing assistance under chapter 6 of part II, or extending military credits or making guarantees, to any country which (A)[822] on or after the date of enactment of the International Security Assistance Act of 1977 delivers nuclear reprocessing equipment, materials, or technology to any other country or receives such equipment, materials, or technology from any other country (except for the transfer of reprocessing technology associated with the investigation, under international evaluation programs in which the United States participates, or technologies which are alternatives to pure plutonium reprocessing), or (B)[822] is a non-nuclear-weapon state which, on or after the date of enactment of the International Security and Development Cooperation Act of 1985, exports illegally (or attempts to export illegally) from the United States any material, equipment, or technology which would contribute significantly to the ability of such country to manufacture a nuclear explosive device, if the President determines that the material, equipment, or technology was to be used by such country in the manufacture of a nuclear explosive device. For purposes of clause (B), an export (or attempted export) by a person who is an agent of, or is otherwise acting on behalf of or in the interests of, a country shall be considered to be an export (or attempted export) by that country.

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[821] 22 U.S.C. 2429a. Sec. 670, as added by sec. 12 of Public Law 95-92; 91 Stat. 620), was amended and restated by sec. 737(c) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1562). It formerly read as follows:

"Sec. 670. Nuclear Reprocessing Transfers and Nuclear Detonations.—(a) Except as provided in subsection (b), no funds authorized to be appropriated by this Act or the Arms Export Control Act may be used for the purpose of providing economic assistance (including assistance under chapter 4 of part II) providing military assistance or grant military education and training, providing assistance under chapter 6 of part II or extending military credits or making guarantees, to any country which on or after the date of enactment of the International Security Assistance Act of 1977—

"(1) delivers nuclear reprocessing equipment, materials, or technology to any other country or receives such equipment, materials, or technology from any other country (except for the transfer of reprocessing technology associated with the investigation, under international evaluation programs in which the United States participates, of technologies which are alternative to pure plutonium reprocessing); or

"(2) is not a nuclear-weapon state as defined in article IX(3) of the Treaty on the Non-Proliferation of Nuclear Weapons and which detonates a nuclear explosive device.

"(b)(1) Notwithstanding subsection (a) of this section, the President may furnish assistance which would otherwise be prohibited under such subsection if he determines and certifies in writing to the Speaker of the House of Representative and the Committee on Foreign Relations of the Senate that the termination of such assistance would be seriously prejudicial to the achievement of United States nonproliferation objectives or otherwise jeopardize the common defense and security. The President shall transmit with such certification a statement setting forth the specific reasons therefor.

"(2) Any joint resolution which would terminate or restrict assistance described in subsection (a) with respect to a country to which the prohibition in such subsection applies shall, if introduced within thirty days after the transmittal of a certification under paragraph (1) of this subsection with respect to such country, be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976."

Sec. 737(a) of Public Law 97-113 also provided the following:

"Sec. 737. (a) The Congress finds that any transfer of a nuclear explosive device to a non-nuclear-weapon state or, in the case of a non-nuclear-weapon state, any receipt or detonation of a nuclear explosive device would cause grave damage to bilateral relations between the United States and that country."

The language in the caption of sec. 670: "Illegal Exports for Nuclear Explosive Devices", was added by sec. 1204(b) of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 277).

[822] Subpar. (B) and the designation for subpara (A) were added by sec. 1204(a) (1), (2), and (3) of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 277).

(2) Notwithstanding paragraph (1) of this subsection, the President may furnish assistance which would otherwise be prohibited under that paragraph if he determines and certifies in writing to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate that the termination of such assistance would be seriously prejudicial to the achievement of United States nonproliferation objectives or otherwise jeopardize the common defense and security. The President shall transmit with such certification a statement setting forth the specific reasons therefor.[819]

(3)(A) A certification under paragraph (2) of this subsection shall take effect on the date on which the certification is received by the Congress. However, if, within 30 calendar days after receiving this certification, the Congress adopts a concurrent resolution stating in substance that the Congress disapproves the furnishing of assistance pursuant to the certification, then upon the adoption of that resolution the certification shall cease to be effective and all deliveries of assistance furnished under the authority of that certification shall be suspended immediately.

(B) Any concurrent resolution under this paragraph shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(C) For the purpose of expediting the consideration and adoption of concurrent resolutions under this paragraph, a motion to proceed to the consideration of any such resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

(b)(1) Except as provided in paragraphs (2) and (3) of this subsection, no funds authorized to be appropriated by this Act or the Arms Export Control Act may be used for the purpose of providing economic assistance (including assistance under chapter 4 of part II), providing military assistance or grant military education and training, providing assistance under chapter 6 of part II, or extending military credits or making guarantees, to any country which on or after the date of enactment of the International Security Assistance Act of 1977—

(A) transfers a nuclear explosive device to a non-nuclear-weapon state, or

(B) is a non-nuclear-weapon state and either—

(i) receives a nuclear explosive device, or

(ii) detonates a nuclear explosive device.

(2)(A) Notwithstanding paragraph (1) of this subsection, the President may, for a period of not more than 30 days of continuous session, furnish assistance which would otherwise be prohibited under paragraph (1) of this subsection if, before furnishing such assistance, the President transmits to the Speaker of the House of Representatives, and to the Chairman of the Committee on Foreign Relations of the Senate, a certification that he has determined that an immediate termination of assistance to that country would be detrimental to the national security of the United States. Not more than one such certification may be transmitted for a country with respect to the same detonation, transfer, or receipt of a nuclear explosive device.

(B) If the President transmits a certification to the Congress under subparagraph (A), a joint resolution which would permit the President to exercise the waiver authority of paragraph (3) of this subsection shall, if introduced in either House within 30 days of continuous session after the Congress receives this certification, be considered in the Senate and House of Representatives in accordance with subparagraphs (C) and (D) of this paragraph.

(C) Any joint resolution under this paragraph shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(D) For the purpose of expediting the consideration and adoption of joint resolution under this paragraph, a motion to proceed to the consideration of such a joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

(E) For purposes of this paragraph, the term "joint resolution" means a joint resolution the matter after the resolving clause of which is as follows: "That the Congress having received on ——— a certification by the President under section 670(b)(2) of the Foreign Assistance Act of 1961 with respect to   , the Congress hereby authorizes the President to exercise the waiver authority contained in section 670(b)(3) of that Act.", with the date of receipt of the certification inserted in the first blank and the name of the country inserted in the second blank.

(3) Notwithstanding paragraph (1) of this subsection, if the Congress enacts a joint resolution under paragraph (2) of this subsection, the President may furnish assistance which would otherwise be prohibited under paragraph (1) if he determines and certifies in writing to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate that the termination of such assistance would be seriously prejudicial to the achievement of United States nonproliferation objectives or otherwise jeopardize the common defense and security. The President shall transmit with such certification a statement setting forth the specific reasons therefor.

(4) For purposes of this subsection, continuity of session is broken only by an adjournment of Congress sine die and the days on which either House is not in session because of an adjournment of more

than three days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.

(c) As used in this section, the term "non-nuclear-weapon state" means any country which is not a nuclear-weapon state, as defined in article IX(3) of the Treaty on the Non-Proliferation of Nuclear Weapons.

Sec. 671.[823] **Notification of Program Changes.**—* * * [Redesignated—1978]

PART IV [824] * * * [Repealed—1962]

PART V [825] * * * [Repealed—1976]

PART VI [826] * * * [Repealed—1978]

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[823] Sec. 671, as added by (Public Law 95–88; 91 Stat. 543), was redesignated as sec. 634A of this Act by sec. 502(b) of the International Development and Food Assistance Act of 1978 (Public Law 95–424; 92 Stat. 959).

[824] Pt. IV, which related to amendments to other laws, was repealed by sec. 401 of the FA Act of 1962 and provided that the "repeal shall not be deemed to affect amendments contained in such part".

[825] Pt. V, which related to Indochina Postwar Reconstruction, was repealed by sec. 413 of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94–329; 90 Stat. 761). For complete text of regulations governing determinations, authorizations, etc., and remaining funds under pt. V, see page 448.

[826] Pt. VI, which related to assistance to the Middle East and had been added by the FA Act of 1974, was repealed by sec. 12(b)(4) of the International Security Assistance Act of 1978 (Public Law 95–384; 92 Stat. 737).

b. The Arms Export Control Act

CONTENTS

Page
Chapter 1—Foreign and National Security Policy Objectives and Restraints 235
- Section 1—The Need for International Defense Cooperation and Military Export Controls 237
- Section 2—Coordination With Foreign Policy 240
- Section 3—Eligibility 240
- Section 4—Purposes for Which Military Sales by the United States Are Authorized 245
- Section 5—Prohibition Against Discrimination 246
- Section 6—Foreign Intimidation and Harassment of Individuals in the United States 248

Chapter 2—Foreign Military Sales Authorizations 248
- Section 21—Sales From Stocks 248
- Section 22—Procurement for Cash Sales 253
- Section 23—Credit Sales 254
- Section 24—Guaranties 255
- Section 25—Annual Estimates and Justification for Sales Program 257
- Section 26—Security Assistance Surveys 259
- Section 27—Authority of President to enter into Cooperative Projects with Friendly Foreign Countries 260
- Section 28—Reports on Price and Availability Estimates 263

Chapter 2A—Foreign Military Construction Sales 263
- Section 29—Foreign Military Construction Sales 263

Chapter 2B—Sales to United States Companies for Incorporation Into End Items 264
- Section 30—General Authority 264

Chapter 2C—Exchange of Training and Related Support 265
- Section 30A—Exchange of Training and Related Support 265

Chapter 3—Military Export Controls 265
- Section 31—Authorization and Aggregate Ceiling on Foreign Military Sales Credits 265
- Section 32—Prohibition Against Certain Military Export Financing by Export-Import Bank 267
- Section 33—Restraint in Arms Sales to Sub-Saharan Africa 267
- Section 34—Foreign Military Sales Credit Standards 267
- Section 35—Foreign Military Sales to Less Developed Countries 267
- Section 36—Reports on Commercial and Governmental Military Exports; Congressional Action 268
- Section 37—Fiscal Provisions Relating to Foreign Military Sales Credits 276
- Section 38—Control of Arms Exports and Imports 277
- Section 39—Fees of Military Sales Agents and Other Payments 279
- Section 40—Experts to Countries supporting Acts of International Terrorism 280

Chapter 4—General, Administrative, and Miscellaneous Provisions 280
- Section 41—Effective Date 280
- Section 42—General Provisions 280
- Section 43—Administrative Expenses 282
- Section 44—Statutory Construction 283
- Section 45—Statutes Repealed and Amended 283
- Section 46—Savings Provisions 283
- Section 47—Definitions 283

Chapter 5—Special Defense Acquisition Fund 285
- Section 51—Special Defense Acquisition Fund 285
- Section 52—Use and Transfer of Items Procured by the Fund 286
- Section 53—Annual Reports to Congress 287

Chapter 6—Leases of Defense Articles 287
Section 61—Leasing Authority 287
Section 62—Reports to the Congress 288
Section 63—Legislative Review 289
Section 64—Application of Other Provisions of Law 289

b. The Arms Export Control Act

Public Law 90-629 [H.R. 15681], 82 Stat. 1320, approved October 22, 1968, as amended by Public Law 91-672 [H.R. 15628], 84 Stat. 2053, approved January 12, 1971; Public Law 92-226 [Foreign Assistance Act of 1971; S. 2819], 86 Stat. 20, 32, approved February 7, 1972; Public Law 93-189 [Foreign Assistance Act of 1973; S. 1443], 87 Stat. 714, 729, approved December 17, 1973; Public Law 93-559 [Foreign Assistance Act of 1974; S. 3394], 88 Stat. 1795, 1813, approved December 31, 1974; Public Law 94-329 [International Security Assistance and Arms Export Control Act of 1976; H.R. 13680], 90 Stat. 729, approved June 30, 1976; Public Law 95-92 [International Security Assistance Act of 1977, H.R. 6884], 91 Stat. 614, approved August 4, 1977; Public Law 95-105 [Foreign Relations Authorization Act, Fiscal Year 1978, H.R. 6689], 91 Stat. 844 at 846, approved August 17, 1977; Public Law 95-384 [International Security Assistance Act of 1978; S. 3075], 92 Stat. 730, approved September 26, 1978; Public Law 96-70 [Panama Canal Act of 1979; H.R. 111], 93 Stat. 452 at 499, approved September 27, 1979; Public Law 96-72 [Export Administration Act of 1979; S. 737], 93 Stat. 503 at 535, approved September 29, 1979; Public Law 96-92 [International Security Assistance Act of 1979; H.R. 3173], 93 Stat. 701, approved October 29, 1979; Public Law 96-533 [International Security and Development Cooperation Act of 1980; H.R. 6942], 94 Stat. 3131, approved December 16, 1980; Public Law 97-113 [International Security and Development Cooperation Act of 1981; S. 1196], 95 Stat. 1519, approved December 29, 1981; Public Law 97-392 [H.R. 6758], 96 Stat. 1962, approved December 29, 1982; Public Law 98-151 [Further Continuing Appropriations, 1984; H.J. Res. 413], 97 Stat. 964, approved November 14, 1983; Public Law 98-473 [H.J. Res. 648; Continuing Appropriations Act, 1985], 98 Stat. 1837, approved October 12, 1984, Public Law 99-64 [S. 883]; Export Administration Amendments Act of 1985, 99 Stat. 156, approved July 12, 1985; Public Law 99-83 [S. 960]; International Security and Development Cooperation Act of 1985, 99 Stat. 190, approved August 8, 1985; Public Law 99-139 [S. 1726; Act to amend Sec. 51(b) of the Arms Export Control Act], 99 Stat. 562, approved October 30, 1985; by Public Law 99-247 [S. 1831; Act to amend the Arms Export Control Act to require that congressional vetoes of certain arms export proposals be enacted into law], 100 Stat. 9, approved February 12, 1986, by Public Law 99-399 [H.R. 4151], Omnibus Diplomatic Security and Antiterrorism Act of 1986, 100 Stat. 853, approved August 27, 1986; by Public Law 99-591 [H.J. Res. 738] Continuing Appropriations Act, 1987, 100 Stat. 3341, approved October 30, 1986; and by Public Law 99-661 [S. 2638], National Defense Authorization Act for Fiscal Year 1987, 100 Stat. 3816, approved November 14, 1986.

AN ACT To consolidate and revise foreign assistance legislation relating to reimbursable military exports.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Arms Export Control Act".[1]

Chapter 1—FOREIGN AND NATIONAL SECURITY POLICY OBJECTIVES AND RESTRAINTS

Section 1.[2] The Need for International Defense Cooperation and Military Export Controls.—As declared by the Congress in the

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[1] The new title, "Arms Export Control Act", was added in lieu of "The Foreign Military Sales Act" by sec. 201 of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329; 90 Stat. 734). Sec. 201 further stated that "any reference to the Foreign Military Sales Act shall be deemed to be a reference to the Arms Export Control Act."

[2] 22 U.S.C. 2751.

Arms Control and Disarmament Act, an ultimate goal of the United States continues to be a world which is free from the scourge of war and the dangers and burdens of armaments; in which the use of force has been subordinated to the rule of law; and in which international adjustments to a changing world are achieved peacefully. In furtherance of that goal, it remains the policy of the United States to encourage regional arms control and disarmament agreements and to discourage arms races.

The Congress recognizes, however, that the United States and other free and independent countries continue to have valid requirements for effective and mutually beneficial defense relationships in order to maintain and foster the environment of international peace and security essential to social, economic, and political progress. Because of the growing cost and complexity of defense equipment, it is increasingly difficult and uneconomic for any country, particularly a developing country, to fill all of its legitimate defense requirements from its own design and production base. The need for international defense cooperation among the United States and those friendly countries to which it is allied by mutual defense treaties is especially important, since the effectiveness of their armed forces to act in concert to deter or defeat aggression is directly related to the operational compatibility of their defense equipment.

Accordingly, it remains the policy of the United States to facilitate the common defense by entering into international arrangements with friendly countries which further the objective of applying agreed resources of each country to programs and projects of cooperative exchange of data, research, development, production, procurement, and logistics support to achieve specific national defense requirements and objectives of mutual concern. To this end, this Act authorizes sales by the United States Government to friendly countries having sufficient wealth to maintain and equip their own military forces at adequate strength, or to assume progressively larger shares of the costs thereof, without undue burden to their economies, in accordance with the restraints and control measures specified herein and in furtherance of the security objectives of the United States and of the purposes and principles of the United Nations Charter.

It is the sense of the Congress that all such sales be approved only when they are consistent with the foreign policy interests of the United States, the purposes of the foreign assistance program of the United States as embodied in the Foreign Assistance Act of 1961,[3] as amended, the extent and character of the military requirement, and the economic and financial capability of the recipient country, with particular regard being given, where appropriate, to proper balance among such sales, grant military assistance, and economic assistance as well as to the impact of the sales on programs of social and economic development and on existing or incipient arms races.[4]

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[3] For text, see page 15.

[4] A paragraph, as amended by sec. 4 of Public Law 91-672 and which had previously appeared at this point, was repealed by sec. 734(a)(10) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560). It formerly read as follows:

Continued

It shall be the policy of the United States to exert leadership in the world community to bring about arrangements for reducing the international trade in implements of war and to lessen the danger of outbreak of regional conflict and the burdens of armaments. United States programs for or procedures governing the export, sale, and grant of defense articles and defense services to foreign countries and international organizations shall be administered in a manner which will carry out this policy.

It is the sense of the Congress that the President should seek to initiate multilateral discussions for the purpose of reaching agreements among the principal arms suppliers and arms purchasers and other countries with respect to the control of the international trade in armaments. It is further the sense of Congress that the President should work actively with all nations to check and control the international sale and distribution of conventional weapons of death and destruction and to encourage regional arms control arrangements. In furtherance of this policy, the President should undertake a concerted effort to convene an international conference of major arms-supplying and arms-purchasing nations which shall consider measures to limit conventional arms transfers in the interest of international peace and stability.

It is the sense of the Congress that the aggregate value of defense articles and defense services—

(1) which are sold under section 21 or section 22 of this Act; or

(2) which are licensed or approved for export under section 38 of this Act to, for the use, or for benefit of the armed forces, police, intelligence, or other internal security forces of a foreign country or international organization under a commercial sales contract;

in any fiscal year should not exceed current levels.[5]

It is the sense of the Congress that the President maintain adherence to a policy of restraint in conventional arms transfers and that, in implementing this policy worldwide, a balanced approach should be taken and full regard given to the security interests of the United States in all regions of the world and that particular attention should be paid to controlling the flow of conventional arms to the nations of the developing world. To this end, the President is encouraged to continue discussions with other arms suppli-

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"It is further the sense of Congress that sales and guaranties under sections 21, 22, 23, and 24, shall not be approved where they would have the effect of arming military dictators who are denying the growth of fundamental rights or social progress to their own people: *Provided*, That the President may waive this limitation when he determines it would be important to the security of the United States, and promptly so reports to the Speaker of the House of Representatives and the Committee on Foreign Relations in the Senate."

[5] Sec. 202(a) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329; 90 Stat. 734) amended sec. 1 by striking out the last paragraph and adding the language beginning with "It shall be the policy of the United States". The last paragraph of sec. 1 formerly read as follows: "In order to reduce the role of the United States Government in the furnishing of defense articles and defense services to foreign countries and international organizations, and return such transactions to commercial channels, the United States Government shall reduce its sales, credit sales, and guaranties of such articles, and defense services as soon as, and to the maximum extent, practicable."

ers in order to restrain the flow of conventional arms to less developed countries.[6]

Sec. 2.[7] **Coordination With Foreign Policy.**—(a) Nothing contained in this Act shall be construed to infringe upon the powers or functions of the Secretary of State.

(b)[8] Under the direction of the President, the Secretary of State (taking into account other United States activities abroad, such as military assistance, economic assistance, and food for peace program) shall be responsible for the continuous supervision and general direction of sales, leases, financing, cooperative projects, and exports under this Act, including, but not limited to, determining—

(1) whether there will be a sale to or financing for a country and the amount thereof;

(2) whether there will be a lease to a country;

(3) whether there will be a cooperative project and the scope thereof; and

(4) whether there will be delivery or other performance under the sale, lease, cooperative project, or export,

to the end that sales, financing, leases, cooperative projects, and exports will be integrated with other United States activities and to the end that the foreign policy of the United States would be best served thereby.

(c) The President shall prescribe appropriate procedures to assure coordination among representatives of the United States Government in each country, under the leadership of the Chief of the United States Diplomatic Mission. The Chief of the diplomatic mission shall make sure that recommendations of such representatives pertaining to sales are coordinated with political and economic considerations, and his comments shall accompany such recommendations if he so desires.

Sec. 3.[9] **Eligibility.**—(a) No defense article or defense service shall be sold or leased[10] by the United States Government under this Act to any country or international organization,[11] and no agreement shall be entered into for a cooperative project (as defined in section 27 of this Act), unless—

(1) the President finds that the furnishing of defense articles and defense services to such country or international organiza-

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[6] This paragraph was added by sec. 15(a) of the International Security Assistance Act of 1978 (92 Stat. 739). Sec. 15(b) of the same Act required a report from the President to the Congress by Dec. 31, 1979, concerning the implications of the multilateral discussions referred to in the paragraph.

[7] 22 U.S.C. 2752.

[8] Subsec. (b) was amended and restated by sec. 115b of PL 99-83, 99 Stat. 201. It previously read as follows:

(b) Under the direction of the President, the Secretary of State, taking into account other United States activities abroad, such as military assistance, economic assistance, and food for freedom, shall be responsible for the continuous supervision and general direction of sales, leases, and exports under this Act, including, but not limited to, determining whether there shall be a sale to a country and the amount thereof, whether there shall be a lease to a country, and whether there shall be delivery or other performance under such sale, lease, or export, to the end that sales, leases, and exports are integrated with other United States activities and the foreign policy of the United States is best served thereby.

[9] 22 U.S.C. 2753.

[10] The words "or leased" were added by sec. 109(b)(2)(A) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1526).

[11] The words beginning with "and no agreement" and ending with "of this Act", were added by sec. 115(b)(2)(A) of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 201).

tion will strengthen the security of the United States and promote world peace;

(2) the country or international organization shall have agreed not to transfer title to, or possession of, any defense article or related training or other defense service [12] so furnished to it, or produced in a cooperative project (as defined in section 27 of this Act),[13] to anyone not an officer, employee, or agent of that country or international organization or the North Atlantic Treaty Organization or the specific member countries other than the United States) in the case of a cooperative project) [14] and not to use or permit the use of such article or related training or other defense service [12] for purposes other than those for which furnished [15] unless the consent of the President has first been obtained;

(3)[16] the country or international organization shall have agreed that it will maintain the security of such article or service[16a] and will provide substantially the same degree of security protection afforded to such article or service[16a] by the United States Government; and

(4)[17] the country or international organization is otherwise eligible to purchase or lease [17] defense articles or defense services.

In considering a request for approval of any transfer of any weapon, weapons system, munitions, aircraft, military boat, military vessel, or other implement of war to another country, the President shall not give his consent under paragraph (2) to the transfer unless the United States itself would transfer the defense article under consideration to that country.[18] In addition, the President shall not give his consent under paragraph (2) to the transfer of any significant defense articles on the United States Munitions List unless the foreign country requesting consent to transfer agrees to demilitarize such defense articles prior to transfer, or the proposed recipient foreign country provides a commitment in writing to the United States Government that it will not transfer such defense articles, if not demilitarized, to any other foreign country or person without first obtaining the consent of the

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[12] Sec. 203(a) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329; 90 Stat. 735) added the words "or related training or other defense service".

[13] Sec. 115(b)(2)(B)(i) of Public Law 99-83; 99 Stat. 201, added the words beginning with "or produced" and ending with "of this Act".

[14] Sec. 115(b)(2)(B)(ii) of Public Law 99-83; 99 Stat. 201, added the words beginning with "(or the North Atlantic" and ending with "cooperative project", of Public Law 99-83; 89 Stat. 201.

[15] Sec. 25(2) of the FA Act of 1973 struck out "and" at the end of par. (2) and added the words to this point beginning with "and not to use or permit."

[16] Sec. 25(2)(B) of the FA Act of 1973 added par. (3) and redesignated former par. (3) as par. (4).

[16a] The words "or service" were added by sec. 115(b)(2)(c) of Public Law 99-83, 99 Stat. 201.

The words "or lease" were added by sec. 109(b)(2)(B) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1526).

[17] See 115(b)(2)(C) inserted the words "or service". They were restated by sec. 1102(3)(C) of Public Law 99-145; 99 Stat. 710.

[18] Sec. 204(b)(1) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329; 90 Stat. 736) amended sec. 3 by striking out the following language after "country": ", and prior to the date he intends to give his consent to the transfer, the President notifies the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate in writing of each such intended consent, the justification for giving such consent, the defense article for which he intends to give his consent to be so transferred, and the foreign country to which that defense article is to be transferred".

President.[19] The President shall promptly submit a report to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate on the implementation of each agreement entered into pursuant to clause (2) of this subsection.

(b)[20] * * * [Repealed—1977]

(c)(1)(A) [21] No credits (including participations in credits) may be issued and no guaranties may be extended for any foreign country under this Act as hereinafter provided, if such country uses defense articles or defense services furnished under this Act, or any predecessor Act, in substantial violation (either in terms of quantities or in terms of the gravity of the consequences regardless of the quantities involved) of any agreement entered into pursuant to any such Act (i) by using such articles or services for a purpose not authorized under section 4 or, if such agreement provides that such articles or services may only be used for purposes more limited than those authorized under section 4 for a purpose not authorized under such agreement; (ii) by transferring such articles or services to, or permitting any use of such articles or services by, anyone not an officer, employee, or agent of the recipient country without the consent of the President; or (iii) by failing to maintain the security of such articles or services.

(B) No cash sales or deliveries pursuant to previous sales may be made with respect to any foreign country under this Act as hereinafter provided, if such country uses defense articles or defense services furnished under this Act, or any predecessor Act, in substantial violation (either in terms of quantity or in terms of the gravity of the consequences regardless of the quantities involved) of any agreement entered into pursuant to any such Act by using such articles or services for a purpose not authorized under section 4 or, if such agreement provides that such articles or services may only be used for purposes more limited than those authorized under section 4, for a purpose not authorized under such agreement.

(2) The President shall report to the Congress promptly upon the receipt of information that a violation described in paragraph (1) of this subsection may have occurred.

(3)(A) A country shall be deemed to be ineligible under subparagraph (A) of paragraph (1) of this subsection, or both subparagraphs (A) and (B) of such paragraph in the case of a violation described in both such paragraphs, if the President so determines and so reports in writing to the Congress, or if the Congress so determines by joint resolution.

(B) Notwithstanding a determination by the President of ineligibility under subparagraph (B) of paragraph (1) of this subsection, cash sales and deliveries pursuant to previous sales may be made if the President certifies in writing to the Congress that a termination thereof would have significant adverse impact on United States security, unless the Congress adopts or has adopted a joint resolution pursuant to subparagraph (A) of this paragraph with respect to such ineligibility.

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[19] The words to this point, beginning with "In considering a request for approval" were added by sec. 25(2)(C) of the FA Act of 1973.

[20] Subsection (b), as amended by sec. 1 of Public Law 91-71, was repealed by sec. 15 of the International Security Assistance Act of 1977 (Public Law 95-92; 91 Stat. 622). It had concerned U.S. military assistance to a country which had seized an American fishing vessel outside a 12-mile limit.

[21] Sec. 304(b)(1) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329; 90 Stat. 754) amended subsec. (c), which formerly read as follows:

"(c) Except as otherwise provided in subsection (d), any foreign country which hereafter uses defense articles or defense services furnished such country under this Act, in substantial violation of any provision of this Act or any agreement entered into under this Act, shall be immediately ineligible for further cash sales, credits, or guarantees."

(4) A country shall remain ineligible in accordance with paragraph (1) of this subsection until such time as—

(A) the President determines that the violation has ceased; and

(B) the country concerned has given assurances satisfactory to the President that such violation will not recur.

(d)[22] (1)[23] The President may not give his consent under paragraph (2) of subsection (a) or under the third sentence of such subsection, or under section 505(a)(1) or 505(a)(4) of the Foreign Assistance Act of 1961, to a transfer of any major defense equipment valued (in terms of its original acquisition cost) at $14,000,000 or more, or any defense article or related training or other defense service valued (in terms of its original acquisition cost) at $50,000,000 or more,[24] unless[25] the President submits to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate a written certification with respect to such proposed transfer containing—

(A) the name of the country or international organization proposing to make such transfer,

(B)[26] a description of the article or service proposed to be transferred, including its acquisition cost,

(C) the name of the proposed recipient of such article or service,[27]

(D) the reasons for such proposed transfer, and

(E) the date on which such transfer is proposed to be made.

Any certification submitted to Congress pursuant to this paragraph shall be unclassified, except that information regarding the dollar value and number of articles or services[27] proposed to be transferred may be classified if public disclosure thereof would be clearly detrimental to the security of the United States.

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[22] Sec. 204(a) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329; 90 Stat. 735) added subsecs. (e) and (f). Sec. 304(b)(2) of the same Act repealed subsec. (d) and redesignated subsecs. (e) and (f) as (d) and (e). Previously, subsec. (d) read as follows:

"(d) A country shall remain ineligible in accordance with subsection (c) of this section until such time as the President determines that such violation has ceased, that the country concerned has given assurances satisfactory to the President that such violation will not recur, and that, if such violation involved the transfer of sophisticated weapons without the consent of the President, such weapons have been returned to the country concerned."

[23] Sec. 16 of the International Security Assistance Act of 1977 (Public Law 95-92; 91 Stat. 622) added the designation "(1)", redesignated pars. (1) through (5) as (A) through (E), and added a new par. (2).

[24] The words to this point beginning with "or under section 505(a)(1) * * *" were substituted in lieu of similar text by sec. 101(a)(1)(A) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1519). Previously, the President was required to submit a certification to Congress on all transfers of these items regardless of their value.

[25] The words ", 30 days prior to giving such consent.", which previously appeared at this point were struck out by sec. 16(1) of the International Security Assistance Act of 1977 (Public Law 95-92; 91 Stat. 622).

[26] Subpar. (B) was amended and restated by sec. 101(a)(1)(B) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1519). It formerly read as follows:

"(B) a description of the defense article or related training or other defense service proposed to be transferred, including the original acquisition cost of such defense article or related training or other defense service".

[27] The words "defense" and "related training or other defense", which formerly appeared before the words "article" and "service", respectively, were deleted by sec. 101(a)(1) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1519).

(2)[23] (A) Except as provided in subparagraph (B),[28] unless the President states in the certification submitted pursuant to paragraph (1) of this subsection that an emergency exists which requires that consent to the proposed transfer become effective immediately in the national security interests of the United States, such consent shall not become effective until 30 calendar days after the date of such submission and such consent shall become effective then only if the Congress does not enact,[28a] within such 30-day period, a law prohibiting the proposed transfer.

(B)[28] In the case of a proposed transfer to the North Atlantic Treaty Organization, or any member country of such Organization, Japan, Australia, or New Zealand, unless the President states in the certification submitted pursuant to paragraph (1) of this subsection that an emergency exists which requires that consent to the proposed transfer become effective immediately in the national security interests of the United States, such consent shall not become effective until fifteen calendar days after the date of such submission and such consent shall become effective then only if the Congress does not enact,[28a] within such fifteen-day period, a law prohibiting the proposed transfer.

(3)[29] The President may not give his consent to the transfer of any major defense equipment valued (in terms of its orginal acquisition cost) at $14,000,000 or more, or of any defense article or defense service valued (in terms of its original acquisition cost) at $50,000,000 or more, the export of which has been licensed or approved under section 38 of this Act,[30] unless at least 30 calendar days before giving such consent the President submits to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate a report containing the information specified in subparagraphs (A) through (E) of paragraph (1).

(4)[31] This subsection shall not apply—

(A) to transfers of maintenance, repair, or overhaul defense services, or of the repair parts or other defense articles used in furnishing such services, if the transfer will not result in any increase, relative to the original specifications, in the military capability of the defense articles and services to be maintained, repaired, or overhauled;

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[28] Sec. 102(a) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1520) inserted the subpar. (A) designation, added the words to this point in subpar. (A), and added a new subpar. (B).

[28a] Public Law 99-247, 100 Stat. 9, replaced the language "adopt . . . concurrent resolution disapproving" with the current text.

[29] Sec. 101(a) of the International Security and Development Cooperation Act of 1980 (Public Law 96-533; 94 Stat. 3131) redesignated existing par. (3) as par. (4) and added this new par. (3).

[30] The value of the items listed in this sentence was increased from $7,000,000 and $25,000,000 to $14,000,000 and $50,000,000, respectively, by sec. 101(a)(2) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1519).

[31] This paragraph, originally added as paragraph (3) by sec. 17 of the International Security Assistance Act of 1977 (Public Law 95-92; 91 Stat. 622), was redesignated as paragraph (4) by sec. 101(a) of the International Security and Development Cooperation Act of 1980 (Public Law 96-533; 94 Stat. 3131).

(B) to temporary transfers of defense articles for the sole purpose of receiving maintenance, repair, or overhaul; or

(C)[32] to arrangements among members of the North Atlantic Treaty Organization or between the North Atlantic Treaty Organization and any of its member countries—

(i) for cooperative cross servicing, or

(ii) for lead-nation procurement if the certification transmitted to the Congress pursuant to section 36(b) of this Act with regard to such lead-nation procurement identified the transferees on whose behalf the lead-nation procurement was proposed.

(D)[33] * * * [Repealed—1981]

(e) If the President receives any information that a transfer of any defense article, or related training or other defense service, has been made without his consent as required under this section or under section 505 of the Foreign Assistance Act of 1961, he shall report such information immediately to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate.

(f)[34] (1) Unless the President finds that the national security requires otherwise, he shall terminate all sales,[35] under this Act to any government which aids or abets, by granting sanctuary from prosecution to, any individual or group which has committed an act of international terrorism. The President may not thereafter make or extend sales,[35] to such government until the end of the one year period beginning on the date of such termination, except that if during its period of ineligibility for sales,[35] pursuant to this section such government aids or abets, by granting sanctuary from prosecution to, any other individual or group which has committed an act of international terrorism, such government's period of ineligibility shall be extended for an additional year for each such individual or group.

(2) If the President finds that the national security justifies a continuation of sales[35] to any government described in paragraph (1), he shall report such finding to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate.

Sec. 4.[36] Purposes for Which Military Sales by the United States Are Authorized.—Defense articles and defense services shall be sold or leased[37] by the United States Government under this

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[32] Subpar. (C) was amended and restated by sec. 11 of the International Security Assistance Act of 1979 (Public Law 96–92; 93 Stat. 705). It formerly read as follows:

"(C) to cooperative cross servicing arrangements among members of the North Atlantic Treaty Organization."

[33] Subpar. (D), as added by sec. 101(b) of Public Law 96–536 (94 Stat. 3131), was repealed by sec. 101(a)(3)(C) of the International Security and Development Cooperation Act of 1981 (Public Law 97–113; 95 Stat. 1520). Subpar. (D) had stipulated that subsec. (d) would not apply to transfers to NATO, member countries of NATO, Japan, Australia, or New Zealand of major defense equipment valued at less than $7,000,000 or defense articles or related training or other defense service valued at less than $25,000,000.

[34] Subsection (f) was added by sec. 18 of the International Security Assistance Act of 1977 (Public Law 95–92; 91 Stat. 622).

[35] Sec. 503(b) of the International Security and Development Cooperation Act of 1985 (Public Law 99–83; 99 Stat. 221), removed the wording "credits, and guarantees" and "credits, or guarantees" from the place indicated by the footnote designation.

[36] 22 U.S.C. 2754.

[37] The words "or leased" were added by sec. 109(b)(3) of the International Security and Development Cooperation Act of 1981 (Public Law 97–113; 95 Stat. 1526).

Act to friendly countries solely for internal security, for legitimate self-defense, to permit the recipient country to participate in regional or collective arrangements or measures consistent with the Charter of the United Nations, or otherwise to permit the recipient country to participate in collective measures requested by the United Nations for the purpose of maintaining or restoring international peace and security, or for the purpose of enabling foreign military forces in less developed friendly countries to construct public works and to engage in other activities helpful to the economic and social development of such friendly countries. It is the sense of the Congress that such foreign military forces should not be maintained or established solely for civic action activities and that such civic action activities not significantly detract from the capability of the military forces to perform their military missions and be coordinated with and form part of the total economic and social development effort: *Provided,* That none of the funds contained in this authorization shall be used to guarantee, or extend credit, or participate in an extension of credit in connection with any sale of sophisticated weapons systems, such as missile systems and jet aircraft for military purposes, to any underdeveloped country other than Greece, Turkey, Iran, Israel, the Republic of China, the Philippines, and Korea unless the President determines that such financing is important to the national security of the United States and reports within thirty days each such determination to the Congress.

Sec. 5.[38] **Prohibition Against Discrimination.**—(a) It is the policy of the United States that no sales should be made, and no credits (including participations in credits) or guaranties extended to or for any foreign country, the laws, regulations, official policies, or governmental practices of which prevent any United States person (as defined in section 7701(a)(30) of the Internal Revenue Code of 1954) from participating in the furnishing of defense articles or defense services under this Act on the basis of race, religion, national origin, or sex.

(b)(1) No agency performing functions under this Act shall, in employing or assigning personnel to participate in the performance of any such function, whether in the United States or abroad, take into account the exclusionary policies or practices of any foreign government where such policies or practices are based upon race, religion, national origin, or sex.

(2) Each contract entered into by any such agency for the performance of any function under this Act shall contain a provision to the effect that no person, partnership, corporation, or other entity performing functions pursuant to such contract, shall, in employing or assigning personnel to participate in the performance of any such function, whether in the United States or abroad, take into account the exclusionary policies or practices of any foreign government where such policies or practices are based upon race, religion, national origin, or sex.

(c) The President shall promptly transmit reports to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate concerning any instance in which any United States person (as defined in section 7701(a)(30) of the Internal Revenue Code of 1954) is prevented by a foreign government on the basis of race, religion, national origin, or sex, from participating in the performance of any sale or licensed transaction under this Act. Such reports shall include (1) a description of the facts and circumstances of any such discrimination, (2) the response thereto on the part of the United States or any agency or employee thereof, and (3) the result of such response, if any.

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[38] 22 U.S.C. 2755. Sec. 5 was added by sec. 302(b) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329; 90 Stat. 752).

(d)(1) Upon the request of the Committee on Foreign Relations of the Senate or the Committee on International Relations of the House of Representatives, the President shall, within 60 days after the receipt of such request, transmit to both such committees a statement, prepared with the assistance of the Assistant Secretary of State[39] for Human Rights and Humanitarian Affairs, with respect to the country designated in such request, setting forth—

(A) all the available information about the exclusionary policies or practices of the government of such country when such policies or practices are based upon race, religion, national origin or sex and prevent any such person from participating in the performance of any sale or licensed transaction under this Act;

(B) the response of the United States thereto and the results of such response;

(C) whether, in the opinion of the President, notwithstanding any such policies or practices—

(i) extraordinary circumstances exist which necessitate a continuation of such sale or licensed transaction, and, if so, a description of such circumstances and the extent to which such sale or licensed transaction should be continued (subject to such conditions as Congress may impose under this section), and

(ii) on all the facts it is in the national interest of the United States to continue such sale or licensed transaction; and

(D) such other information as such committee may request.

(2) In the event a statement with respect to a sale or licensed transaction is requested pursuant to paragraph (1) of this subsection but is not transmitted in accordance therewith within 60 days after receipt of such request, such sale or licensed transaction shall be suspended unless and until such statement is transmitted.

(3)(A) In the event a statement with respect to a sale or licensed transaction is transmitted under paragraph (1) of this subsection, the Congress may at any time thereafter adopt a joint resolution terminating or restricting such sale or licensed transaction.

(B) Any such resolution shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(C) The term "certification", as used in section 601 of such Act, means, for the purposes of this paragraph, a statement transmitted under paragraph (1) of this subsection.

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[39] Sec. 109(a)(6) of the Foreign Relations Authorization Act, Fiscal Year 1978 (Public Law 95-105; 91 Stat. 846) substituted the words "Assistant Secretary of State" in lieu of "Coordinator."

Sec. 6.[40] Foreign Intimidation and Harassment of Individuals in the United States.—No letters of offer may be issued, no credits or guarantees may be extended, and no export licenses may be issued under this Act with respect to any country determined by the President to be engaged in a consistent pattern of acts of intimidation or harassment directed against individuals in the United States. The President shall report any such determination promptly to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate.

Chapter 2—FOREIGN MILITARY SALES AUTHORIZATIONS

Sec. 21.[41] Sales From Stocks.—(a)(1) The President may sell defense articles and defense services from the stocks of the Department of Defense to any eligible country or international organization if such country or international organization agrees to pay in United States dollars—

(A) in the case of a defense article not intended to be replaced at the time such agreement is entered into, not less than the actual value thereof;[42]

(B) in the case of a defense article intended to be replaced at the time such agreement is entered into, the estimated cost of replacement of such article, including the contract or production costs less any depreciation in the value of such article; or

(C) in the case of the sale of a defense service, the full cost to the United States Government of furnishing such service, except that in the case of training sold to a purchaser who is concurrently receiving assistance under chapter 5 of part II of the Foreign Assistance Act of 1961, only those additional costs that are incurred by the United States Government in furnishing such assistance.[43]

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[40] 22 U.S.C. 2756. Sec. 6. was added by sec. 115 of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1528).

[41] 22 U.S.C. 2761. Sec. 205 of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329; 90 Stat. 736) amended sec. 21 which formerly read as follows:

"Sec. 21. Cash Sales From Stock.—The President may sell defense articles from the stocks of the Department of Defense and defense services of the Department of Defense to any friendly country or international organization if such country or international organization agrees to pay not less than the value thereof in United States dollars. Payment shall be made in advance or, as determined by the President to be in the best interests of the United States, within a reasonable period not to exceed one hundred and twenty days after the delivery of the defense articles or the rendering of the defense services."

Sec. 975 of title 10, U.S. Code, as added by sec. 815 of the Department of Defense Appropriation Authorization Act, 1979 (92 Stat. 1625), prohibits the sale of certain defense articles from Department of Defense stocks. For complete text of 10 U.S.C. 975, see page 657.

Sec. 1007 of the DOD Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2583) adjusts and waives certain charges required under sec. 21 connected with the European air defense agreements and the sale of Patriot fire missile units to the Federal Republic of Germany during fiscal year 1985. For complete text of sec. 1007, see page 723.

[42] Sec. 8026 of the Department of Defense Appropriations Act, 1986 (sec. 101(b) of the Continuing Appropriations Act, 1986; Public Law 99-190, 99 Stat. 1206) stipulated that no funds provided under that Act shall be "available for the planning or execution of programs which utilize amounts credited to Department of Defense appropriations or funds pursuant to the provisions of section 37(a) of the Arms Export Control Act representing payment for the actual value of defense articles specified in section 21(a)(1)(A) of that Act: *Provided*, That such amounts shall be credited to the Special Defense Acquisition Fund, as authorized by law, or to the extent not so credited shall be deposited in the Treasury as miscellaneous receipts as provided in section 3302(b) of title 31, United States Code."

[43] Subpara. (C) was amended and restated by sec. 108(a) of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 197. It previously read:

"in the case of the sale of a defense service, the full cost to the United States Government of furnishing such service, except that in the case of training, only those additional costs that are incurred by the United States Government in furnishing such training."

(2) For purposes of subparagraph (A) of paragraph (1), the actual value of a naval vessel of 3,000 tons or less and 20 years or more of age shall be considered to be not less than the greater of the scrap value or fair value (including conversion costs) of such vessel, as determined by the Secretary of Defense.[44]

(b) Except as provided by subsection (d) of this section, payment shall be made in advance or, if the President determines it to be in the national interest, upon delivery of the defense article or rendering of the defense service.

(c)(1)[45] Personnel performing defense services sold under this Act may not perform any duties of a combatant nature, including any duties related to training and advising that may engage United States personnel in combat activities,[46] outside the United States in connection with the performance of those defense services.

(2)[45] Within forty-eight hours of the existence of, or a change in status of significant hostilities or terrorist acts or a series of such acts, which may endanger American lives or property, involving a country in which United States personnel are performing defense services pursuant to this Act or the Foreign Assistance Act of 1961, the President shall submit to the Speaker of the House of Representatives and to the President pro tempore of the Senate a report, in writing, classified if necessary, setting forth—

(A) the identity of such country;

(B) a description of such hostilities or terrorist acts; and

(C) the number of members of the United States Armed Forces and the number of United States civilian personnel that may be endangered by such hostilities or terrorist acts.

(d) If the President determines it to be in the national interest pursuant to subsection (b) of this section, billings for sales made under letters of offer issued under this section after the enactment of this subsection may be dated and issued upon delivery of the defense article or rendering of the defense service and shall be due and payable upon receipt thereof by the purchasing country or international organization. Interest shall be charged on any net amount due and payable which is not paid within sixty days after the date of such billing. The rate of interest charged shall be a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding short-term obligations of the United States as of the last day of the month preceding the billing and shall be computed from the date of billing. The President may extend such sixty-day period to one hundred and twenty days if he determines that emergency requirements of the purchaser for acquisition of such defense articles or defense services exceed the ready availability to the purchaser of funds sufficient to pay the United States in full for them within such sixty-day period and submits that determination to the Congress together with a special emergency request for the authorization and appropriation of additional funds to finance such purchases under this Act.

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[44] Para. (2) was added by sec. 107(a)(3) of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 196). Sec. 107(a)(1) and (2) of the act redesignated paras. (1), (2) and (3) as subparas. (A), (B) and (C) and inserted a "(1)" after subsec. (a).

[45] The paragraph designation "(1)" and a new par. (2) were added by sec. 102 of the International Security and Development Cooperation Act of 1980 (Public Law 96-533; 94 Stat. 3132). Par. (2) was subsequently amended and restated by sec. 103 of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1521). The original text of par. (2) read as follows:

"(2) Within 48 hours after the outbreak of significant hostilities involving a country in which United States personnel are performing defense services pursuant to this Act or the Foreign Assistance Act of 1961, the President shall submit to the Speaker of the House of Representatives and to the President pro tempore of the Senate a report, in writing, setting forth—

"(A) the identity of such country and a description of such hostilities; and

"(B) the number of members of the United States Armed Forces and the number of United States civilian personnel performing defense services related to such hostilities in such country, their location, the precise nature of their activities, and the likelihood of their becoming engaged in or endangered by hostilities."

[46] The words "training and advising that may engage United States personnel in combat activities" were substituted in lieu of "training, advising, or otherwise providing assistance regarding combat activities" by Sec. 102(1) of the International Security and Development Cooperation Act of 1980 (Public Law 96-533; 94 Stat. 3132).

(e)(1) After September 30, 1976, letters of offer for the sale of defense articles or for the sale of defense services that are issued pursuant to this section or pursuant to section 22 of this Act shall include appropriate charges for—

(A) administrative services, calculated on an average percentage basis to recover the full estimated costs (excluding a pro rata share of fixed base operations costs)[47] of administration of sales made under this Act to all purchasers of such articles and services;

(B) any use of plant and production equipment in connection with such defense articles;

(C) a proportionate amount of any nonrecurring costs of research, development, and production of major defense equipment; and

(D)[48] the recovery of ordinary inventory losses associated with the sale from stock of defense articles that are being stored at the expense of the purchaser of such articles.

(2) The President may reduce or waive the charge or charges which would otherwise be considered appropriate under paragraphs (1)(B) and (1)(C) for particular sales that would, if made, significantly advance United States Government interests in North Atlantic Treaty Organization standardization, standardization with the Armed Forces of Japan, Australia, or New Zealand in furtherance of the mutual defense treaties between the United States and those countries, or foreign procurement in the United States under coproduction arrangements.[49]

(f) Any contracts entered into between the United States and a foreign country under the authority of this section or section 22 of this Act shall be prepared in a manner which will permit them to be made available for public inspection to the fullest extent possible consistent with the national security of the United States.

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[47] The wording in parentheses was added by sec. 109 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 197).

[48] Subpar. (D) was added by sec. 16 of the International Security Assistance Act of 1978 (Public Law 95-384; 92 Stat. 740).

[49] The words "standardization with the Armed Forces of Japan, Australia, or New Zealand in furtherance of the mutual defense treaties between the United States and those countries," were added by sec. 104 of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1521).

Department of Defense Appropriations, 1985 (sec. 101 of the Continuing Appropriations Act, 1985; Public Law 98-473; 98 Stat. 1933) provides the following:

"Sec. 8055. None of the funds appropriated by this Act shall be available to approve a request for waiver of the costs otherwise required to be recovered under the provisions of section 21(e)(1)(C) of the Arms Export Control Act unless the Committees on Appropriations have been notified in advance of the proposed waiver."

[50] (g) The President may enter into North Atlantic Treaty Organization standardization agreements in carrying out section 814 of the Act of October 7, 1975 (Public Law 94–106), and may enter into similar agreements with Japan, Australia, and New Zealand, for the cooperative furnishing of training on a bilateral or multilateral basis, if the financial principles of such agreements are based on reciprocity. Such agreements shall include reimbursement for all direct costs but may exclude reimbursement for indirect costs, administrative surcharges, and costs of billeting of trainees (except to the extent that members of the United States Armed Forces occupying comparable accommodations are charged for such accommodations by the United States). Each such agreement shall be transmitted promptly to the Speaker of the House of Representatives and the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate.

(h) (1) [51] The President is authorized to provide (without charge) quality assurance, inspection, contract administration services,[52] and contract audit defense services under this section—

(A) in connection with the placement or administration of any contract or subcontract for defense articles, defense services, or design and construction services[53] entered into after the date of enactment of this subsection by, or under this Act on behalf of, a foreign government which is a member of the North Atlantic Treaty Organization, if such government provides such services in accordance with an agreement on a reciprocal basis, without charge, to the United States Government; or

(B) in connection with the placement or administration of any contract or subcontract for defense articles, defense services, or design and construction services[53] pursuant to the North Atlantic Treaty Organization Infrastructure Program in accordance with an agreement under which the foreign governments participating in such program provide such services, without charge, in connection with similar contracts or subcontracts.

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[50] Subsec. (g) was added by sec. 108(b) of the International Security and Development Cooperation Act of 1985, Public Law 99–83; 99 Stat. 197).

Subsec. (g) was previously repealed by the Foreign Assistance Appropriations Act, 1985 (sec. 101 of the Continuing Appropriations Act, 1985; Public Law 98–473; 98 Stat. 1895). This amendment had been included as sec. 102(b) of S. 2346, as introduced on February 27, 1984. Public Law 98–473 enacted sec. 102 of S. 2346. Subsec. (g) previously read as follows:

"(g) The President may enter into North Atlantic Treaty Organization standardization agreements in carrying out section 814 of the Act of October 7, 1975 (Public Law 94–106), and may enter into similar agreements with Japan, Australia, and New Zealand, for the cooperative furnishing of training on a bilateral or multilateral basis, if the financial principles of such agreements are based on reciprocity. Such agreements shall include reimbursement for all direct costs but may exclude reimbursement for indirect costs, administrative surcharges, and costs of billeting of trainees (except to the extent that members of the United States Armed Forces occupying comparable accommodations are charged for such accommodations by the United States). Each such agreement shall be transmitted promptly to the Speaker of the House of Representatives and the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate."

[51] Sec. 12 of the International Security Assistance Act of 1979 (Public Law 96–92; 93 Stat. 705) redesignated subsec. (h) as subsec. (i) and added this new subsec. (h).

Subsequently, sec. 111 (1) and (2) of the International Security and Development Cooperation Act of 1985, 99 Stat. 197, inserted the designation (1) after subsec. (h), added para. (2) and redesignated what was previously paras (1) and (2) as subparas, (A) and B of the newly designated (h)(1).

[52] The language "contract administration services" was added by sec. 110 of Public Law 99–83; 99 Stat. 197.

[53] The reference to design and construction services was added by sec. 115(b) of the International Security and Development Cooperation Act of 1980 (Public Law 96–533; 94 Stat. 3134).

(2) [53] In carrying out the objectives of this section, the President is authorized to provide cataloging data and cataloging services, without charge, to the North Atlantic Treaty Organization or to any member government of that Organization if that Organization or member government provides such data and services in accordance with an agreement on a reciprocal basis, without charge, to the United States Government.[54]

(i) [55] (1) Sales of defense articles and defense services which could have significant adverse effect on the combat readiness of the Armed Forces of the United States shall be kept to an absolute minimum. The President shall transmit to the Speaker of the House of Representatives and the Committees on Armed Services and Foreign Relations of the Senate on the same day a written statement giving a complete explanation with respect to any proposal to sell, under this section or under authority of chapter 2B,[56] any defense articles or defense services if such sale could have a significant adverse effect on the combat readiness of the Armed Forces of the United States.[57] Each such statement shall be unclassified except to the extent that public disclosure of any item of information contained therein would be clearly detrimental to the security of the United States. Any necessarily classified information shall be confined to a supplemental report. Each such statement shall include an explanation relating to only one such proposal to sell and shall set forth—

(A) the country or international organization to which the sale is proposed to be made;

(B) the amount of the proposed sale;

(C) a description of the defense article or service proposed to be sold;

(D) a full description of the impact which the proposed sale will have on the Armed Forces of the United States; and

(E) a justification for such proposed sale, including a certification that such sale is important to the security of the United States.

A certification described in subparagraph (E) shall take effect on the date on which such certification is transmitted and shall remain in effect for not to exceed one year.

(2) No delivery may be made under any sale which is required to be reported under paragraph (1) of this subsection unless the certification required to be transmitted by paragraph (E) of paragraph (1) is in effect.

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[54] Para. 2 was added by sec. 111(3) of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 197).

[55] Subsec. (i), as originally added as subsec. (h) by sec. 206 of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329; 90 Stat. 738), was redesignated as subsec. (i) by sec. 12 of Public Law 96-92.

[56] The reference to the authority under chapter 2B was added by sec. 3 of Public Law 97-392 (96 Stat. 1962).

[57] An additional reporting requirement regarding the impact of sales or transfers of defense articles from the United States active forces inventories is contained in 10 U.S.C. 133b.

Sec. 22.[58] Procurement for Cash Sales.—(a) Except as otherwise provided in this section, the President may, without requirement for charge to any appropriation or contract authorization otherwise provided, enter into contracts for the procurement of defense articles or defense services for sale for United States dollars to any foreign country or international organization if such country or international organization provides the United States Government with a dependable undertaking (1) to pay the full amount of such contract which will assure the United States Government against any loss on the contract, and (2) to make funds available in such amounts and at such times as may be required to meet the payments required by the contract and any damages and costs that may accrue from the cancellation of such contract, in advance of the time such payments, damages, or costs are due. Interest shall be charged on any net amount by which any such country or international organization is in arrears under all of its outstanding unliquidated dependable undertakings, considered collectively. The rate of interest charged shall be a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding short-term obligations of the United States as of the last day of the month preceding the net arrearage and shall be computed from the date of net arrearage.[59]

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[58] 22 U.S.C. 2762. Sec. 25(3) of the FA Act of 1973 amended sec. 22, which formerly read as follows:

"Sec. 22. Procurement for Cash Sales.—The President may, without requirement for charge to any appropriation or contract authorization otherwise provided, enter into contracts for the procurement of defense articles or defense services for sale for United States dollars to any friendly country or international organization if such country or international organization provides the United States Government with a dependable undertaking (1) to pay the full amount of such contract which will assure the United States Government against any loss on the contract, and (2) to make funds available in such amounts and at such times as may be required to meet the payments required by the contract, and any damages and costs that may accrue from the cancellation of such contract, in advance of the time such payments, damages, or costs are due: *Provided*, That the President may, when he determines it to be in the national interest accept a dependable undertaking to make full payment within one hundred and twenty days after delivery of the defense articles, or the rendering of the defense services, and appropriations available to the Department of Defense may be used to meet the payments required by the contracts and shall be reimbursed by the amounts subsequently received from the country or international organization: *Provided further*, That the President may, when he determines it to be in the national interest, enter into sales agreements with purchasing countries or international organizations which fix prices to be paid by the purchasing countries or international organizations for the defense articles or defense services ordered. Funds made available under section 31 for financing sales shall be used to reimburse the applicable appropriations in the amounts required by the contracts which exceed the price so fixed, except that such reimbursement shall not be required upon determination by the President that the continued production of the defense article being sold is advantageous to the Armed Forces of the United States. Payments by purchasing countries or international organizations which exceed the amounts required by such contracts shall be transferred to the general fund of the Treasury. To the maximum extent possible, prices fixed under any such sales agreement shall be sufficient to reimburse the United States for the cost of defense articles or defense services ordered. The President shall submit to the Congress promptly a detailed report concerning any fixed-price sales agreement under which the aggregate cost to the United States exceeds the aggregate amount required to be paid by the purchasing country or international organization. No sales of unclassified defense articles shall be made to the government of any economically developed nation under the provisions of this section unless such articles are not generally available for purchase by such nations from commercial sources in the United States: *Provided, however*, That the President may waive the provisions of this sentence when he determines that the waiver of such provisions is in the national interest."

[59] The words beginning with "Interest shall be charged on any net amount * * *" were added by sec. 207(a) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329; 90 Stat. 738).

(b) The President may, if he determines it to be in the national interest, issue letters of offer under this section which provide for billing upon delivery of the defense article or rendering of the defense service and for payment within one hundred and twenty days after the date of billing. This authority may be exercised, however, only if the President also determines that the emergency requirements of the purchaser for acquisition of such defense articles and services exceed the ready availability to the purchaser of funds sufficient to make payments on a dependable undertaking basis and submits both determinations to the Congress together with a special emergency request for authorization and appropriation of additional funds to finance such purchases under this Act.[60] Appropriations available to the Department of Defense may be used to meet the payments required by the contracts for the procurement of defense articles and defense services and shall be reimbursed by the amounts subsequently received from the country or international organization to whom articles or services are sold.

(c)[61] The provisions of the Renegotiation Act of 1951 do not apply to procurement contracts, heretofore or hereafter entered into under this section, section 29, or predecessor provisions of law.

Sec. 23.[62, 63] **Credit Sales.**—(a) The President is authorized to finance the procurement of defense articles, defense services, and

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[60] Sec. 207(b) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329; 90 Stat. 738) amended subsec. (b) by striking out the first sentence and adding in lieu thereof the words to this point. The first sentence of subsec. (b) formerly read as follows: "(b) The President may, when he determines it to be in the national interest, accept a dependable undertaking of a foreign country or international organization with respect to any such sale, to make full payment within 120 days after delivery of the defense articles or the rendering of the defense services."

Sec. 1007(b)(5) of the DOD Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2579) waives the requirement under sec. 22 for payment in advance of delivery with respect to the purchase by the Federal Republic of Germany of one Patriot missile fire unit. For complete text of sec. 1007(b)(5), see page 656.

[61] Subsec. (c), as added by sec. 17 of the International Security Assistance Act of 1978 (Public Law 95-384; 92 Stat. 740), was amended and restated by sec. 105(b)(2) of the International Security and Development Cooperation Act of 1980 (Public Law 96-553; 94 Stat. 3134). It formerly read as follows:

"(c) The provisions of the Renegotiation Act of 1951 do not apply to contracts for the procurement of defense articles and defense services heretofore or hereafter entered into under this section or predecessor provisions of law."

[62] 22 U.S.C. 2763. Sec. 23 was amended and restated by sec. 102 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 195). It previously read as follows:

"The President is authorized to finance procurements of defense articles, defense services, and design and construction services by friendly foreign countries and international organizations on terms requiring the payment to the United States Government in United States dollars of—

"(1) the value of such articles or services within a period not to exceed twelve years after the delivery of such articles or the rendering of such services; and

"(2) interest on the unpaid balance of that obligation for payment of the value of such articles or services, at a rate equivalent to the current average interest rate, as of the last day of the month preceding the financing of such procurement that the United States Government pays on outstanding marketable obligations of comparable maturity, unless the President certifies to Congress that the national interest requires a lesser rate of interest and states in the certification the lesser rate so required and the justification therefor."

Prior to that sec. 45(a)(2) of the FA Act of 1974 amended sec. 23, which formerly read as follows: "Sec. 23. Credit Sales.—The President is hereby authorized to finance procurements of defense articles and defense services by friendly countries and international organizations on terms of repayment to the United States Government of not less than the value thereof in the United States dollars within a period of not to exceed ten years after the delivery of the defense articles or the rendering of the defense services."

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[63] Sec. 101(b) of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 193) provided an authorization for each of the fiscal years 1986 and 1987 of

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design and construction services by friendly foreign countries and international organizations, on such terms and conditions as he may determine consistent with the requirements of this section.

(b) The President shall require repayment in United States dollars within a period not to exceed twelve years [64] after the loan agreement with the country or international organization is signed on behalf of the United States Government, unless a longer period is specifically authorized by statute for that country or international organization.

(c)(1) The President shall charge interest under this section at such rate as he may determine, except that such rate may not be less than 5 percent per year.

(2) For purposes of financing provided under this section—

(A) the term 'concessional rate of interest' means any rate of interest which is less than market rates of interest; and

(B) the term "market rate of interest" means any rate of interest which is equal to or greater than the current average interest rate (as of the last day of the month preceding the financing of the procurement under this section) that the United States Government pays on outstanding marketable obligations of comparable maturity.

(d) References in any law to credits extended under this section shall be deemed to include reference to participations in credits.

Sec. 24.[65] **Guaranties.**—(a) The President may guarantee any individual, corporation, partnership, or other juridical entity doing

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$5,371,000,000 to carry out sec. 23 and set a ceiling of $553,900,000 for each fiscal year of the amount that may be made available at concessional interest rates.

Foreign Assistance and Related Programs Appropriations Act, 1987, (sec. 101(f) of the Continuing Appropriations, 1987; Public Law 99-591; 100 Stat. 3341) provides the following:

FOREIGN MILITARY CREDIT SALES

For expenses necessary to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $4,040,441,284, of which not less than $1,800,000,000 shall be available only for Israel, not less than $1,300,000,000 shall be available only for Egypt, and not less than $312,500,000 shall be available only for Pakistan: *Provided,* That if the Government of Israel requests that funds be used for such purposes, up to $150,000,000 of the amount of credits made available for Israel pursuant to this paragraph shall be available for research and development in the United States for the Lavi program, and not less than $300,000,000 shall be for the procurement in Israel of defense articles and services, including research and development, for the Lavi program and other activities if requested by Israel: *Provided further,* That during fiscal year 1987, gross obligations for the principal amount of direct loans, exclusive of loan guarantee defaults, shall not exceed $4,040,441,284: *Provided further,* That any funds made available by this paragraph, other than funds made available for Israel and Egypt, may be made available at concessional rates of interest, notwithstanding section 31(b)(2) of the Arms Export Control Act: *Provided further,* That the concessional rate of interest on foreign military credit sales loans for countries other than Israel and Egypt shall be not less than 5 percent per year: *Provided further,* That all country and funding level changes in requested concessional financing allocations shall be submitted through the regular notification procedures of the Committees on Appropriations: *Provided further,* That funds appropriated under this paragraph shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further,* That of the funds made available by this Act to carry out the provisions of section 503 of the Foreign Assistance Act of 1961 and section 23 of the Arms Export Control Act, a total of $490,000,000 shall be available only for Turkey and, of the funds made available by this paragraph, only $343,000,000 shall be available for Greece, notwithstanding section 101(e)(1) and (f) of Public Law 99-83.

[64] Sec. 208(a) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329; 90 Stat. 739) originally substituted "twelve years" in lieu of "ten years". Sec. 208(b) of the same Act went on to say, "The amendment made by subsection (a) shall apply with respect to financing under agreements entered into on or after the date of enactment of this Act for the procurement of defense articles to be delivered, or defense services to be rendered, after such date".

[65] 22 U.S.C. 2764.

business in the United States (excluding United States Government agencies other than the Federal Financing Bank)[66] against political and credit risks of nonpayment arising out of their financing of credit sales of defense articles, defense services, and design and construction services[53] to friendly countries and international organizations. Fees shall be charged for such guaranties.

(b) The President may sell to any individual, corporation, partnership, or other juridical entity (excluding United States Government agencies other than the Federal Financing Bank)[66] promissory notes issued by friendly countries and international organizations as evidence of their obligations to make repayments to the United States on account of credit sales financed under section 23, and may guarantee payment thereof.

(c)[67] Funds obligated under this section before the date of enactment of the International Security and Development Cooperation Act of 1980 which constitute a single reserve for the payment of claims under guaranties issued under this section shall remain available for expenditure for the purposes of this section on and after that date. That single reserve may, on and after the date of enactment of the International Security and Development Cooperation Act of 1985, be referred to as the "Guaranty Reserve Fund."

Funds authorized to be appropriated by section 31(a) to carry out this Act which are allocated for credits at market rates of interest may be used to pay claims under such guarantees to the extent funds in the Guaranty Reserve Fund are inadequate for that purpose.[68]

For purposes of any provision in this Act or any other Act relating to a prohibition or limitation on the availability of funds under this Act, whenever a guaranty is issued under this section, the principal amount of the loan so guaranteed shall be deemed to be funds made available for use under this Act. Any guaranties issued hereunder shall be backed by the full faith and credit of the United States.

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[66] Sec. 45(a)(3) of the FA Act of 1974 substituted words "(excluding United States Government agencies other than the Federal Financing Bank)" in lieu of "(excluding United States Government agencies)".

[67] Subsec. (c), as amended by the FA Act of 1973 and the FA Act of 1974, was further amended and restated by sec. 104(a) of the International Security and Development Cooperation Act of 1980 (Public Law 96–533; 94 Stat. 3132). It formerly read as follows:

"(c) Funds made available to carry out this Act shall be obligated in an amount equal to 10 per centum of the principal amount of contractual liability related to any guaranty issued under this section, and all the funds so obligated shall constitute a single reserve for the payment of claims under such guaranties. Any funds so obligated which are deobligated from time to time during any current fiscal year as being in excess of the amount necessary to maintain a fractional reserve of 10 per centum in the principal amount of contractual liability under outstanding guaranties shall be transferred to the general fund of the Treasury. Any guaranties issued hereunder shall be backed by the full faith and credit of the United States."

[68] Sec. 106 (b) and (c) of the International Security and Development Cooperation Act of 1985 (Public Law 99–83; 99 Stat. 196), amended subsec. (c) by adding the text beginning with "That single reserve" and ending with "inadequate for that purpose" and by deleting the following text:

"The President shall report promptly to the Congress whenever the payment of a claim under any such guaranty reduces the total amount of funds in the single reserve under this subsection to an amount less than $750,000,000, together with his recommendations for the authorization of appropriations of additional funds for such reserve."

Foreign Assistance Appropriations Act, 1985 (sec. 101 of the Continuing Appropriations Act, 1985: Public Law 98–473; 98 Stat. 1895) provides the following:

"For necessary expenses to carry out the provisions of section 24 of the Arms Export Control Act, $109,000,000, to remain available until expended: *Provided*, That this sum is available only for the Guarantee Reserve Fund notwithstanding any other provision of the Foreign Assistance Act of 1961 or the Arms Export Control Act."

Sec. 25.[69] **Annual Estimate and Justification for Sales Program.**—(a) Except as provided in subsection (d) of this section,[70] no later than February 1 of each year, the President shall transmit to the Congress, as a part of the annual presentation materials for security assistance programs proposed for the next fiscal year, a report which sets forth—

(1) an Arms Sales Proposal covering all sales and licensed commercial exports under this Act of major weapons or weapons-related defense equipment for $7,000,000 or more, or of any other weapons or weapons-related defense equipment for $25,000,000 or more, which are considered eligible for approval during the current calendar year, together with an indication of which sales and licensed commercial exports are deemed most likely actually to result in the issuance of a letter of offer or of an export license during such year;

(2) an estimate of the total amount of sales and licensed commercial exports expected to be made to each foreign nation from the United States;

(3) the United States national security considerations involved in expected sales or licensed commercial exports to each country, an analysis of the relationship between anticipated sales to each country and arms control efforts concerning such country and an analysis of the impact of such anticipated sales on the stability of the region that includes such country;

(4) an estimate with regard to the international volume of arms traffic to and from nations purchasing arms as set forth in paragraphs (1) and (2) of this subsection, together with best estimates of the sale and delivery of weapons and weapons-related defense equipment by all major arms suppliers to all major recipient countries during the preceding fiscal year;

(5)(A) [71] an estimate of the aggregate dollar value and quantity of defense articles and defense services, military education and training, grant military assistance, and credits and guarantees, to be furnished by the United States to each foreign country and international organization in the next fiscal year; and

(B) [71] for each country that is proposed to be furnished credits or guaranties under this Act in the next fiscal year and that has been approved for cash flow financing (as defined in subsection (d) [72] of this section) in excess of $100,000,000 as of October 1 of the current fiscal year—

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[69] 22 U.S.C. 2765. Sec. 25, as added by sec. 209(a) of Public Law 94-329 (90 Stat. 739) and amended by sec. 18 of Public Law 95-384 (92 Stat. 740), secs. 13 and 14 of Public Law 96-92 (93 Stat. 706), and by secs. 104 and 107 of Public Law 96-533 (94 Stat. 3183), was amended and restated by sec. 732 of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1557). The previous text of sec. 25 required information similar to that specified in new paragraphs (1) through (4), (7), and (8). Much of the remaining information now required by sec. 25, was formerly required by other statutes as follows: par. (6)—sec. 43(c) of the Arms Export Control Act; par. (9)—sec. 668 of the Foreign Assistance Act of 1961; par. (10)—sec. 714 of the International Security and Development Cooperation Act of 1980; and par. (11)—sec. 634(a)(4) of the Foreign Assistance Act of 1961.

[70] Subsec. (d) and the reference to it at the beginning of subsec. (a) were added by secs. 113 (1) and (2) of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 198).

[71] Subpara. (B) and the designation for subpara. (A) were added by sec. 112(a) of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 198).

(i) the amount of such approved cash flow financing,

(ii) a description of administrative ceilings and controls applied, and

(iii) a description of the financial resources otherwise available to such country to pay such approved cash flow financing;

(6) an analysis and description of the services performed during the preceding fiscal year by officers and employees of the United States Government carrying out functions on a full-time basis under this Act for which reimbursement is provided under section 43(b) or section 21(a) of this Act, including the number of personnel involved in performing such services;

(7) the total amount of funds in the reserve under section 24(c) at the end of the fiscal year immediately preceding the fiscal year in which a report under this section is made, together with an assessment of the adequacy of such total amount of funds as a reserve for the payment of claims under guaranties issued pursuant to section 24 in view of the current debt servicing capacity of borrowing countries, as reported to the Congress pursuant to section 634(a)(5) of the Foreign Assistance Act of 1961;

(8) a list of all countries with respect to which findings made by the President pursuant to section 3(a)(1) of this Act are in effect on the date of such transmission;

(9) the progress made under the program of the Republic of Korea to modernize its armed forces, the role of the United States in mutual security efforts in the Republic of Korea and the military balance between the People's Republic of Korea and the Republic of Korea;

(10) the amount and nature of Soviet military assistance to the armed forces of Cuba during the preceding fiscal year and the military capabilities of those armed forces;

(11) the status of each loan and each contract of guaranty or insurance theretofore made under the Foreign Assistance Act of 1961, predecessor Acts, or any Act authorizing international security assistance, with respect to which there remains outstanding any unpaid obligation or potential liability; the status of each extension of credit for the procurement of defense articles or defense services, and of each contract of guaranty in connection with any such procurement, theretofore made under the Arms Export Control Act with respect to which there remains outstanding any unpaid obligation or potential liability; and

(12) such other information as the President may deem necessary.

(b) Not later than thirty days following the receipt of a request made by the Committee on Foreign Relations of the Senate or the

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[72] Subsec. (d), which probably should read subsec. (e), was added to the end of sec. 25 by sec. 112(b) of the the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 198). It should probably end with a period instead of a semicolon.

Committee on Foreign Affairs of the House of Representatives for additional information with respect to any information submitted pursuant to subsection (a), the President shall submit such information to such committee.

(c) The President shall make every effort to submit all of the information required by subsection (a) or (b) wholly in unclassified form. Whenever the President submits any such information in classified form, he shall submit such classified information in an addendum and shall also submit simultaneously a detailed summary, in unclassified form, of such classified information.

(d) [70] The information required by subsection (a)(4) of this section shall be transmitted to the Congress no later than April 1 of each year.

(e) [72] For the purposes of subsection (a)(5)(B) of this section, the term "cash flow financing" means the dollar amount of the difference between the total estimated price of a Letter of Offer and Acceptance or other purchase agreement that has been approved for financing under this Act or under section 503(a)(3) of the Foreign Assistance Act of 1961 and the amount of the financing that has been approved therefor;

Sec. 26.[73] **Security Assistance**[74] **Surveys.**—(a) The Congress finds that surveys prepared by the United States for foreign countries have had a significant impact on subsequent military procurement decisions of those countries. It is the policy of the United States that the results of security assistance [74] surveys conducted by the United States clearly do not represent a commitment by the United States to provide any military equipment to any foreign country. Further, recommendations in such surveys should be consistent with the arms export control policy provided for in this Act.

(b) As part of the quarterly report required by section 36(a) of this Act, the President shall include a list of all security assistance surveys authorized during the preceding calendar quarter, specifying the country with respect to which the survey was or will be conducted, the purpose of the survey, and the number of United States Government personnel who participated or will participate in the survey.

(c) Upon a request of the chairman of the Committee on International Relations of the House of Representatives or the chairman of the Committee on Foreign Relations of the Senate, the President shall submit to that committee copies of [75] security assistance [74] surveys conducted by United States Government personnel.

(d) [76] As used in this section, the term "security assistance surveys" means any survey or study conducted in a foreign country by United States Government personnel for the purpose of assessing the needs of that country for security assistance, and includes defense requirement surveys, site surveys, general surveys or studies, and engineering assessment surveys.

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[73] 22 U.S.C. 2765. Sec. 26 was added by sec. 19 of the International Security Assistance Act of 1978 (Public Law 95–384; 92 Stat. 740).

[74] The term "security assistance" was substituted in lieu of "defense requirement" by secs. 114 a (1) and (2) of the International Security and Development Cooperation Act of 1985 (Public Law 99–83; 99 Stat. 198).

[75] Sec. 114(b) of Public Law 99–83; 99 Stat. 199, inserted the words "submit to that committee copies of", in lieu of "grant that committee access to".

[76] Sec. 114(a)(3) of Public Law 99–83; 99 Stat. 198 added subsec. (d).

Sec. 27.[77] **Authority of President to Enter into Cooperative Projects with Friendly Foreign Countries.**—(a) The President may enter into a cooperative project agreement with the North Atlantic Treaty Organization or with one or more member countries of that Organization.

(b) As used in this section—

(1) the term 'cooperative project' [77a] in the case of an agreement with the North Atlantic Treaty Organization or with one or more member countries of that Organization, means a jointly managed arrangement, described in a written agreement among the parties, which is undertaken in order to further the objectives of standardization, rationalization, and interoperability of the armed forces of North Atlantic Treaty Organization member countries forces and which provides—

(A) for one or more of the other participants to share with the United States the costs of research on and development, testing, evaluation, or joint production (including follow-on support) of certain defense articles;

(B) for concurrent production in the United States and in another member country of a defense article jointly developed in accordance with subparagraph (A); or

(C) for procurement by the United States of a defense article or defense service from another member country;

(2)[77b] the term 'cooperative project', in the case of an agreement entered into under subsection (j), means a jointly managed arrangement, described in a written agreement among the parties, which is undertaken in order to enhance the ongoing multinational effort of the participants to improve the conventional defense capabilities of the participants and which provides—

"(A) for one or more of the other participants to share with the United States the costs of research on and development, testing, evaluation, or joint production (including follow-on support) of certain defense articles;

(B) for concurrent production in the United States and in the country of another participant of a defense article jointly developed in accordance with subparagraph (A); or

(C) for procurement by the United States of a defense article or defense service from another participant to the agreement; and

(3)[77b] the term 'other participant' means a participant in a cooperative project other than the United States.

(c) Each agreement for a cooperative project shall provide that the United States and each of the other participants will contribute to the cooperative project its equitable share of the full cost of such cooperative project and will receive an equitable share of the results of such cooperative project. The full costs of such cooperative project shall include overhead and administrative costs. The United States and the other participants may contribute their equitable shares of the full cost of such cooperative project in funds or in defense articles or defense services needed for such cooperative project. Military assistance and financing received from the United States Government may not be used by any other participant to provide its share of the cost of such cooperative project. Such agreements shall provide that no requirement shall be imposed by a participant for worksharing or other industrial or commercial compensation in connection with such agreement that is not in accordance with such agreement.

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[77] 22 U.S.C. 2767. Sec. 27 was added by sec. 15 of the International Security Assistance Act of 1979 (Public Law 96-92; 93 Stat. 706). It was amended and restated by sec. 115 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 199), at which time it was titled "North Atlantic Treaty Organization Cooperative Projects." Its current heading was added by sec. 1103(a)(2) of Public Law 99-661, 100 Stat. 3816.

[77a] The words begining at this point with "in the case of" and ending with "Organization were added by sec. 1103(a)(1)(A)(i) of Public Law 99-661, 100 Stat. 3816.

[77b] Sec. 1103(a)(1)(A)(iv) of Public Law 99-661, 100 Stat. 3816., added para. (2) and redesignated the previous para. (2) as para. (3).

(d) The President may enter into contracts or incur other obligations for a cooperative project on behalf of the other participants, without charge to any appropriation or contract authorization, if each of the other participants in the cooperative project agrees (1) to pay its equitable share of the contract or other obligation, and (2) to make such funds available in such amounts and at such times as may be required by the contract or other obligation and to pay any damages and costs that may accrue from the performance of or cancellation of the contract or other obligation in advance of the time such payments, damages, or costs are due.

(e)(1) For those cooperative projects entered into on or after the effective date of the International Security and Development Cooperation Act of 1985, the President may reduce or waive the charge or charges which would otherwise be considered appropriate under section 21(e) of this Act in connection with sales under sections 21 and 22 of this Act when such sales are made as part of such cooperative project, if the other participants agree to reduce or waive corresponding charges.

(2) Notwithstanding provisions of section 21(e)(1)(A) and section 43(b) of this Act, administrative surcharges shall not be increased on other sales made under this Act in order to compensate for reductions or waivers of such surcharges under this section. Funds received pursuant to such other sales shall not be available to reimburse the costs incurred by the United States Government for which reduction or waiver is approved by the President under this section.

(f) Not less than 30 days before a cooperative project agreement is signed on behalf of the United States, the President shall transmit to the Speaker of the House of Representatives, the chairman of the Committee on Foreign Relations of the Senate, and the chairman of the Committee on Armed Services of the Senate, a numbered certification with respect to such proposed agreement, setting forth—

(1) a detailed description of the cooperative project with respect to which the certification is made;

(2) an estimate of the quantity of the defense articles expected to be produced in furtherance of such cooperative project;

(3) an estimate of the full cost of the cooperative project, with an estimate of the part of the full cost to be incurred by the United States Government, including an estimate of the

costs as a result of waivers of section 21(e)(1)(A) and 43(b) of this Act," [77c] for its participation in such cooperative project and an estimate of that part of the full costs to be incurred by the other participants;

(4) an estimate of the dollar value of the funds to be contributed by the United States and each of the other participants on behalf of such cooperative project;

(5) a description of the defense articles and defense services expected to be contributed by the United States and each of the other participants on behalf of such cooperative project;

(6) a statement of the foreign policy and national security benefits anticipated to be derived from such cooperative project; and

(7) to the extent known, whether it is likely that prime contracts will be awarded to particular prime contractors or that subcontracts will be awarded to particular subcontractors to comply with the proposed agreement.

(g)[77d] In the case of a cooperative project with a North Atlantic Treaty Organization country, section, 36(b) of this Act shall not apply to sales made under section 21 or 22 of this Act and to production and exports made pursuant to cooperative projects under this section, and section 36(c) of this Act shall not apply to the issuance of licenses or other approvals under section 38 of this Act, if such sales are made, such production and exports ensue, or such licenses or approvals are issued, as part of a cooperative project.

(h) The authority under this section is in addition to the authority under sections 21 and 22 of this Act and under any other provision of law.

(i)(1) With the approval of the Secretary of State and the Secretary of Defense, a cooperative agreement which was entered into by the United States before the effective date of the amendment to this section made by the International Security and Development Cooperation Act of 1985 and which meets the requirements of this section as so amended may be treated on and after such date as having been made under this section as so amended.

(2) Nothwithstanding the amendment made to this section made by the International Security and Development Cooperation Act of 1985, projects entered into under the authority of this section before the effective date of that amendment may be carried through to conclusion in accordance with the terms of this section as in effect immediately before the effective date of that amendment.

(j)(1)[77e] The President may enter into a cooperative project agreement with any friendly foreign country not a member of the North Atlantic Treaty Organization under the same general terms and conditions as the President is authorized to enter into such an agreement with one or more member countries of the North Atlantic Treaty Organization if the President determines that the cooperative project agreement with such country would be in the foreign policy or national security interests of the United States.

[77c] The words beginning with "includng" and ending with "Act" were added by sec. 1103(a)(1)(B) of Public Law 99-661, 100 Stat. 3816.

[77d] The words beginning with "In the case of" and ending with "section" were added by sec. 1103(a)(1)(c) of Public Law 99-661, 100 Stat. 3816.

[77e] Subsec. (j) was added by sec. 1103(a)(1)(D) of Public Law 99-661, 100 Stat. 3816.

(2) Not later than January 1 of each year, the President shall submit to the Committees on Armed Services and Foreign Relations of the Senate and to the Committees on Armed Services and Foreign Affairs of the House of Representatives a report specifying (A) the countries eligible for participation in such a cooperative project agreement under this subsection, and (B) the criteria used to determine the eligibility of such countries.

Sec. 28.[78] **Reports on Price and Availability Estimates.**—(a) The President shall transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, within fifteen days [79] after the end of each calendar quarter, a report listing each price and availability estimate provided by the United States Government during such quarter to a foreign country with respect to a possible sale under this Act of major defense equipment for $7,000,000 or more or of any other defense articles or defense services for $25,000,000 or more. Each such listing shall specify the name of the country to which the estimate was provided, the defense articles or services involved, the quantity involved, and the price estimate provided.

(b) Such reports shall also list each request received by the United States Government from a foreign country, during the quarter in question, for the issuance of a letter of offer to sell defense articles or defense services if (1) the proposed sale has not been the subject of a listing pursuant to subsection (a) of this section, and (2) the request involves a proposed sale of major defense equipment for $7,000,000 or more or of any other defense articles or defense services for $25,000,000 or more.[80] Each such listing shall include the name of the country making the request, the date of the request, the defense articles or services involved, the quantity involved, and the price and availability terms requested.

Chapter 2A—FOREIGN MILITARY CONSTRUCTION SALES [81]

Sec. 29.[82] **Foreign Military Construction Sales.**—The President may sell design and construction services to any eligible foreign country or international organization if such country or international organization agrees to pay in United States dollars not less than the full cost to the United States Government of furnishing such services. Payment shall be made to the United States Government in advance of the performance of such services by officers or employees of the United States Government. The President may, without requirement for charge to any appropriation or contract authorization otherwise provided, enter into contracts for the procurement of design and construction services for sale under this section if such country or international organization provides the United States Government with a dependable undertaking (1) to pay the full amount of such contract which will assure the United States Government against any loss on the contract, and (2) to make funds available in such amounts and at such time as may be required to meet the payments required by the contract and any damages and costs that may accrue from the cancellation of such contract, in advance of the time such payments, damages, or costs are due.

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[78] 22 U.S.C. 2768. Sec. 28 was added by sec. 16 of the International Security Assistance Act of 1979 (Public Law 96-92; 93 Stat. 708).

[79] The number of days was increased from 5 to 15 by sec. 101(b)(1) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1520).

[80] The text of phrase (2) was amended and restated by sec. 101(b)(2) of the International Security and Development Cooperation Act of 1981 (Public Law 97-1131; 95 Stat. 1520). It formerly read as follows: "(2) the issuance of a letter of offer in accordance with such request would be subject to the requirements of section 36(b) of this Act."

[81] Chapter 2A was added by sec. 105 of the International Security and Development Cooperation Act of 1980 (Public Law 96-533; 94 Stat. 3133).

[82] 22 U.S.C. 2769.

Chapter 2B—SALES TO UNITED STATES COMPANIES FOR INCORPORATION INTO END ITEMS

Sec. 30.[83] **General Authority.**—(a) Subject to the conditions specified in subsection (b) of this section, the President may, on a negotiated contract basis, under cash terms (1) sell defense articles at not less than their estimated replacement cost (or actual cost in the case of services), or (2) procure or manufacture and sell defense articles at not less than their contract or manufacturing cost to the United States Government, to any United States company for incorporation into end items (and for concurrent or follow-on support) to be sold by such a company on a direct commercial basis to a friendly foreign country or international organization pursuant to an export license or approval under section 38 of this Act. The President may also sell defense services in support of such sales of defense articles, subject to the requirements of this chapter: *Provided, however,* That such services may be performed only in the United States. The amount of reimbursement received from such sales shall be credited to the current applicable appropriation, fund, or account of the selling agency of the United States Government.

(b) Defense articles and defense services may be sold, procured and sold, or manufactured and sold, pursuant to subsection (a) of this section only if (1) the end item to which the articles apply is to be procured for the armed forces of a friendly country or international organization, (2) the articles would be supplied to the prime contractor as government-furnished equipment or materials if the end item were being procured for the use of the United States Armed Forces, and (3) the articles and services are available only from United States Government sources or are not available to the prime contractor directly from United States commercial sources at such times as may be required to meet the prime contractor's delivery schedule.

(c) For the purpose of this section, the terms "defense articles" and "defense services" mean defense articles and defense services as defined in sections 47(3) and 47(4) of this Act.

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[83] 22 U.S.C. 2770. Sec. 30 was added by sec. 1 of Public Law 97-392 (96 Stat. 1962).

Chapter 2C[83]—EXCHANGE OF TRAINING AND RELATED SUPPORT

Sec. 30A.[84] Exchange of Training and Related Support.—(a) Subject to subsection (b), the President may provide training and related support to military and civilian defense personnel of a friendly foreign country or an international organization. Such training and related support shall be provided by a Secretary of a military department and may include the provision of transportation, food services, health services, and logistics and the use of facilities and equipment.

(b) Training and related support may be provided under this section only pursuant to an agreement or other arrangements providing for the provision by the recipient foreign country or international organization, on a reciprocal basis, of comparable training and related support to military and civilian personnel under the jurisdiction of the Secretary of the military department providing the training and related support under this section. Such reciprocal training and related support must be provided within a reasonable period of time (which may not be more than one year) of the provision of training and related support by the United States. To the extent that a foreign country or international organization to which training and related support is provided under this section does not provide such comparable training and related support to the United States within a reasonable period of time, that country or international organization shall be required to reimburse the United States for the full costs of the training and related support provided by the United States.

(c) Training and related support under this section shall be provided under regulations prescribed by the President.

(d) Not later than February 1 of each year, the President shall submit to the Congress a report on the activities conducted pursuant to this section during the preceding fiscal year, including the estimated full costs of the training and related support provided by the United States to each country and international organization and the estimated value of the training and related support provided to the United States by that country or international organization.

Chapter 3—MILITARY EXPORT CONTROLS

Sec. 31.[85] Authorization and Aggregate Ceiling on Foreign Military Sales Credits.—(a) There are authorized to be appropriated to the President to carry out this Act $5,371,000,000 for fiscal year 1986 and $5,371,000,000 for the fiscal 1987.[86] Credits may not be ex-

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[84] 22 U.S.C. 2770a. Chapter 2C (sec. 30A) was added by sec. 116 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 202).

[85] 22 U.S.C. 2771.

[86] The authorization figures for years 1986 and 1987 were added by sec. 101(a) of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 193). Past figures authorized under Sec. 31(a) are as follows: fiscal year 1969—$269,000,000; fiscal year 1970—$250,000,000; fiscal year 1971—$250,000,000; fiscal year 1972—$400,000,000; fiscal year 1974—$325,000,000; fiscal year 1975—$1,039,000,000; fiscal year 1977—$740,000,000; fiscal year 1978—$682,000,000; fiscal year 1979—$674,300,000; fiscal year 1980—$673,500,000; fiscal year

Continued

tended under section 23 of this Act in an amount, and loans may not be guaranteed under section 24(a) of this Act in a principal amount, which exceeds any maximum amount which may be established with respect to such credits or such loan guarantees in legislation appropriating funds to carry out this Act.[87] Unobligated balances of funds made available pursuant to this section are hereby authorized to be continued available by appropriations legislation to carry out this Act.

(b)[88] (1) The total amount of credits extended under section 23 of this Act shall not exceed $5,371,000,000 for fiscal year 1986 and $5,371,000,000 for fiscal year 1987.

(2) Of the aggregate amount of financing provided under this section, not more than $553,900,000 for fiscal year 1986 and not more than $553,900,000 for fiscal year 1987 may be made available at concessional rates of interest. If a country is released from its contractual liability to repay the United States Government with respect to financing provided under this section, such financing shall not be considered to be financing provided at concessional rates of

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1981—$500,000,000; fiscal year 1982—$800,000,000; fiscal year 1983—$800,000,000; fiscal year 1984—$1,315,000,000; fiscal year 1985—no authorization.

Sec. 4(b) of the Special International Security Assistance Act of 1979 (Public Law 96-35; 93 Stat. 90) provided a supplemental authorization during fiscal year 1979 of $370,000,000 under this section for loans and guaranties for Egypt and Israel. The Supplemental Appropriations Act, 1979 (Public Law 96-38; 93 Stat. 103) appropriated the full $370,000,000 for these purposes. Sec. 4(c) of Public Law 96-35 further specified that the principal amount of loans guaranteed with these funds could not exceed $3,700,000,000 and that this sum would be in addition to the aggregate ceiling authorized for fiscal year 1979 by subsec. (b) of this section.

Foreign Assistance and Related Programs Appropriations Act, 1987 (sec. 101(f) of the Continuing Appropriations, 1987, Public Law 99-591, 100 Stat. 3341) provides the following:

FOREIGN MILITARY CREDIT SALES

For expenses necessary to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $4,040,441,284, of which not less than $1,800,000,000 shall be available only for Israel, not less than $1,300,000,000 shall be available only for Egypt, and not less than $312,500,000 shall be available only for Pakistan: *Provided*, That if the Government of Israel requests that funds be used for such purposes, up to $150,000,000 of the amount of credits made available for Israel pursuant to this paragraph shall be available for research and development in the United States for the Lavi program, and not less than $300,000,000 shall be for the procurement in Israel of defense articles and services, including research and development, for the Lavi program and other activities if requested by Israel: *Provided further*, That funds for the Lavi program shall be expended upon the Department of Defense's determination that the proposed contracts meet applicable technical standards: *Provided further*, That during fiscal year 1987, gross obligations for the principal amount of direct loans, exclusive of loan guarantee defaults, shall not exceed $4,040,441,284: *Provided further*, That any funds made available by this paragraph, other than funds made available for Israel and Egypt, may be made available at concessional rates of interest, notwithstanding section 31(b)(2) of the Arms Export Control Act: *Provided further*, That the concessional rate of interest on foreign military credit sales loans for countries other than Israel and Egypt shall be not less than 5 percent per year: *Provided further*, That all country and funding level changes in requested concessional financing allocations shall be submitted through the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds appropriated under this paragraph shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further*, That of the funds made available by this Act to carry out the provisions of section 503 of the Foreign Assistance Act of 1961 and section 23 of the Arms Export Control Act, a total of $490,000,000 shall be available only for Turkey and, of the funds made available by this paragraph, only $343,000,000 shall be available for Greece, notwithstanding sections 101 (e)(1) and (f) of Public Law 99-83.

[87] This sentence was added by sec. 104(d) of the International Security and Development Cooperation Act of 1980 (Public Law 96-533; 94 Stat. 3133).

[88] Sec. 101(b) of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 193), amended and restated secs. 31 (b) and (c) and added authorizations for fiscal year 1986 and fiscal year 1987. Authorizations enacted under previous years are as follows: Fiscal year 1981—$500,000,000; fiscal year 1982—$800,000,000; fiscal year 1983—$800,000,000; fiscal year 1984—$1,315,000; fiscal year 1985—no authorization.

Sec. 101 (c), (d), (e) and (f) of Public law 99-83 also included specific earmarks and conditions on the use of credits authorized under sec. 23 for Israel, Egypt, Greece and Turkey.

interest for purposes of the limitation established by this paragraph.

(c)[88] For fiscal year 1986 and fiscal year 1987, the principal amount of credits provided under section 23 at market rates of interest with respect to Greece, the Republic of Korea, the Philippines, Portugal, Spain, Thailand, and Turkey shall (if and to the extent each country so desires) be repaid in not more than twenty years, following a grace period of ten years on repayment of principal.

(d)[89] The aggregate acquisition cost to the United States of excess defense articles ordered by the President in any fiscal year after fiscal year 1976 for delivery to foreign countries or international organizations under the authority of chapter 2 of part II of the Foreign Assistance Act of 1961 or pursuant to sales under this Act may not exceed $250,000,000[90] (exclusive of ships and their onboard stores and supplies transferred in accordance with law).

Sec. 32.[91] **Prohibition Against Certain Military Export Financing by Export-Import Bank.**—Notwithstanding any other provision of law, no funds or borrowing authority available to the Export-Import Bank of the United States shall be used by such Bank to participate in any extension of credit in connection with any agreement to sell defense articles and defense services entered into with any economically less developed country after June 30, 1968.

Sec. 33.[92] **Restraint in Arms Sales to Sub-Saharan Africa.**—It is the sense of the Congress that the problems of Sub-Saharan Africa are primarily those of economic development and that United States policy should assist in limiting the development of costly military conflict in that region. Therefore, the President shall exercise restraint in selling defense articles and defense services, and in providing financing for sales of defense articles and defense services, to countries in Sub-Saharan Africa.

Sec. 34.[93] **Foreign Military Sales Credit Standards.**—The President shall establish standards and criteria for credit and guaranty transactions under sections 23 and 24 in accordance with the foreign, national security, and financial policies of the United States.

Sec. 35.[94] **Foreign Military Sales to Less Developed Countries.**—(a) When the President finds that any economically less developed country is diverting development assistance furnished pursuant to the Foreign Assistance Act of 1961, as amended, or sales under the

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[89] Subsec. (d) was added by sec. 210(c)(1) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329; 90 Stat. 740).

[90] This figure was increased from $150,000,000 by sec. 17(a)(4) of the International Security Assistance Act of 1979 (Public Law 96-92; 93 Stat. 709). Prior to fiscal year 1979, the figure had been $100,000,000.

[91] 22 U.S.C. 2772.

[92] 22 U.S.C. 2773. Sec. 3 was amended and restated by sec. 18 of the International Security Assistance Act of 1979 (Public Law 96-92; 93 Stat. 709). It formerly read as follows:

"Sec. 33. Regional Ceiling on Foreign Military Sales.—(a) The aggregate of the total amount of military assistance pursuant to the Foreign Assistance Act of 1961, as amended, of credits, or participations in credits, financed pursuant to section 23, of the principal amount of loans guaranteed pursuant to section 24(a), shall, excluding training, not exceed $40,000,000 in each fiscal year for African countries.

"(b) The President may waive the limitations of this section when he determines it to be important to the security of the United States and promptly so reports to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate."

[93] 22 U.S.C. 2774.

[94] 22 U.S.C. 2775.

Agricultural Trade Development and Assistance Act of 1954, as amended, to military expenditures, or is diverting its own resources to unnecessary military expenditures, to a degree which materially interferes with its development, such country shall be immediately ineligible for further sales and guarantees under sections 21, 22, 23, and 24, until the President is assured that such diversion will no longer take place.

(b)[95] * * * [Repealed—1974]

Sec. 36.[96] Reports on Commercial and Governmental Military Exports; Congressional Action.—(a) The President shall transmit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate not more than sixty days[97] after the end of each quarter an unclassified report (except that any material which was transmitted in classified form under subsection (b)(1) or (c)(1) of this section may be contained in a classified addendum to such report, and any letter of offer referred to in paragraph (1) of this subsection may be listed in such addendum unless such letter of offer has been the subject of an unclassified certification pursuant to subsection (b)(1) of this section) containing—

(1) a listing of all letters of offer to sell any major defense equipment for $1,000,000 or more under this Act to each for-

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[95] Subsec. (b) was repealed by sec. 45(a)(5) of the FA Act of 1974.

[96] 22 U.S.C. 2776. Sec. 211(a) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329; 90 Stat. 740) amended sec. 36 which formerly read as follows:

"Sec. 36. Reports on Commercial and Governmental Military Exports.—

"(a) The President shall submit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate quarterly reports containing—

"(1) a listing of all letters of offer to sell any defense articles or services under this Act, if such offer has not been accepted or canceled;

"(2) a cumulative listing of all such letters of offer to sell that have been accepted during the fiscal year in which such report is submitted;

"(3) the cumulative dollar amounts, by foreign country and international organization, of credit sales under section 23 and guaranty agreements under section 24 made before the submission of such quarterly report and during the fiscal year in which such report is submitted; and

"(4) projections of the cumulative dollar amounts, by foreign country and international organization, of credit sales under section 23 and guaranty agreements under section 24 to be made in the quarter of the fiscal year immediately following the quarter for which such report is submitted.

"For each letter of offer to sell under paras. (1) and (2), the report shall specify (A) the foreign country or international organization to which the defense article or service is offered, (B) the dollar amount of the offer to sell under para. (1) or of the completed sale under para (2), (C) a brief description of the defense article or service offered, (D) the United States armed force which is making the offer to sell, (E) the date of such offer, and (F) the date of any acceptance under paragraph (2).

"(b) In the case of any letter of offer to sell any defense articles or services under this Act for $25,000,000 or more, before issuing such letter of offer the President shall submit to the Speaker of the House of Representatives and to the Chairman of the Committee on Foreign Relations of the Senate a statement with respect to such offer to sell containing the information specified in subparagaphs (A) through (E) in subsection (a). The letter of offer shall not be issued if the Congress, within twenty calendar days after receiving any such statement, adopts a concurrent resolution stating in effect that it objects to such proposed sale, unless the President in his statement certifies that an emergency exists which requires such sale in the national security interests of the United States.

"(c) Nothing in this section shall be construed as modifying in any way the provisions of section 414 of the Mutual Security Act of 1954, as amended, relating to munitions control."

Sec. 211(b) of the same Act further stated: "The amendment made by subsection (a) of this section shall apply with respect to letters of offer for which a certification is transmitted pursuant to section 36(b) of the Arms Export Control Act on or after the date of enactment of this Act and to export licenses for which an application is filed under section 38 of such Act on or after such date."

[97] The number of days was increased from 30 to 60 by sec. 19(a)(1) of the International Security Assistance Act of 1979 (Public Law 96-92; 93 Stat. 709).

eign country and international organization, by category, if such letters of offer have not been accepted or cancelled;

(2) a listing of all such letters of offer that have been accepted during the fiscal year in which such report is submitted, together with the total value of all defense articles and defense services sold to each foreign country and international organization during such fiscal year;

(3) the cumulative dollar amounts, by foreign country and international organization, of sales credit agreements under section 23 and guaranty agreements under section 24 made during the fiscal year in which such report is submitted;

(4) a numbered listing of all licenses and approvals for the export to each foreign country and international organization during such fiscal year of commercially sold major defense equipment, by category, sold for $1,000,000 or more, together with the total value of all defense articles and defense services so licensed for each foreign country and international organization, setting forth, with respect to the listed major defense equipment—

(A) the items to be exported under the license,

(B) the quantity and contract price of each such item to be furnished, and

(C) the name and address of the ultimate user of each such item;

(5) [98] projections of the dollar amounts, by foreign country and international organization, of sales expected to be made under sections 21 and 22, in the quarter of the fiscal year immediately following the quarter for which such report is submitted;

(6) [98] a projection with respect to all sales expected to be made to each country and organization for the remainder of the fiscal year in which such report is transmitted;

(7) [99] an estimate of—

(A) the number of United States military personnel, the number of United States Government civilian personnel, and the United States civilian contract personnel, who were in each foreign country at the end of that quarter, and

"(B) the number of members of each such category of personnel who were in each foreign country at any time during that quarter,

in implementation of sales and commercial exports under this Act or of assistance under chapter 2, 5, 6, or 8 of part II of the Foreign Assistance Act of 1961, including both personnel assigned to the country and personnel temporarily in the country by detail or otherwise;

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[98] See 1209(c) of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 279), deleted references in paras. (5) and (6) to "cash sales, and credits, and guaranty agreements."

[99] Para. (7) was amended and restated by sec. 1209(c) of Public Law 99-83; 99 Stat. 279.

(8) [100] a description of each payment, contribution, gift, commission, or fee reported to the Secretary of State under section 39, including (A) the name of the person who made such payment, contribution, gift, commission, or fee; (B) the name of any sales agent or other person to whom such payment, contribution, gift, commission, or fee was paid; (C) the date and amount of such payment, contribution, gift, commission, or fee; (D) a description of the sale in connection with which such payment, contribution, gift, commission, or fee was paid; and (E) the identification of any business information considered confidential by the person submitting it which is included in the report; and

(9) [101] a listing of each sale under section 29 during the quarter for which such report is made, specifying (A) the purchaser, (B) the United States Government department or agency responsible for implementing the sale, (C) an estimate of the dollar amount of the sale, and (D) a general description of the real property facilities to be constructed pursuant to such sale.

(10) [102] * * * [Repealed—1981]

For each letter of offer to sell under paragraphs (1) and (2), the report shall specify (i) the foreign country or international organization to which the defense article or service is offered or was sold, as the case may be: (ii) the dollar amount of the offer to sell or the sale and the number of defense articles offered or sold, as the case may be; (iii) a description of the defense article or service offered or sold, as the case may be; and (iv) the United States Armed Forces or other agency of the United States which is making the offer to sell or the sale, as the case may be.

(b)(1) In the case of any letter of offer to sell any defense articles or services under this Act for $50,000,000 or more,[103] any design and construction services for $200,000,000 or more,[104] or any major defense equipment for $14,000,000 or more,[105] before such letter of offer is issued, the President shall submit to the Speaker of the House of Representatives and to the chairman of the Committee on

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[100] Sec. 604(a) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329; 90 Stat. 766) redesignated para. (8) as para. (9) and inserted a new para. (8) immediately after para. (7). Sec. 604(c) of the same Act stated that para. (8) would "take effect sixty days after the date of enactment of this Act." (i.e. Aug. 29, 1976).

Para. (9), as redesignated by this amendment, was struck out by Sec. 19(a)(4) of the International Security Assistance Act of 1979 (Public Law 96-92; 93 Stat. 709). It formerly read as follows:

"(9) an analysis and description of the services being performed by officers and employees of the United States Government under section 21(a) of this Act, including the number of personnel so employed."

[101] Para. (9) was added by sec. 105(c) of the International Security and Development Cooperation Act of 1980 (Public Law 96-533; 94 Stat. 3134).

[102] Para. (10), as added by sec. 109(f) of Public Law 96-533, was repealed by sec. 109(d)(2) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1526). Par. (10) had required information concerning leases of property valued at over $1,000,000 to a foreign government. Leases of defense articles are now covered under ch. 6 of this Act (page 240).

[103] This figure was increased from $25,000,000 to $50,000,000 by sec. 101 of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1520).

[104] The words "any design and construction services for $200,000,000 or more," were added by sec. 105(d)(1) of the International Security and Development Cooperation Act of 1980 (Public Law 96-533; 94 Stat. 3134).

[105] This figure was increased from $7,000,000 to $14,000,000 by sec. 101 of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1520).

Foreign Relations of the Senate a numbered certification with respect to such offer to sell containing the information specified in clauses (i) through (iv) of subsection (a), or (in the case of a sale of design and construction services) the information specified in clauses (A) through (D) of paragraph (9) of subsection (a),[106] and a description, containing the information specified in paragraph (8) of subsection (a), of any contribution, gift, commission, or fee paid or offered or agreed to be paid in order to solicit, promote, or otherwise to secure such letter of offer. Such numbered certifications shall also contain an item, classified if necessary, identifying the sensitivity of technology contained in the defense articles, defense services, or design and construction services[107] proposed to be sold,[108] and a detailed justification of the reasons necessitating the sale of such articles or services in view of the sensitivity of such technology.[109] In addition, the President shall, upon the request of such committee or the Committee on International Relations of the House of Representatives, transmit promptly to both such committees a statement setting forth, to the extent specified in such request—

(A) a detailed description of the defense articles, defense services, or design and construction services[102] to be offered, including a brief description of the capabilities of any defense article to be offered;

(B) an estimate of the number of officers and employees of the United States Government and of United States civilian contract personnel expected to be needed in such country to carry out the proposed sale;

(C) the name of each contractor expected to provide the defense article, defense service, or design and construction services[110] proposed to be sold (if known on the date of transmittal of such statement);

(D)[111] an evaluation, prepared by the Director of the Arms Control and Disarmament Agency in consultation with the Secretary of State and the Secretary of Defense, of the manner, if any, in which the proposed sale would—

(i) contribute to an arms race;

(ii) increase the possibility of an outbreak or escalation of conflict;

(iii) prejudice the negotiation of any arms controls; or

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[106] The words to this point beginning with ", or (in the case of * * *" were added by sec. 105(d)(2)(A) of the International Security and Development Cooperation Act of 1980 (Public Law 96-533; 94 Stat. 3134).

[107] The reference to design and construction services was added by sec. 105(d) of the International Security and Development Cooperation Act of 1980 (Public Law 96-533; 94 Stat. 3134).

[108] This sentence was added by sec. 20(b) of the International Security Assistance Act of 1979 (Public Law 96-92; 93 Stat. 710).

[109] The words to this point beginning with "and a detailed justification" were added by sec. 1180) of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 995 Stat. 203).

[110] The reference to design and construction service was added by sec. 105(d)(2)(C)(ii) of the International Security and Development Cooperation Act of 1980 (Public Law 96-533; 94 Stat. 3134).

[111] Subpar. (D) was amended and restated by sec. 21(1) of the International Security Assistance Act of 1978 (Public Law 95-384; 92 Stat. 741). It formerly read as follows: "(D) an analysis of the arms control impact pertinent to such offer to sell, prepared in consultation with the Secretary of Defense;".

(iv) adversely affect the arms control policy of the United States;

(E) the reasons why the foreign country or international organization to which the sale is proposed to be made needs the defense articles, defense services, or design and construction services[102] which are the subject of such sale and a description of how such country or organization intends to use such defense articles, defense services, or design and construction services;[102]

(F) an analysis by the President of the impact of the proposed sale on the military stocks and the military preparedness of the United States;

(G) the reasons why the proposed sale is in the national interest of the United States;

(H) an analysis by the President of the impact of the proposed sale on the military capabilities of the foreign country or international organization to which such sale would be made;

(I) an analysis by the President of how the proposed sale would affect the relative military strengths of countries in the region to which the defense articles, defense services, or design and construction services[102] which are the subject of such sale would be delivered and whether other countries in the region have comparable kinds and amounts of defense articles, defense services, or design and construction services;[102]

(J) an estimate of the levels of trained personnel and maintenance facilities of the foreign country or international organization to which the sale would be made which are needed and available to utilize effectively the defense articles, defense services, or design and construction services[102] proposed to be sold;

(K) an analysis of the extent to which comparable kinds and amounts of defense articles, defense services, or design and construction services[102] are available from other countries;

(L) an analysis of the impact of the proposed sale on United States relations with the countries in the region to which the defense articles, defense services, or design and construction services[102] which are the subject of such sale would be delivered;

(M) a detailed description of any agreement proposed to be entered into by the United States for the purchase or acquisition by the United States of defense articles, defense services, design and construction services[102] or defense equipment, or other articles, services, or equipment of the foreign country or international organization in connection with, or as consideration for, such letter of offer, including an analysis of the impact of such proposed agreement upon United States business concerns which might otherwise have provided such articles, services, or equipment to the United States, an estimate of the costs to be incurred by the United States in connection with such agreement compared with costs which would otherwise have been incurred, an estimate of the economic impact and unemployment which would result from entering into such proposed agreement, and an analysis of whether such costs and such domestic economic impact justify entering into such proposed agreement;

(N)[112] the projected delivery dates of the defense articles, defense services, or design and construction services[113] to be offered;

(O)[112] a detailed description of weapons and levels of munitions that may be required as support for the proposed sale; and

(P)[112] an analysis of the relationship of the proposed sale to projected procurements of the same item.

A certification transmitted pursuant to this subsection shall be unclassified, except that the information specified in clause (ii) and the details of the description specified in clause (iii) of subsection (a) may be classified if the public disclosure thereof would be clearly detrimental to the security of the United States. The letter of offer shall not be issued, with respect to a proposed sale to the North Atlantic Treaty Organization, any member country of such Organization, Japan, Australia, or New Zealand, if the Congress, within fifteen calendar days after receiving such certification, or with respect to a proposed sale to any other country or organization, if the Congress within thirty calendar days[113a] after receiving such certification,[114] enacts a joint[114a] resolution prohibiting the proposed sale, unless the President states in his certification that an emergency exists which requires such sale in the national security interests of the United States. If the President states in his certification that an emergency exists which requires the proposed sale in the national security interest of the United States, thus waiving the congressional review requirements of this subsection, he shall set forth in the certification a detailed justification for his determination, including a description of the emergency circumstances which necessitate the immediate issuance of the letter of offer and a discussion of the national security interests involved.[115]

(2) Any such joint[114a] resolution shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976, except that for purposes of consideration of any joint[114a] resolution with respect to the North Atlantic Treaty Organization, any member country of such Organization, Japan, Australia, or New Zealand, it shall be in order in the Senate to move to discharge a committee to which such joint[114a] resolution was referred if such committee has not reported such joint[114a] resolution at the end of five calendar days after its introduction.[116]

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[112] Subpars. (N), (O) and (P) were added by sec. 21(4) of the International Security Assistance Act of 1978 (Public Law 95–384; 92 Stat. 741).

[113] The reference to defense services or design and construction services was added by sec. 105(d)(2)(C)(ix) of the International Security and Development Cooperation Act of 1980 (Public Law 96–533; 94 Stat. 3135).

[113a] With regard to the sale to Jordan of advanced weapons systems, see Public Law 99–162, 99 Stat. 937.

[114] The words in this sentence to this point beginning with "with respect to a proposed sale * * *" were inserted in lieu of the words "if the Congress, within thirty calendar days after receiving such certification," by sec. 102(b)(1) of the International Security and Development Cooperation Act of 1981 (Public Law 97–113; 95 Stat. 1520).

[114a] Reference to a "joint" resolution instead of a "concurrent" resolution were added by Public Law 99–247, 100 Stat. 9.

[115] This sentence was added by sec. 19(c) of the International Security Assistance Act of 1979 (Public Law 96–92; 93 Stat. 709).

[116] The words to this point beginning with ", except that for purposes of * * *" were added by sec. 102(b)(2) of the International Security and Development Cooperation Act of 1981 (Public Law 97–113; 95 Stat. 1520).

(3) For the purpose of expediting the consideration and enactment of joint resolutions under this subsection, a motion to proceed to the consideration of any such joint[114a] resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

(4)[117] In addition to the other information required to be contained in a certification submitted to the Congress under this subsection, each such certification shall cite any quarterly report submitted pursuant to section 28 of this Act which listed a price and availability estimate, or a request for the issuance of a letter of offer, which was a basis for the proposed sale which is the subject of such certification.

(5)[118] (A) If, before the delivery of any major defense article or major defense equipment, or the furnishing of any defense service or design and construction service, sold pursuant to a letter of offer described in paragraph (1), the sensitivity of technology or the capability of the article, equipment, or service is enhanced or upgraded from the level of sensitivity or capability described in the numbered certification with respect to an offer to sell such article, equipment, or service, then, at least 45 days before the delivery of such article or equipment or the furnishing of such service, the President shall prepare and transmit to the chairman of the Committee on Foreign Affairs of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report—

(i) describing the manner in which the technology or capability has been enhanced or upgraded and describing the significance of such enhancement or upgrade; and

(ii) setting forth a detailed justification for such enhancement or upgrade.

(B) The provisions of subparagraph (A) apply to an article or equipment delivered, or a service furnished, within ten years after the transmittal to the Congress of a numbered certification with respect to the sale of such article, equipment, or service.

(C) If the enhancement or upgrade in the sensitivity of technology or the capability of major defense equipment, defense articles, defense services, or design and construction services described in a numbered certification submitted under this subsection costs $14,000,000 or more in the case of any major defense equipment, $50,000,000 or more in the case of defense articles or defense services, or $200,000,000 or more in the case of design or construction services, then the President shall submit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a new numbered certification which relates to such enhancement or upgrade and which shall be considered for purposes of this subsection as if it were a separate letter of offer to sell defense equipment, articles, or services, subject to all of the requirements, restrictions, and conditions set forth in this subsection. For purposes of this subparagraph, references in this subsection to sales shall be deemed to be references to enhancements or upgrades in the sensitivity of technology or the capability of major defense equipment, articles, or services, as the case may be.

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[117] Par. (4) was added by sec. 16(b) of the International Security Assistance Act of 1979 (Public Law 96-92; 93 Stat. 708).

[118] Sec. 118(2) of the International Security and Development Cooperation Act of 1983 (Public Law 99-83; 99 Stat. 203). Added para. 5.

(D) For the purposes of subparagraph (A), the term "major defense article" shall be construed to include electronic devices, which if upgraded, would enhance the mission capability of a weapons system.

(c)(1)[103] In the case of an application by a person (other than with regard to a sale under section 21 or section 22 of this Act) for a license for the export of any major defense equipment sold under a contract in the amount of $14,000,000[105] or more or of defense articles or defense services sold under a contract in the amount of $50,000,000[103] or more,[119] before issuing such license the President shall transmit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate an unclassified numbered certification with respect to such application specifying (A) the foreign country or international organization to which such export will be made, (B) the dollar amount of the items to be exported, and (C) a description of the items to be exported. In addition, the President shall, upon the request of such committee or the Committee on International Relations of the House of Representatives, transmit promptly to both such committees a statement setting forth, to the extent specified in such request a description of the capabilities of the items to be exported, an estimate of the total number of United States personnel expected to be needed in the foreign country concerned in connection with the items to be exported and an analysis of the arms control impact pertinent to such application, prepared in consultation with the Secretary of Defense. A certification transmitted pursuant to this subsection shall be unclassified, except that the information specified in clause (B) and the details of the description specified in clause (C) may be classified if the public disclosure thereof would be clearly detrimental to the security of the United States.

(2)[117] Unless the President states in his certification that an emergency exists which requires the proposed export in the national security interests of the United States, a license for export described in paragraph (1)—

(A) shall not be issued until at least 30 calendar days after the Congress receives such certification; and

(B) shall not be issued then if the Congress, within such 30-day period, enacts a joint[114a] resolution prohibiting the proposed export, except that this subparagraph does not apply with respect to a license issued for an export to the North Atlantic Treaty Organization, any member country of that Organization, Japan, Australia, or New Zealand.

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[119] The words "not less than 30 days" which formerly appeared at this point, were struck out by sec. 107(b)(1) of the International Security and Development Cooperation Act of 1980 (Public Law 96–533; 94 Stat. 3136). This 30-day prior notification requirement is now included in par. (2) of subsec. (c).

If the President states in his certification that an emergency exists which requires the proposed export in the national security interests of the United States, thus waiving the requirements of subparagraphs (A) and (B) of this paragraph, he shall set forth in the certification a detailed justification for his determination, including a description of the emergency circumstances which necessitate the immediate issuance of the export license and a discussion of the national security interests involved.

(3)[120] (A) Any joint[114a] resolution under this subsection shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(B) For the purpose of expediting the consideration and enactment of joint[114a] resolutions under this subsection, a motion to proceed to the consideration of any such joint[114a] resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

(d) In the case of an approval under section 38 of this Act of a United States commercial technical assistance or manufacturing licensing agreement for or in a country not a member of the North Atlantic Treaty Organization which involves the manufacture abroad of any item of significant combat equipment on the United States Munitions List, before such approval is given, the President shall submit a certification with respect to such proposed commercial agreement in a manner similar to the certification required under subsection (c)(1) containing comparable information, except that the last sentence of such subsection shall not apply to certifications submitted pursuant to this subsection.

Sec. 37.[121] Fiscal Provisions Relating to Foreign Military Sales Credits.—(a) Cash payments received under sections 21, 22, and 29[122] and advances received under section 23 shall be available solely for payments to suppliers (including the military departments) and refunds to purchasers and shall not be available for financing credits and guaranties.

(b) Amounts received from foreign governments and international organizations as repayments for credits extended pursuant to section 23, amounts received from the disposition of instruments evidencing indebtedness under section 24(b) (excluding such portion of the sales proceeds as may be required at the time of disposition to be obligated as a reserve for payment of claims under guaranties issued pursuant to section 24(b), which sums are made available for such obligations),[123] and other collections (including fees and interest) shall be transferred to the miscellaneous receipts of the Treasury.

(c)[124] Notwithstanding the provisions of subsection (b), to the extent that any of the funds constituting the reserve under section

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[120] Sec. 107(b) of the International Security and Development Cooperation Act of 1980 (Public Law 96-533; 94 Stat. 3136) added the paragraph designation "(1)", made several technical changes to par. (1), and added new pars. (2) and (3).

[121] 22 U.S.C. 2777.

[122] The references to sec. 29 was added by sec. 105(e)(1) of the International Security and Development Cooperation Act of 1980 (Public Law 96–533; 94 Stat. 3135).

[123] The words to this point beginning with "under section 24(b) (excluding" were added by sec. 25(11) of the FA Act of 1973.

[124] Subsec. (c) was added by sec. 104(b) of the International Security and Development Cooperation Act of 1980 (Public Law 96–533; 94 Stat. 3133).

24(c) are paid out for a claim arising out of a loan guaranteed under section 24, amounts received from a foreign government or international organization after the date of such payment, with respect to such claim, shall be credited to such reserve, shall be merged with the funds in such reserve, and shall be available for any purpose for which funds in such reserve are available.

Sec. 38.[125] Control of Arms Exports and Imports.—(a)(1) In furtherance of world peace and the security and foreign policy of the United States, the President is authorized to control the import and the export of defense articles and defense services and to provide foreign policy guidance to persons of the United States involved in the export and import of such articles and services. The President is authorized to designate those items which shall be considered as defense articles and defense services for the purposes of this section and to promulgate regulations for the import and export of such articles and services. The items so designated shall constitute the United States Munitions List.

(2) Decisions on issuing export licenses under this section shall be made in coordination with the director of the United States Arms Control and Disarmament Agency and shall take into account the Director's opinion as to whether the export of an article will contribute to an arms race, increase the possibility of outbreak or escalation of conflict, or prejudice the development of bilateral or multilateral arms control arrangements.

(3)[126] In exercising the authorities conferred by this section, the President may require that any defense article or defense service be sold under this Act as a condition of its eligibility for export, and may require that persons engaged in the negotiation for the export of defense articles and services keep the President fully and currently informed of the progress and future prospects of such negotiations.

(b)(1) As prescribed in regulations issued under this section, every person (other than an officer or employee of the United States Government acting in an official capacity) who engages in the business of manufacturing, exporting, or importing any defense articles or defense services designated by the President under subsection (a)(1) shall register with the United States Government agency charged with the administration of this section, and shall pay a registration fee which shall be prescribed by such regulations. Such regulations shall prohibit the return to the United States for sale in the United States (other than for the Armed Forces of the United States and its allies or for any State for local law enforcement agency) of any military firearms or ammunition of United States manufacture furnished to foreign governments by the United States under this Act or any other foreign assistance or sales program of the United States, whether or not enhanced in value or improved in condition in a foreign country. This prohibition shall not extend to similar firearms that have been so substantially transformed as to become, in effect, articles of foreign manufacture.

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[125] 22 U.S.C. 2778. Sec. 38 was added by sec. 212(a)(1) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329; 90 Stat. 744). Sec. 212(b) of the same Act repealed sec. 414 of the Mutual Security Act of 1954 and stated that any reference to sec. 414 would be considered as a reference to sec. 38 of the Arms Export Control Act.

Section 101(f) of the continuing appropriations Act, 1987, Public Law 99-591, 100 Stat. 3341 provides:

Sec. 537. None of the funds available in this Act may be used to make available to El Salvador any helicopters or other aircraft, and licenses may not be issued under section 38 of the Arms Export Control Act for the export to El Salvador of any such aircraft, unless the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate are notified at least fifteen days in advance in accordance with the procedures applicable to notifications.

[126] Par. (3) was added by sec. 107(c) of the International Security and Development Cooperation Act of 1980 (Public Law 96–533; 94 Stat. 3136).

(2) Except as otherwise specifically provided in regulations issued under subsection (a)(1), no defense articles or defense services designated by the President under subsection (a)(1) may be exported or imported without a license for such export or import, issued in accordance with this Act and regulations issued under this Act, except that no license shall be required for exports or imports made by or for an agency of the United States Government (A) for official use by a department or agency of the United States Government, or (B) for carrying out any foreign assistance or sales program authorized by law and subject to the control of the President by other means.

(3)[127] * * * [Repealed—1981]

(c) Any person who willfully violates any provision of this section or section 39, or any rule or regulation issued under either section, or who willfully, in a registration or license application or required report, makes any untrue statement of a material fact or omits to state a material fact required to be stated therein or necessary to make the statements therein not misleading, shall upon conviction be fined for each violation not more than $1,000,000,[128] or imprisoned not more than ten years, or both.

(d)[129] * * * [Repealed—1979]

(e) In carrying out functions under this section with respect to the export of defense articles and defense services, the President is authorized to exercise the same powers concerning violations and enforcement which are conferred upon departments, agencies and officials by subsections (c), (d), (e), and (g) of section 11 of the Export Administration Act of 1979, and by subsections (a) and (c) of section 12 of such Act,[130] subject to the same terms and conditions as are applicable to such powers under such Act. Nothing in this subsection shall be construed as authorizing the withholding of information from the Congress.[131] Notwithstanding section 11(c) of the Export Administration Act of 1979, the civil penalty for each violation involving controls imposed on the export of defense articles and defense services under this section may not exceed $500,000.

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[127] Par. (3), as amended by sec. 21 of Public Law 96-92 (93 Stat. 710) and sec. 107(a) of Public Law 96-533 (94 Stat. 3136), was repealed by sec. 106 of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1522). Par. (3) had stipulated that no license could be issued under this Act for the export of any major defense equipment sold under contract in the amount of $100,000,000 or more (exceptions were provided for NATO members, Australia, Japan, New Zealand, countries participating in co-production arrangements).

[128] Sec. 119(a) of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 203) raised the amount of the fine to $1,000,000 and added the limitation "for each violation". Previously the fine was "not more than $100,000". It further raised the period of imprisonment from two to ten years.

[129] Subsec. (d), which specified that sec. 38 would apply to and within the Canal Zone, was repealed by sec. 3303(a)(4) of the Panama Canal Act of 1979 (Public Law 96-70; 93 Stat. 499).

[130] These references to various sections of the Export Administration Act of 1979 were substituted in lieu of a series of references to secs. 6 and 7 of the Export Administration Act of 1969 (an Act which expired on Sept. 30, 1979) by sec. 22(a) of Public Law 96-72 (93 Stat. 535).

[131] The words from this point and ending with "may not exceed $500,000" were added by sec. 119(b) of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 204).

(f)[132] The President shall periodically review the items on the United States Munitions List to determine what items, if any, no longer warrant export controls under this section. The results of such reviews shall be reported to the Speaker of the House of Representatives and to the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate. Such a report shall be submitted at least 30 days before any item is removed from the Munitions List and shall describe the nature of any controls to be imposed on that item under the Export Administration Act of 1979.[133]

Sec. 39.[134] Fees of Military Sales Agents and Other Payments.—(a) In accordance with such regulations as he may prescribe, the Secretary of State shall require adequate and timely reporting on political contributions, gifts, commissions and fees paid, or offered or agreed to be paid, by any person in connection with—

(1) sales of defense articles or defense services under section 22, or of design and construction services under section 29[135] of this Act; or

(2) commercial sales of defense articles or defense services licensed or approved under section 38 of this Act;

to or for the armed forces of a foreign country or international organization in order to solicit, promote, or otherwise to secure the conclusion of such sales. Such regulations shall specify the amounts and the kinds of payments, offers, and agreements to be reported, and the form and timing of reports, and shall require reports on the names of sales agents and other persons receiving such payments. The Secretary of State shall by regulation require such recordkeeping as he determines is necessary.

(b) The President may, by regulation, prohibit, limit, or prescribe conditions with respect to such contributions, gifts, commissions, and fees as he determines will be in furtherance of the purposes of this Act.

(c) No such contribution, gift, commission, or fee may be included, in whole or in part, in the amount paid under any procurement contract entered into under section 22 or section 29[136] of this Act, unless the amount thereof is reasonable, allocable to such contract, and not made to a person who has solicited, promoted, or otherwise secured such sale, or has held himself out as being able to do so, through improper influence. For the purposes of this section, "improper influence" means influence, direct or indirect, which induces or attempts to induce consideration or action by any employee or officer of a purchasing foreign government or international organization with respect to such purchase on any basis other than such consideration of merit as are involved in comparable United States procurements.

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[132] Subsec. (f) was added by sec. 107 of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1522).

[133] For text of this act, see vol. II, sec. G.2.

[134] 22 U.S.C. 2779. Sec. 39 was added by sec. 604(b) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329; 90 Stat. 767) Sec. 604(c) of the same Act stated that this amendment "shall take effect sixty days after the date of enactment of this Act" (i.e. Aug. 29, 1976).

[135] The reference to design and construction services under sec. 29 was added by sec. 105(e)(2)(A) of the International Security and Development Cooperation Act of 1980 (Public Law 96-533; 94 Stat. 3135).

[136] The reference to sec. 29 was added by sec. 105(e)(2)(B) of the International Security and Development Cooperation Act of 1980 (Public Law 96-533; 94 Stat. 3155).

(d)(1) All information reported to the Secretary of State and all records maintained by any person pursuant to regulations prescribed under this section shall be available, upon request, to any standing committee of the Congress or any subcommittee thereof and to any agency of the United States Government authorized by law to have access to the books and records of the person required to submit reports or to maintain records under this section.

(2) Access by an agency of the United States Government to records maintained under this section shall be on the same terms and conditions which govern the access by such agency to the books and records of the person concerned.

SEC. 40.[136a] EXPORTS TO COUNTRIES SUPPORTING ACTS OF INTERNATIONAL TERRORISM.

(a) PROHIBITION.—Except as provided in subsection (b), items on the United States Munitions List may not be exported to any country which the Secretary of State has determined, for purposes of section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)), has repeatedly provided support for acts of international terrorism.

"(b) WAIVER.—The President may waive the prohibition contained in subsection (a) in the case of a particular export if the President determines that the export is important to the national interests of the United States and submits to the Congress a report justifying that determination and describing the proposed export. Any such waiver shall expire at the end of 90 days after it is granted unless the Congress enacts a law extending the waiver.

Chapter 4—GENERAL, ADMINISTRATIVE, AND MISCELLANEOUS PROVISIONS

Sec. 41. Effective Date.—This Act shall take effect on July 1, 1968.

Sec. 42.[137] General Provisions.—(a) In carrying out this Act, special emphasis shall be placed on procurement in the United States, but, subject to the provisions of subsection (b) of this section, consideration shall also be given[138] to coproduction or licensed production outside the United States of defense articles of United States origin when such production best serves the foreign policy, national security, and economy of the United States. In evaluating any sale proposed to be made pursuant to this Act, there shall be taken into consideration (1) the extent to which the proposed sale damages or infringes upon licensing arrangements whereby United States entities have granted licenses for the manufacture of the defense articles selected by the purchasing country to entities located in friendly foreign countries, which licenses result in financial returns to the United States,[139] (2) the portion of the defense articles so manufactured which is of United States origin, and (3) in coordination with the Director of the United States Arms Control and Disarmament Agency, the Director's opinion as to[140] the extent to which such sale might contribute to an arms race, or increase the possibility of outbreak or escalation of conflict, or prejudice the development of bilateral or multilateral arms control arrangements.[141]

[136a] 22 U.S.C. 2780. Sec. 40 was added by sec. 509(a) of Public Law 99-399, 100 Stat. 874.

[137] 22 U.S.C. 2791.

[138] The words "but, subject to the provisions of subsection (b) of this section, consideration shall also be given" were substituted in lieu of "but consideration shall also be given" by sec. 401(f)(1) of the FA Act of 1971 (Public Law 92-226).

(b)[142] No credit sale shall be extended under section 23, and no guarantee shall be issued under section 24, in any case involving coproduction or licensed,[143] production outside the United States of any defense article of United States origin unless the Secretary of State shall, in advance of any such transaction, advise the appropriate committees of the Congress and furnish the Speaker of the House of Representatives and the President of the Senate with full information regarding the proposed transaction, including, but not limited to, a description of the particular defense article or articles which would be produced under license or coproduced outside the United States, the estimated value of such production or coproduction, and the probable impact of the proposed transaction on employment and production within the United States.

(c)[142] Funds made available under this Act may be used for procurement outside the United States only if the President determines that such procurement will not result in adverse effects upon the economy of the United States or the industrial mobilization base, with special reference to any areas of labor surplus or to the net position of the United States in its balance of payments with the rest of the world, which outweigh the economic or other advantages to the United States of less costly procurement outside the United States.

(d)[142] (1) With respect to sales and guaranties under sections 21, 22, 23, 24, 29, and 30[144] the Secretary of Defense shall, under the direction of the President, have primary responsibility for—

(A) the determination of military end-item requirements;

(B) the procurement of military equipment in a manner which permits its integration with service programs;

(C) the supervision of the training of foreign military personnel;

(D) the movement and delivery of military end-items; and

(E) within the Department of Defense, the performance of any other functions with respect to sales and guaranties.

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[139] Sec. 401(e) of the FA Act of 1971 (Public Law 92-226) struck out the word "and" which appeared at this point.

[140] The words "in coordination with the Director of the United States Arms Control and Disarmament Agency, the Director's opinion as to" were inserted by sec. 150(b) of Public Law 94-141. Foreign Relations Authorization Act, Fiscal Year 1976.

[141] The words to this point, beginning with ", and (3) the extent", were added by sec. 401(e)(2) of the FA Act of 1971.

[142] Sec. 401(f)(2) of the FA Act of 1971 added subsecs. (b) and redesignated former subsecs. (b) and (c) as subsecs. (c) and (d), respectively.

[143] Although the slip law contains a comma between "licensed, production" in the first sentence, it is interpreted as "licensed production" with no comma.

[144] The reference to sec. 29 was added by sec. 105(e)(3) of the International Security and Development Cooperation Act of 1980 (Public Law 96-533; 94 Stat. 3135). The reference to sec. 30 was added by sec. 2 of Public Law 97-392 (96 Stat. 1962).

(2) The establishment of priorities in the procurement, delivery, and allocation of military equipment shall, under the direction of the President, be determined by the Secretary of Defense.

(e)[145] (1) Each contract for sale entered into under sections 21, 22, 29, and 30 [144] of this Act, and each contract entered into under section 27(d) of this Act,[146] shall provide that such contract may be canceled in whole or in part, or its execution suspended, by the United States at any time under unusual or compelling circumstances if the national interest so requires.

(2) (A) Each export license issued under section 38 of this Act shall provide that such license may be revoked, suspended, or amended by the Secretary of State, without prior notice, whenever the Secretary deems such action to be advisable.

(B) Nothing in this paragraph may be construed as limiting the regulatory authority of the President under this Act.

(3) There are authorized to be appropriated from time to time such sums as may be necessary (A) to refund moneys received from purchasers under contracts of sale entered into under sections 21, 22, 29, and 30 [144] of this Act, or under contracts entered into under sec. 27(d) of this Act,[146] that are canceled or suspended under this subsection to the extent such moneys have previously been disbursed to private contractors and United States Government agencies for work in progress, and (B) to pay such damages and costs that accrue from the corresponding cancellation or suspension of the existing procurement contracts or United States Government agency work orders involved.

(f)[147] The President shall, to the maximum extent possible and consistent with the purposes of this Act, use civilian contract personnel in any foreign country to perform defense services sold under this Act.

Sec. 43.[148] Administrative Expenses.—(a) Funds made available under other law for the operations of United States Government agencies carrying out functions under this Act shall be available for the administrative expenses incurred by such agencies under this Act.

(b)[149] Charges for administrative services calculated under section 21(e)(1)(A) of this Act shall include recovery of administrative expenses and official reception and representation expenses[150] incurred by any department or agency of the United States Government, including any mission or group thereof, in carrying out functions under this Act when—

(1) such functions are primarily for the benefit of any foreign country; and

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[145] Subsec. (e) was added by sec. 213 of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329); 90 Stat.745).

[146] The reference to sec. 27(d) was added by sec. 115(b)(3) of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 210).

[147] Subsec. (f) was added by sec. 605(b) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329); 90 Stat. 768).

[148] 22 U.S.C. 2792.

[149] Subsec. (b) as added by sec. 214 of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329; 90 Stat. 746) was amended and restated by sec. 7(d) of the International Security Assistance Act of 1977 (Public Law 95-92); 91 Stat. 617).

[150] The reference to reception and representation expenses was added by sec. 120(1) of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 204).

(2) such expenses are not directly and fully charged to, and reimbursed from amounts received for, sale of defense services under section 21(a) of this Act.

(c)[151] Not more than $72,500 of the funds derived from charges for administrative services pursuant to section 21(e)(1)(A) of this Act may be used each fiscal year for official reception and representation expenses.

Sec. 44.[152] **Statutory Construction.**—No provision of this Act shall be construed as modifying in any way the provisions of the Atomic Energy Act of 1954, as amended, or section 7307 of title 10 of the United States Code.

Sec. 45. Statutes Repealed and Amended.—(a) Sections 521, 522, 523, 524(b)(3), 525, 634(g), and 640 of the Foreign Assistance Act of 1961, as amended, are hereby repealed.

(b) Part III of the Foreign Assistance Act of 1961, as amended, is amended as follows:

(1) Section 622(b) is amended by striking out "or sales".

(2) Section 622(c) is amended by striking out "and sales" and "or sales".

(3) Section 632(d) is amended by striking out "sections 506, 522, and 523," in the first sentence and inserting in lieu thereof "section 506".

(4) Section 634(d) is amended by inserting "or any other" between "under this" and "Act" in the fourth sentence.

(5) Section 644(m) is amended by striking out "and sales" in the first sentence of the paragraph following numbered paragraph (3).

(c) References in law to the provisions of law repealed by subsection (a) of this section shall hereafter be deemed to be references to this Act or appropriate provisions of this Act. Except for the laws specified in section 44, no other provision of law shall be deemed to apply to this Act unless it refers specifically to this Act or refers generally to sales of defense articles and defense services under any Act.

Sec. 46.[153] **Savings Provisions.**—Except as may be expressly provided to the contrary in this Act, all determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken, or entered into under authority of any provisions of law repealed by section 45(a) shall continue in full force and effect until modified by appropriate authority.

Sec. 47.[154] **Definitions.**—For purposes of this Act, the term—

(1) "excess defense article" has the meaning provided by section 644(g) of the Foreign Assistance Act of 1961;

(2) "value" means, in the case of an excess defense article, except as otherwise provided in sec. 21(a),[155] not less than the greater of—

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[151] Subsec. (c), which was added by sec. 19(b) of the International Security Assistance Act of 1979 (Public Law 96–92); 93 Stat. 709), was repealed by sec. 734(a)(10) of the International Security and Development Cooperation Act of 1981 (Public Law 97–113; 95 Stat. 1560). The information previously contained in the annual report required by subsec. (c) is now required by sec. 25(a)(6) of this Act. Subsequently, a new subsec. (c) was added by sec. 120(2) of Public Law 99–83 (99 Stat. 204).

[152] 22 U.S.C. 2793.

[153] 22 U.S.C. 2341 note.

[154] 22 U.S.C. 2794 note. Sec. 47 was added by sec. 25(12) of the FA Act of 1973.

[155] This reference to sec. 21(a) was added to sec. 102(b) of the International Security and Development Cooperation Act of 1985 (Public Law 99–83; 99 Stat 197).

(A) the gross cost incurred by the United States Government in repairing, rehabilitating, or modifying such article, plus the scrap value; or

(B) the market value, if ascertainable;

(3) [156] "defense article", except as provided in paragraph (7) of this section, includes—

(A) any weapon, weapons system, munition, aircraft, vessel, boat, or other implement of war,

(B) any property, installation, commodity, material, equipment, supply, or goods used for the purposes of making military sales,

(C) any machinery, facility, tool, material, supply, or other item necessary for the manufacture, production, processing, repair, servicing, storage, construction, transportation, operation, or use of any article listed in this paragraph, and

(D) any component or part of any article listed in this paragraph,

but does not include merchant vessels or (as defined by the Atomic Energy Act of 1954) source material (except uranium depleted in the isotope 235 which is incorporated in defense articles solely to take advantage of high density or pyrophoric characteristics unrelated to radioactivity),[157] byproduct material, special nuclear material, production facilities, utilization facilities, or atomic weapons or articles involving Restricted Data;

(4) [156] "defense service", except as provided in paragraph (7) of this section, includes any service, test, inspection, repair, training, publication, technical or other assistance, or defense information (as defined in section 644(e) of the Foreign Assistance Act of 1961) used for the purposes of making military sales, but does not include design and construction services under section 29 of this Act;[158]

(5) [156] "training" includes formal or informal instruction of foreign students in the United States or overseas by officers or employees of the United States, contract technicians, or contractors (including instruction at civilian institutions), or by correspondence courses, technical, educational, or information publications and media of all kinds, training aid, orientation, training exercise, and military advice to foreign military units and forces;

(6) [156] "major defense equipment" means any item of significant military [159] equipment on the United States Munitions List having a nonrecurring research and development cost of more than $50,000,000 or a total production cost of more than $200,000,000;

(7) [156] "defense articles and defense services" means, with respect to commercial exports subject to the provisions of section 38

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[156] Sec. 215 of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329; 90 Stat. 746) added pars. (3), (4), (5), (6), and (7).

[157] The parenthetical phrase was added by sec. 22 of the International Security Assistance Act of 1979 (Public Law 96-92; 93 Stat. 710). See also sec. 110 of the International Security and Development Cooperation Act of 1980 (Public Law 96-533; 94 Stat. 3138), page 373.

[158] The words, "but does not include design and construction services under section 29 of this Act" were added by sec. 105(f) of the International Security and Development Cooperation Act of 1980 (Public Law 96-533; 94 Stat. 3135).

[159] Sec. 1211 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 279) substituted the word "military" in lieu of "combat".

of this Act, those items designated by the President pursuant to subsection (a)(1) of such section; and

(8) [160] "design and construction services" means, with respect to sales under section 29 of this Act, the design and construction of real property facilities, including necessary construction equipment and materials, engineering services, construction contract management services relating thereto, and technical advisory assistance in the operation and maintenance of real property facilities provided or performed by any department or agency of the Department of Defense or by a contractor pursuant to a contract with such department or agency.

Chapter 5—SPECIAL DEFENSE ACQUISITION FUND [161]

Sec. 51.[162] Special Defense Acquisition Fund.—(a)(1) Under the direction of the President and in consultation with the Secretary of State, the Secretary of Defense shall establish a Special Defense Acquisition Fund (hereafter in this chapter referred to as the "Fund"), to be used as a revolving fund separate from other accounts, under the control of the Department of Defense, to finance the acquisition of defense articles and defense service in anticipation of their transfer pursuant to this Act, the Foreign Assistance Act of 1961, or as otherwise authorized by law, to eligible foreign countries and international organizations, and may acquire such articles and services with the funds in the Fund as he may determine. Acquisition under this chapter of items for which the initial issue quantity requirements for United States Armed Forces have not been fulfilled and are not under current procurement contract shall be emphasized when compatible with security assistance requirements for the transfer of such items.

(2) Nothing in this chapter may be construed to limit or impair any responsibilities conferred upon the Secretary of State or the Secretary of Defense under this Act or the Foreign Assistance Act of 1961.

(3) [163] The Fund may be used to keep on continuous order such defense articles and defense services as are assigned by the Department of Defense for integrated management by a single agency thereof for the common use of all military departments in anticipation of the transfer of similar defense articles and defense services to foreign countries and international organizations pursuant to this Act, the Foreign Assistance Act of 1986, or other law.

(b) The Fund shall consist of—

"(1) collections from sales made under letters of offer issued pursuant to section 21(a)(1)(A) of this Act representing the actual value of defense articles not intended to be replaced in stock,

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[160] Par. (8) was added by sec. 105(f) of the International Security and Development Cooperation Act of 1980 (Public Law 96-533; 94 Stat. 3135).

[161] Ch. 5 was added by sec. 108(a) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1522).

[162] 22 U.S.C. 2795.

[163] Sec. 121 (a) and (b) of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 204), added 51(a)(3) and amended sec. 51(b).

Sec. 138(g) of title 10 U.S.C., limits the size of the Special Defense Acquisition Fund to $1,000,000,000.

"(2) collections from sales representing the value of asset use charges (including contractor rental payments for United States Government-owned plant and production equipment) and charges for the proportionate recoupment of nonrecurring research, development, and production costs, and

"(3) collections from sales made under letters of offer (or transfers made under the Foreign Assistance Act of 1961) of defense articles and defense services acquired under this chapter, representing the value of such items calculated in accordance with subparagraph (B) or (C) of section 21(a)(1) or section 22 of this Act or section 644(m) of the Foreign Assistance Act of 1961, as appropriate,

together with such funds as may be authorized and appropriated or otherwise made available for the purposes of the Fund.

(c)(1) The size of the Fund may not exceed such dollar amount as is prescribed in section 138(g) of title 10, United States Code.[164] For purposes of this limitation, the size of the Fund is the amounts in the Fund plus the value (in terms of acquisition cost) of the defense articles acquired under this chapter which have not been transferred from the Fund in accordance with this chapter.

(2) Amounts in the Fund shall be available for obligation in any fiscal year only to such extent or in such amounts as are provided in advance in appropriation Acts.[165]

Sec. 52.[166] Use and Transfer of Items Procured by the Fund.—(a) No defense article or defense service acquired by the Secretary of Defense under this chapter may be transferred to any foreign country or international organization unless such transfer is authorized by this Act, the Foreign Assistance Act of 1961, or other law.

(b) The President may authorize the temporary use by the United States Armed Forces of defense articles and defense services acquired under this chapter prior to their transfer to a foreign country or international organization, if such is necessary to meet national defense requirements and the United States Armed Forces bear the costs of operation and maintenance of such articles or services while in their use and the costs of restoration or replacement upon the termination of such use.

(c) Except as provided in subsection (b) of this section, the Fund may be used to pay for storage, maintenance, and other costs related to the preservation and preparation for transfer of defense articles and defense services acquired under this chapter prior to their transfer, as well as the administrative costs of the Department of Defense incurred in the acquisition of such items to the extent not reimbursed pursuant to section 43(b) of this Act.

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[164] Sec. 138(g) of title 10, U.S.C., as added by sec. 109(b) of Public Law 97-113 (95 Stat. 1524) and amended by sec. 1103 of the Department of Defense Authorization Act, 1983, (Public Law 97-252; 96 Stat. 738) provides that the Special Defense Acquisition Fund "may not exceed $300,000,000 in fiscal year 1982, may not exceed $600,000,000 in fiscal year 1983, and may not exceed $900,000,000 in fiscal year 1984 or any fiscal year thereafter."

[165] The Foreign Assistance and Related Progams Appropriations Act, 1987, (sec. 101(f) of the Continuing Appropriations Act, 1987; Public Law 99-591, 100 Stat. 3341) provided the following:

"SPECIAL DEFENSE ACQUISITION FUND

"(LIMITATION ON OBLIGATIONS)

"Not to exceed $315,820,000 may be obligated pursuant to section 51(c)(2) of the Arms Export Control Act for the purposes of the Special Defense Acquisition Fund during fiscal year 1987.

"Amounts for the Fund provided in recent years are as follows: fiscal year 1982--$125,000,000; fiscal year 1983—$125,000,000; fiscal year 1984—$225,000,000; 1985—$325,000,000; 1986—$325,000,000."

[166] 22 U.S.C. 2795a.

Sec. 53.[167] **Annual Reports to Congress.**—(a) Not later than December 31 of each year, the President shall submit to the Congress a comprehensive report on acquisitions of defense articles and defense services under this chapter. Each such report shall include—

(1) a description of each contract for the acquisition of defense articles or defense services under this chapter which was entered into during the preceding fiscal year;

(2) a description of each contract for the acquisition of defense articles or defense services under this chapter which the President anticipates will be entered into during the current fiscal year;

(3) a description of each defense article or defense service acquired under this chapter which was transferred to a foreign country or international organization during the preceding fiscal year; and

(4) an evaluation of the impact of the utilization of the authority of this chapter on United States defense production and the readiness of the United States Armed Forces.

(b) As part of the annual written report to the Congress required by section 139(a) of title 10, United States Code, regarding procurement schedules for each weapon system for which funding authorization is required, the President shall provide a report estimating the likely procurements to be made through the Fund.

Chapter 6—LEASES OF DEFENSE ARTICLES [168]

Sec. 61.[169] **Leasing Authority.**—(a) The President may lease defense articles in the stocks of the Department of Defense to an eligible foreign country or international organization if—

(1) he determines that there are compelling foreign policy and national security reasons for providing such articles on a lease basis rather than on a sales basis under this Act;

(2) he determines that the articles are not for the time needed for public use; and

(3) the country or international organization has agreed to pay in United States dollars all costs incurred by the United States Government in leasing such articles, including reimbursement for depreciation of such articles while leased, the costs of restoration or replacement if the articles are damaged while leased, and the replacement cost (less any depreciation in the value) of the articles if the articles are lost or destroyed while leased.

The requirement of paragraph (3) shall not apply to leases entered into for purposes of cooperative research or development, military exercises, or communications or electronics interface projects, or to any defense article which has passed three-quarters of its normal service life.

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[167] 22 U.S.C. 2795b.

[168] Ch. 6 was added by sec. 109(a) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1524).

[169] 22 U.S.C. 2796.

[169a] The President may waive the requirement of paragraph (3) with respect to a lease which is made in exchange with the lessee for a lease on substantially reciprocal terms of defense articles for the Department of Defense, except that this waiver authority—

(A) may be exercised only if the President submits to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate, in accordance with the regular notification procedures of those Committees, a detailed notification for each lease with respect to which the authority is exercised; and

(B) may be exercised only during the fiscal year 1987 and only with respect to one country, unless the Congress hereafter provides otherwise.

The preceding sentence does not constitute authorization of appropriations for payments by the United States for leased articles.

(b) Each lease agreement under this section shall be for a fixed duration of not to exceed five years and shall provide that, at any time during the duration of the lease, the President may terminate the lease and require the immediate return of the leased articles.

(c) Defense articles in the stocks of the Department of Defense may be leased or loaned to a foreign country or international organization only under the authority of this chapter or chapter 2 of part II of the Foreign Assistance Act of 1961, and may not be leased to a foreign country or international organization under the authority of section 2667 of title 10, United States Code.

Sec. 62.[170] **Reports to the Congress.**—(a) Not less than 30 days before entering into or renewing any agreement with a foreign country or international organization to lease any defense article under this chapter, or to loan any defense article under chapter 2 of part II of the Foreign Assistance Act of 1961, for a period of one year or longer, the President shall transmit to the Speaker of the House of Representatives, and to the chairman of the Committee on Foreign Relations of the Senate and the chairman of the Committee on Armed Services of the Senate, a written certification which specifies—

(1) the country or international organization to which the defense article is to be leased or loaned;

(2) the type, quantity, and value (in terms of replacement cost) of the defense article to be leased or loaned;

(3) the terms and duration of the lease or loan; and

(4) a justification for the lease or loan, including an explanation of why the defense article is being leased or loaned rather than sold under this Act.

(b) The President may waive the requirements of this section (and in the case of an agreement described in section 63, may waive the provisions of that section) if he determines, and immediately reports to the Congress, that an emergency exists which requires that the lease or loan be entered into immediately in the national security interests of the United States.

[169a] The words from this point to the end of subsec. (a) were added by sec. 148 of the Continuing Appropriations Act for F.Y. 1987, Public Law 99-661, 100 Stat. 3816.

[170] 22 U.S.C. 2796a.

Sec. 63.[171] **Legislative Review.**—(a)(1) In the case of any agreement involving the lease under this chapter, or the loan under chapter 2 of part II of the Foreign Assistance Act of 1961, to any foreign country or international organization for a period of one year or longer of any defense articles which are either (i) major defense equipment valued (in terms of its replacement cost less any depreciation in its value) at $14,000,000 or more, or (ii) defense articles valued (in terms of their replacement cost less any depreciation in their value) at $50,000,000 or more, the agreement may not be entered into or renewed if the Congress, within 30 calendar days after receiving the certification with respect to that proposed agreement pursuant to section 62(a), enacts a joint [172] resolution prohibiting the proposed lease or loan.

(2) This section shall not apply with respect to a loan or lease to the North Atlantic Treaty Organization, any member country of that Organization, Japan, Australia, or New Zealand.

(b) Any joint [172] resolution under subsection (a) shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(c) For the purpose of expediting the consideration and enactment of joint [172] resolutions under subsection (a), a motion to proceed to the consideration of any such resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

Sec. 64.[173] **Application of Other Provisions of Law.**—Any reference to sales of defense articles under this Act in any provision of law restricting the countries or organizations to which such sales may be made shall be deemed to include a reference to leases of defense articles under this chapter.

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[171] 22 U.S.C. 2796b.

[172] Current text which refers to "joint" resolutions rather than "concurrent" resolutions was added by sec. (d) of Public Law 99-247, 100 Stat. 9.

[173] 22 U.S.C. 2796c.

c. Notice to Congress of Certain Transfers of Defense Articles and Defense Services

Partial text of Public Law 99-569 [S. 2368], 100 Stat. 3190, approved November 14, 1986

AN ACT To authorize appropriations for fiscal year 1987 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intelligence Authorization Act for Fiscal Year 1987".

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TITLE VI—MISCELLANEOUS

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SEC. 602. (a) Title V of the National Security Act of 1947, relating to accountability for intelligence activities, is amended by adding at the end thereof the following:

NOTICE TO CONGRESS OF CERTAIN TRANSFERS OF DEFENSE ARTICLES AND DEFENSE SERVICES

SEC. 503. (a)(1) The transfer of a defense article or defense service exceeding $1,000,000 in value by an intelligence agency to a recipient outside that agency shall be considered a significant anticipated intelligence activity for the purpose of section 501 of this Act.

(2) Paragraph (1) does not apply if—

(A) the transfer is being made to a department, agency, or other entity of the United States (so long as there will not be a subsequent retransfer of the defense articles or defense services outside the United States Government in conjunction with an intelligence or intelligence-related activity); or

(B) the transfer—

(i) is being made pursuant to authorities contained in part II of the Foreign Assistance Act of 1961, the Arms Export Control Act, title 10 of the United States Code (including a law enacted pursuant to section 7307(b)(1) of that title), or the Federal Property and Administrative Services Act of 1949, and

(ii) is not being made in conjunction with an intelligence or intelligence-related activity.

(3) An intelligence agency may not transfer any defense articles or defense services outside the agency in conjunction with any intelligence or intelligence-related activity for which funds were denied by the Congress.

(b) As used in this section—

(1) the term "intelligence agency" means any department, agency, or other entity of the United States involved in intelligence or intelligence-related activities;

(2) the terms "defense articles" and "defense services" mean the items on the United States Munitions List pursuant to section 38 of the Arms Export Control Act (22 CFR part 121);

(3) the term "transfer" means—

(A) in the case of defense articles, the transfer of possession of those articles; and

(B) in the case of defense services, the provision of those services; and

(4) the term "value" means—

(A) in the case of defense articles, the greater of—

(i) the original acquisition cost to the United States Government, plus the cost of improvements or other modifications made by or on behalf of the Government; or

(ii) the replacement cost; and

(B) in the case of defense services, the full cost to the Government of providing the services.

(b) * * *

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d. Special Foreign Assistance Act of 1986

Partial Text of Public Law 99-529 [S. 1917], 100 Stat. 3010, approved October 24, 1986

AN ACT To promote immunization and oral rehydration in developing countries, to promote democracy in Haiti, to protect tropical forests and biological diversity in developing countries, to authorize increased funding for the Child Survival Fund and for international narcotics control assistance, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.

This Act may be cited as the "Special Foreign Assistance Act of 1986".

TITLE I—PROMOTING IMMUNIZATION AND ORAL REHYDRATION IN DEVELOPING COUNTRIES

SEC. 101. FINDINGS.

The Congress finds that—

(1) the United Nations Children's Fund (UNICEF) reports that 3.5 million children die annually because they have not been immunized against the six major childhood diseases: polio, measles, whooping cough, diphtheria, tetanus, and tuberculosis;

(2) at present less than 20 percent of children in the developing world are fully immunized against these diseases;

(3) each year more than five million additional children are permanently disabled and suffer diminished capacities to contribute to the economic, social, and political development of their countries because they have not been immunized;

(4) ten million additional childhood deaths from immunizable and potentially immunizable diseases could be averted annually by the development of techniques in biotechnology for new and cost-effective vaccines;

(5) the World Health Assembly, the Executive Board of the United Nations Children's Fund, and the United Nations General Assembly are calling upon the nations of the world to commit the resources necessary to meet the challenge of universal access to childhood immunization by 1990;

(6) at the 1984 "Bellagio Conference" it was determined that the goal of universal childhood immunization by 1990 is indeed achievable; and

(7) the Congress has expressed its expectation that the Agency for International Development will set as a goal the immunization by 1990 of at least 80 percent of all the children in those countries in which the Agency has a program.

SEC. 102. UNITED STATES PARTICIPATION IN GLOBAL EFFORT.

(a) UNITED STATES GOVERNMENT SUPPORT.—The Congress calls upon the President to direct the Agency for International Development, working through the Centers for Disease Control and other appropriate Federal agencies, to work in a global effort to provide enhanced support toward achieving the goal of universal access to childhood immunization by 1990 by—

(1) assisting in the delivery, distribution, and use of vaccines, including—

(A) the building of locally sustainable systems and technical capacities in developing countries to reach, by the appropriate age, not less than 80 percent of their annually projected target population with the full schedule of required immunizations; and

(B) the development of a sufficient network of indigenous professionals and institutions with responsibility for developing, monitoring, and assessing immunization programs and continually adapting strategies to reach the goal of preventing immunizable diseases; and

(2) performing, supporting, and encouraging research and development activities, both in the public and private sector, that will be targeted at developing new vaccines and at modifying and improving existing vaccines to make them more appropriate for use in developing countries.

(b) PRIVATE SECTOR SUPPORT.—In support of this global effort, the President should appeal to the people of the United States and the United States private sector to support public and private efforts to provide the resources necessary to achieve universal access to childhood immunization by 1990.

SEC. 103. * * *

TITLE II—PROMOTING DEMOCRACY IN HAITI

SEC. 201. FINDINGS CONCERNING HAITI.

The Congress finds that—

(1) the establishment of an interim government in Haiti committed to a restoration of democracy provides Haiti with an opportunity to build the political, social, and economic institutions necessary to promote Haiti's development, to provide a better future for the people of Haiti, and to provide the framework for more effective mutual cooperation with the United States, Haiti's neighbor in the Caribbean, and the other nations of the Hemisphere;

(2) the magnitude of the political, economic, and social tasks facing the people of Haiti will make the achievement of a better future a difficult task which will require a determined and sustained effort by the Haitian people over a long period of time and will require significant external assistance from the United States and other donors; and

(3) it is in the interest of the United States to provide appropriate support for the development of Haiti, a close neighbor which is one of the world's poorest nations and which is committed to the establishment of a democratic government.

SEC. 202. ECONOMIC ASSISTANCE FOR HAITI.

(a) EARMARKING OF FUNDS.—Not less than $108,000,000 of the aggregate amounts available for fiscal year 1987 to carry out sections 103 through 106 of the Foreign Assistance Act of 1961 (relating to development assistance), chapter 4 of part II of that Act (relating to the Economic Support Fund), and titles I and II of the Agricultural Trade Development and Assistance Act of 1954 (relating to the Food for Peace Program) shall be available only for Haiti.

(b) USE OF DEVELOPMENT ASSISTANCE.—Assistance under sections 103 through 106 of the Foreign Assistance Act of 1961 which is provided for Haiti pursuant to subsection (a) shall be used to support a transition to democracy in Haiti, emphasizing foreign investment, job creation (especially in the private sector), rural development, health care and sanitation, small-scale irrigation, reforestation and land conservation, and literacy education. Such assistance should reflect the need to distribute development assistance resources more equitably among the various regions in Haiti in order to support sustainable development in all of Haiti.

(c) REQUIREMENT FOR SEGREGATED ACCOUNT FOR ECONOMIC SUPPORT ASSISTANCE FUNDS PAID TO GOVERNMENT OF HAITI.—Funds under chapter 4 of part II of the Foreign Assistance Act of 1961 which are made available for Haiti pursuant to subsection (a) may be paid to the Government of Haiti only if the Government of Haiti will maintain those funds in a separate account and not commingle them with other funds.

(d) CONDITIONS ON ECONOMIC SUPPORT AND DEVELOPMENT ASSISTANCE.—Funds may be obligated for assistance for Haiti under sections 103 through 106 of chapter 4 of part II of the Foreign Assistance Act of 1961 pursuant to subsection (a) only if the President determines that the interim Government of Haiti—

(1) is improving the human rights situation in Haiti;

(2) is implementing its timetable for completion of a new constitution that promotes genuine democratic reforms and guarantees the fundamental principles of democracy;

(3) is establishing a framework for free and open elections leading to a democratically-elected civilian government, which would include free and functioning political parties and associations, free labor unions, and freedom of the press;

(4) is cooperating fully in implementing United States development, food, and other economic assistance programs in Haiti (including programs for prior fiscal years);

(5) is maintaining a system of fiscal accountability to ensure that all resources allocated to the development of Haiti are used in the most effective and efficient manner;

(6) is continuing its investigation of alleged human rights abuses and corruption by the Duvalier government and is prosecuting, in accordance with due process, those responsible for human rights abuses and corruption;

(7) is maintaining a free and independent judiciary system;

(8) is continuing to cooperate with the United States in halting illegal emigration to the United States from Haiti; and

(9) is encouraging private sector development.

(e) * * *

(f) ADDITIONAL ASSISTANCE FOR ECONOMIC DEVELOPMENT IN HAITI.—In order to assist economic development in Haiti, a Foreign Commercial Service officer should be assigned to the United States Embassy in Haiti.

SEC. 203. MILITARY TRAINING AND OTHER NONLETHAL ASSISTANCE FOR HAITI.

(a) AUTHORIZATION OF ASSISTANCE.—Up to $4,000,000 of the aggregate amounts available for fiscal year 1987 to carry out chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to grant military assistance), chapter 5 of part II of that Act (relating to international military education and training), and the Arms Export Control Act (relating to FMS assistance) may be made available for Haiti for education, training, and other nonlethal assistance (such as transportation equipment, communications equipment, and uniforms).

(b) CONDITIONS ON MILITARY ASSISTANCE.—Funds made available pursuant to subsection (a) may be obligated only if the President certifies to the Congress the following:

(1) The Government of Haiti has submitted a formal request to the United States specifying a comprehensive plan for the reform and reorganization of the mission, command, and control structures of the Haitian armed forces consistent with a transition to democracy, the rule of law, constitutional government, and an elected civilian government. Such a plan should include a publicly announced commitment by the armed forces of Haiti to abide by international human rights standards and adoption of a code of conduct to assure adherence to these standards.

(2) The Government of Haiti is making substantial efforts—

(A) to prevent the involvement of the Haitian armed forces in human rights abuses and corruption by removing from those forces and prosecuting, in accordance with due process, those military personnel responsible for the human rights abuses and corruption;

(B) to ensure that freedom of speech and assembly are respected;

(C) to conduct investigations into the killings of unarmed civilians in Gonaives, Martissant, and Fort Dimanche, to prosecute, in accordance with due process, those responsible for those killings, and to prevent any similar occurrences in the future;

(D) to provide education and training to the Haitian armed forces with respect to internationally recognized human rights and the civil and political rights essential to democracy, in order to enable those forces to function consistent with those rights; and

(E) to take steps to implement the policy of the Government of Haiti requiring former members of the Volunteers for National Security (VSN) to turn in their weapons and to take the necessary actions to enforce this requirement.

(c) REPORTS.—Not later than three months after the President submits his certification under subsection (b) and every three months thereafter, the President shall report to the Congress on the extent to which the actions of the Government of Haiti are consistent with each of the objectives specified in subsection (b). Half of the assistance provided pursuant to subsection (a) shall be withheld from delivery until the President submits the first such report.

(d) NOTIFICATION TO CONGRESS.—Funds made available pursuant to subsection (a) may be obligated only if the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives and the Committee on Appropriations and the Committee on Foreign Relations of the Senate are notified fifteen days in advance.

(e) RELATION TO EXISTING PROVISION.—Assistance under subsection (a) may be provided notwithstanding the limitations contained in section 705(e) of the International Security and Development Cooperation Act of 1985 and is in addition to the assistance allowed under that section.

SEC. 204. RECOVERY BY HAITI OF ASSETS STOLEN BY DUVALIER REGIME.

(a) FINDINGS.—The Congress finds that—

(1) the Government of Haiti believes that former president-for-life Jean Claude Duvalier and other individuals associated with the Duvalier regime illegally diverted to their own use substantial amounts of the assets of the Government of Haiti:

(2) the Government of Haiti is attempting to locate and recover those assets through legal means;

(3) virtually every relevant jurisdiction, both in the United States and abroad, requires the posting of some form of security to secure the issuance of orders of attachment or other judicial seizures of property;

(4) the Government of Haiti is unable, without outside assistance, to post the necessary security because of its lack of assets;

(5) Haiti's economic situation could be significantly improved, and the need for external resources reduced, if the Government of Haiti is able to pursue its legal remedies against those who are in large part responsible for the economic crisis in Haiti; and

(6) the United States has a substantial foreign policy interest in helping the Government of Haiti recover any assets which were illegally diverted by those associated with the Duvalier regime.

(b) ACTIONS TO ASSIST HAITI.—The President shall exercise the authorities granted by section 203 of the International Emergency Economic Powers Act (50 U.S.C. App. 1702) to assist the Government of Haiti in its efforts to recover, through legal proceedings, assets which the Government of Haiti allegles were stolen by former president-for-life Jean Claude Duvalier and other individuals associated with the Duvalier regime. This subsection shall be deemed to satisfy the requirements of section 202 of that Act.

* * * * * * *

e. Anglo-Irish Agreement Support Act of 1986

Partial Text of Public Law 99–415 [H.R. 4329], 100 Stat. 947, Approved September 19, 1986

AN ACT to authorize United States contributions to the International Fund established pursuant to the November 15, 1985, agreement between the United Kingdom and Ireland, as well as other assistance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Anglo-Irish Agreement Support Act of 1986".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that the Anglo-Irish Agreement is a clear demonstration of the determination of the Government of the United Kingdom and the Government of Ireland to make progress concerning the complex situation in Northern Ireland. The Congress strongly supports the Anglo-Irish Agreement and is particularly encouraged that these two neighboring countries, longstanding friends of the United States, have joined together to rebuild a land that has too often been the scence of economic hardship and where many have suffered serverly from the consequences of violence in recent years. In recognition of our ties of kinship, history, and commitment to democratic values, the Congress believes the United Stats should participate in this renewed commitment to social and economic progress in Northern Ireland and affected areas of Ireland.

(b) PURPOSES.—It is, therefore, the purpose of the Act to provide for United States contributions in support of the Anglo-Irish Agreement, such contributions to consist of economic support fund assistance for payment to the International Fund established pursuant to the Anglo-Irish Agreement, as well as other assistance to serve as an incentive for economic development and reconciliation in Ireland and Northern Ireland. The purpose of these United States contributions shall be to support the Anglo-Irish Agreement in promoting reconciliation in Northern Ireland and the establishment of a society in Northern Ireland in which all may live in peace, free from discrimination, terrorism, and intolerance, and with the opportunity for both communities to participate fully in the structures and processes of government.

SEC. 3. UNITED STATES CONTRIBUTIONS TO THE INTERNATIONAL FUND.

(a) FISCAL YEAR 1986.—Of the amounts made available for the fiscal year 1986 to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund), $50,000,000 shall be used for United States contributions to the International Fund. Pending the formal establishment of the International Fund and submission of the certification required by section 5(c) of this Act, these funds may, pursuant to an agreement with the Government of the United Kingdom and the Government of Ireland, be disbursed into and maintained in a separate account.

(b) FISCAL YEARS 1987 AND 1988.—Of the amounts made available for each of the fiscal years 1987 and 1988 to carry out this chapter, $35,000,000 shall be used for United States contributions to the International Fund; and that amount is hereby authorized to be appropriated for each of those fiscal years to carry out that chapter (in addition to amounts otherwise authorized to be appropriated). Amounts appropriated pursuant to this subsection are authorized to remain available until expended.

SEC. 4. OTHER ASSISTANCE.

(a) AVAILABLE AUTHORITIES.—In addition to other available authorities, the following authorites may be used to provide assistance or other support to carry out the purposes of section 2 of this Act:

(1) Section 108 of the Foreign Assistance Act of 1981 (relating to the Private Sector Revolving Fund).

(2) Section 221 through 223 of that Act (relating to the Housing Guaranty Program).

(3) Title IV of chapter 2 of part I of that Act (relating to the Overseas Private Investment Corporation), without regard to the limitation contained in paragraph (2) of the second undersignated paragraph of section 231 of that Act.

(4) Section 661 of that Act (relating to the Trade and Development Program).

(b) OTHER LAWS.—Assistance under this Act may be provided without regard to any other provision of law.

SEC. 5. CONDITIONS AND UNDERSTANDINGS RELATING TO THE UNITED STATES CONTRIBUTIONS.

(a) PROMOTING ECONOMIC AND SOCIAL RECONSTRUCTION AND DEVELOPMENT.—The United States contributions provided for in this Act may be used only to support and promote economic and social reconstruction and development in Ireland and Northern Ireland. The restrictions contained in sections 531(e) and 660(a) of the Foreign Assistance Act of 1961 apply with respect to any such contributions.

(b) UNITED STATES REPRESENTATION ON THE BOARD OF THE FUND.—The President shall make every effort, in consultation with the Government of the United Kingdom and the Government of Ireland, to ensure that there is United States representation on the Board of the International Fund.

(c) PRIOR CERTIFICATIONS.—Each fiscal year, the United States may make contributions to the International Fund only if the President certifies to the Congress that he is satisfied that—

(1) the Board of the International Fund, as a whole, is broadly representative of the interests of the communities in Ireland and Northern Ireland; and

(2) disbursements from the International Fund—

(A) will be distributed in accordance with the principle of equality of opportunity and nondiscrimination in employment, without regard to religious affiliation; and

(B) will address the needs of both communities in Northern Ireland.

Each such certification shall include a detailed explanation of the basis for the President's decision.

SEC. 6. ANNUAL REPORTS

At the end of each fiscal year in which the United States Government makes any contribution to the International Fund, the Presidential shall report to the Congress on the degree to which—

(1) the International Fund has contributed to reconciliation between the communities in Northern Ireland;

(2) the United States contribution to the International Fund is meeting its objectives of encouraging new investment, job creation, and economic reconstruction on the basis of strict equality of opportunity; and

(3) the International Fund has increased respect for the human rights and fundamental freedoms of all people in Northern Ireland.

SEC. 7. REQUIREMENTS RELATING TO FUNDS FOR "INTERNATIONAL ORGANIZATION AND CONFERENCES".

(a) DISBURSEMENTS, AUDITS, AND REPORTS.—The provisions relating to disbursements on vouchers, audits, and submission of reports with respect to expenditures pursuant to the Joint Resolution of July 11, 1956 (Public Law 689), shall also apply with respect to expenditures pursuant to section 109(c) of the Act of November 22, 1983 (Public Law 98-164).

(b) * * *

SEC. 8. DEFINITIONS.

As used in this Act—

(1) the term "Anglo-Irish Agreement" means the Agreement Between the Government of Ireland and the Government of the United Kingdom dated November 15, 1985; and

(2) the term "International Fund" means the international fund for economic development projects in Northern Ireland and Ireland, established pursuant to Article 10 of the Anglo-Irish Agreement.

f. International Security and Development Cooperation Act of 1985

Partial text of Public Law 99–83 [S. 960], 99 Stat. 190, approved August 8, 1985 as amended by Public Law 99–399 [Omnibus Diplomatic Security and Antiterrorism Act of 1986; H.R. 4151], 100 Stat. 853, approved August 27, 1986; Public Law 99–570 [Anti-Drug Abuse Act of 1986; H.R. 5484], 100 Stat. 3207, approved October 27, 1986; and by Public Law 99–591 [Continuing Appropriations Act, 1987; H.J. Res. 738], 100 Stat. 3341, approved October 30, 1986.

> NOTE.—Except for the provisions noted below, the International Security and Development Cooperation Act of 1985 consists of amendments to the Foreign Assistance Act of 1961, the Arms Export Control Act, the Peace Corps Act, Public Law 480, and to several former foreign aid annual authorization acts. These amendments are incorporated into the texts of these Acts at the appropriate locations.

AN ACT To authorize international development and security assistance programs and Peace Corps programs for fiscal years 1986 and 1987, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "International Security and Development Cooperation Act of 1985".

* * * * * * *

TITLE I—MILITARY ASSISTANCE AND SALES AND RELATED PROGRAMS

SEC. 101. FOREIGN MILITARY SALES CREDITS.

(a) * * *

(b) * * *

(c) FMS FINANCING FOR ISRAEL.—(1) Of the total amount of credits extended under section 23 of the Arms Export Control Act, not less than $1,800,000,000 for fiscal year 1986 [1] and not less than

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[1] Title III of the Foreign Assistance and Related Programs Appropriations Act, 1986, as contained in sec. 101(i) of the Further Continuing Appropriations Act, 1986 (Public Law 99–190; 99 Stat. 1301), provided that "not less than $1,800,000,000 shall be available only for Israel." The act further provided that: if the Government of Israel requests that funds be used for such purposes, up to $150,000,000 of the amount of credits made available for Israel pursuant to this paragraph shall be available for research and development in the United States for the Lavi program, and not less than $300,000,000 shall be for the procurement in Israel of defense articles and services, including research and development, for the Lavi program and other activities if requested by Israel. . .".

$1,800,000,000 for fiscal year 1987[1a] shall be available only for Israel.

(2) Israel shall be released from its contractual liability to repay the United States Government with respect to the credits provided pursuant to paragraph (1).

(3) If the Government of Israel requests that funds be used for such purposes—

(A) up to $150,000,000 of the amount of credits made available for Israel pursuant to paragraph (1) for each of the fiscal years 1986 and 1987 shall be available for research and development in the United States for the Lavi [1] program, and

(B) not less than $250,000,000 of the amount of credits made available for Israel pursuant to paragraph (1) for each of the fiscal years 1986 and 1987 shall be available for the procurement in Israel of defense articles and defense services (including research and development) for the Lavi [1] program.

(d) FMS FINANCING FOR EGYPT.—(1) Of the total amount of credits extended under section 23 of the Arms Export Control Act, not less than $1,300,000,000 for fiscal year 1986 [2] and not less than $1,300,000,000 for fiscal year 1987 shall be available only for Egypt.

(2) Egypt shall be released from its contractual liability to repay the United States Government with respect to the credits extended pursuant to paragraph (1).

(e) FMS FINANCING FOR GREECE.—(1) Of the total amount of credits extended under section 23 of the Arms Export Control Act, $500,000,000 for each of the fiscal years 1986 [3] and 1987 shall be available only for Greece.

(2) For each of the fiscal years 1986 and 1987, of the total amount of credits extended for Greece under section 23 of the Arms Export Control Act, Greece shall receive the same proportion of credits extended at concessional rates of interest as the proportion of credits extended at concessional rates of interest which Turkey receives out of the total amount of credits extended for Turkey under that section, and the average annual rate of interest on the credits extended for Greece at concessional rates of interest shall be comparable to the average annual rate of interest on the credits extended for Turkey at concessional rates of interest. Credits extended for Greece for each of the fiscal years 1986 and 1987 at concessional rates of interest shall not be counted toward any ceiling established

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[1a] The Foreign Assistance and Related Programs Appropriations Act, 1987 (Sec. 101(f) of the Continuing Appropriations Act, 1987, Public Law 99-591; 100 Stat. 3341), contains language identical to that cited in footnote number one and provides further:

"* * * *Provided further,* That funds for the Lavi program shall be expended upon the Department of Defense's determination that the proposed contracts meet application technical standards: *Provided further,* That during fiscal year 1987, gross obligations for the principal amount of direct loans, exclusive of loan guarantee defaults, shall not exceed $4,040,441,284: *Provided further,* That any funds made available by this paragraph, other than funds made available for Israel and Egypt, may be made available at concessional rates of interest, notwithstanding section 31(b)(2) of the Arms Export Control Act:

[2] Title III of the Foreign Assistance and Related Programs Appropriations Act, 1986 as contained in sec. 101(i) of Public Law 99-190 (Further Continuing Appropriations, 1986) provided an appropriation of $1,300,000,000 for Egypt, as did title III of the 1987 version of the Act, Public Law 99-591, 100 Stat. 3341.

[3] Title III of sec. 101(i) of Public Law 99-190, 99 Stat. 1302, provided a 1986 appropriation of $450,000,000 for Greece; the 1987 version of the Act, Public Law 99-591, 100 Stat. 3341, appropriated $343,000,000 for Greece.

by law on concessional financing under the Arms Export Control Act.

(f) FMS FINANCING AND MAP FOR TURKEY.—For each of the fiscal years 1986[4] and 1987, the aggregate total of financing under the Arms Export Control Act and assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 provided for Turkey may not exceed $714,280,000. Of this amount, up to $215,000,000 may be used for assistance under chapter 2 of part II of the Foreign Assistance Act of 1961, with the understanding that the United States Government is acting with urgency and determination to oppose any actions aimed at effecting a permanent bifurcation of Cyprus.

* * * * * * *

SEC. 106. GUARANTY RESERVE FUND.

(a) REPORT ON REPLENISHMENT.—For the purpose of providing recommendations for improving the security interests of the United States and the friends and allies of the United States, the President shall prepare and transmit to the Congress within 90 days after the date of enactment of this Act a report which sets forth the history of United States foreign military sales financing under the Foreign Assistance Act of 1961 and the Arms Export Control Act. Such report shall include recommendations on replenishing the Guaranty Reserve Fund under section 24 of the Arms Export Control Act and recommendations on other matters agreed to in consultation with the chairman and ranking minority member of the Committee on Foreign Relations of the Senate and of the Committee on Foreign Affairs of the House of Representatives.

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SEC. 129.[5] CONVENTIONAL ARMS TRANSFERS.

(a) NEGOTIATIONS.—At the earliest possible date, the President should, in consultation with United States allies, initiate discussions with the Soviet Union and France aimed at beginning multilateral negotiations to limit and control the transfer of conventional arms to less developed countries.

(b) REPORT.—Within one year after the date of enactment of this Act, the President shall submit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report which specifies steps being taken to fulfill the requirements of subsection (a) and which examines and analyzes United States policies concerning the export of conventional arms, especially sophisticated weapons, and possible approaches to developing multilateral limitations on conventional arms sales. This report shall examine and analyze—

(1) the lessons of earlier efforts to negotiate restraints on the export of conventional arms;

(2) the evolution of supplier practices and policies;

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[4] Title III of the Foreign Assistance Appropriations Act, 1986, as contained in sec. 101(i) of Public Law 99-190, 99 Stat. 1302, provided a 1986 FMS appropriation of $427,852,000 for Turkey; the 1987 version of the Act, Public Law 99-591, 100 Stat. 3341, appropriated $490,000 for Turkey.

[5] 22 U.S.C. 2751 note.

(3) the evolution of recipient country attitudes regarding conventional arms transfers;

(4) the effect upon regional stability and security of conventional arms transfer by the United States and its allies and the Soviet Union and its allies;

(5) the relationship between arms imports and the external debt of recipient countries, the allocation of their internal resources, and their economic well-being;

(6) the relationship between arms exports by Western European countries and the needs of those countries to support their domestic military procurement programs;

(7) the prospects for engaging the Soviet Union in serious discussions concerning arms transfers, both globally and as they relate to regional security problems;

(8) possible measures by the United States and Western European suppliers to control levels of sophisticated weapons sales, both regionally and globally; and

(9) the timing and phasing of international conventional arms control negotiations.

SEC. 130.[6] FOREIGN MILITARY SALES FOR JORDAN.

(a) MIDDLE EAST PEACE.—The foreign military sales financing authorized by this Act for Jordan is provided and increased in the recognition of progress Jordan has made in the search for a just and lasting peace in the Middle East, to encourage further progress, in recognition of the continuing defense needs of Jordan, and in the expectation that Jordan will enter into direct negotiations with Israel based on United Nations Security Council Resolutions 242 and 338 in order to resolve the state of war between those two countries.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that no foreign military sales financing authorized by this Act may be used to finance the procurement by Jordan of United States advanced aircraft, new air defense weapons systems, or other new advanced military weapons systems, and no notification may be made pursuant to section 36(b) of the Arms Export Control Act with respect to a proposed sale to Jordan of United States advanced aircraft, new air defense systems, or other new advanced military weapons systems, unless Jordan is publicly committed to the recognition of Israel and to negotiate promptly and directly with Israel under the basic tenets of United Nations Security Council Resolutions 242 and 338.

(c) CERTIFICATION.—Any notification made pursuant to section 36(b) of the Arms Export Control Act with respect to a proposed sale to Jordan of United States advanced aircraft, new air defense systems, or other new advanced military weapons, shall be accompanied by a Presidential certification of Jordan's public commitment to the recognition of Israel and to negotiate promptly and directly with Israel under the basic tenets of United Nations Security Council Resolutions 242 and 338.

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[6] Title III, sec. 545 of the Foreign Assistance Appropriations Act, 1986 as contained in sec. 101(i) of the Further Continuing Appropriations, 1986 Public Law 99-190, 99 Stat. 1311, substantively contained the same provisions as this section.

SEC. 131. CERTIFICATION CONCERNING AWACS SOLD TO SAUDI ARABIA.

(a) THE PRESIDENT'S 1981 AWACS COMMUNICATION TO THE SENATE.—(1) The Congress finds that in his October 28, 1981, communication to the Senate concerning the proposed sale of AWACS aircraft and F-15 enhancement items to Saudi Arabia which was then being reviewed by the Congress (hereafter in this section referred to as the "1981 AWACS communication"), the President stated the following:

> "Transfer of the AWACS will take place . . . only after the Congress has received in writing a Presidential certification, containing agreements with Saudi Arabia, that the following conditions have been met:
>
> "1. **Security of Technology**
>
> "A. That a detailed plan for the security of equipment, technology, information, and supporting documentation has been agreed to by the United States and Saudi Arabia and is in place; and
>
> "B. The security provisions are no less stringent than measures employed by the U.S. for protection and control of its equipment of like kind outside the continental U.S.; and
>
> "C. The U.S. has the right of continual on-site inspection and surveillance by U.S. personnel of security arrangements for all operations during the useful life of the AWACS. It is further provided that security arrangements will be supplemented by additional U.S. personnel if it is deemed necessary by the two parties; and
>
> "D. Saudi Arabia will not permit citizens of third nations either to perform maintenance on the AWACS or to modify any such equipment without prior, explicit mutual consent of the two governments; and
>
> "E. Computer software, as designated by the U.S. Government, will remain the property of the USG.
>
> "2. **Access to Information**
>
> "That Saudi Arabia has agreed to share with the United States continuously and completely the information that it acquires from use of the AWACS.
>
> "3. **Control Over Third-Country Participation**
>
> "A. That Saudi Arabia has agreed not to share access to AWACS equipment, technology, documentation, or any information developed from such equipment or technology with any nation other than the U.S. without the prior, explicit mutual consent of both governments; and
>
> "B. There are in place adequate and effective procedures requiring the screening and security clearance of citizens of Saudi Arabia and that only cleared Saudi citizens and cleared U.S. nationals will have access to AWACS equipment, technology, or documentation, or information derived therefrom, without the prior, explicit mutual consent of the two governments.
>
> "4. **AWACS Flight Operations**
>
> "That the Saudi AWACS will be operated solely within the boundaries of Saudi Arabia, except with the prior, explicit mutual consent of the two governments, and solely for defensive purposes as defined by the United States, in order to maintain security and regional stability.

"5. **Command Structure**

"That agreements as they concern organizational command and control structure for the operation of AWACS are of such a nature to guarantee that the commitments above will be honored.

"6. **Regional Peace and Security**

"That the sale contributes directly to the stability and security of the area, enhances the atmosphere and prospects for progress toward peace, and that initiatives toward the peaceful resolution of disputes in the region have either been successfully completed or that significant progress toward that goal has been accomplished with the substantial assistance of Saudi Arabia.".

(2) The Congress finds that the President also stated in the 1981 AWACS communications that should circumstances arise that might require changes in the arrangements described in that communication, "they would be made only with Congressional participation".

(b) REQUIREMENT FOR PRESIDENTIAL CERTIFICATION.—As provided in the 1981 AWACS communication, before the E-3A airborne warning and control system (AWACS) aircraft which were the subject of that communication are transferred to Saudi Arabia, the President shall submit to the Congress a written Presidential certification, containing agreements with Saudi Arabia, that the conditions set forth in that communication have been met.

(c) CONGRESSIONAL PARTICIPATION IN CHANGES IN AWACS ARRANGEMENTS.—In order to facilitate the congressional participation provided for in the 1981 AWACS communication, the President shall notify the Congress promptly of any changes being considered by the United States in the arrangements described in that communication.

SEC. 132. COOPERATIVE AGREEMENTS ON AIR DEFENSE IN CENTRAL EUROPE.

(a) GENERAL AUTHORITIES.—The Secretary of Defense may carry out the European air defense agreements. In carrying out those agreements, the Secretary—

(1) may provide without monetary charge to the Federal Republic of Germany articles and services as specified in the agreements; and

(2) may accept from the Federal Republic of Germany (in return for the articles and services provided under paragraph (1)) articles and services as specified in the agreements.

(b) SPECIAL AUTHORITIES.—In connection with the administration of the European air defense agreements, the Secretary of Defense may—

(1) waive any surcharge for administrative services otherwise chargeable under section 21(e)(1)(A) of the Arms Export Control Act;

(2) waive any charge not otherwise waived for services associated with contract administration for the sale under the Arms Export Control Act of Patriot air defense missile fire units to the Federal Republic of Germany contemplated in the agreements;

(3) use, to the extent contemplated in the agreements, the NATO Maintenance and Supply Agency—

(A) for the supply of logistical support in Europe for the Patriot missile system, and

(B) for the acquisition of such logistical support,

to the extent that the Secretary determines that the procedures of that Agency governing such supply and acquisition are appropriate;

(4) share, to the extent contemplated in the agreements, the costs of setup charges of facilities for use by that Agency to perform depot-level support of Patriot missile fire units in Europe; and

(5) delivery to the Federal Republic of Germany one Patriot missile fire unit configured for training, to be purchased by the Federal Republic of Germany under the Arms Export Control Act as contemplated in the agreements, without regard to the requirement in section 22 of that Act for payment in advance of delivery for any purchase under that Act.

(c) RATE CHARGED FOR CERTAIN SERVICES.—Notwithstanding the rate required to be charged under section 21 of the Arms Export Control Act for services furnished by the United States, in the case of 14 Patriot missile fire units which the Federal Republic of Germany purchases from the United States under the Arms Export Control Act as contemplated in the European air defense agreements, the rate charged by the Secretary of Defense for packing, crating, handling, and transportation services associated with that purchase may not exceed the established Department of Defense rate for such services.

(d) LIMITATION ON CONTRACT AUTHORITY.—The authority of the Secretary of Defense to enter into contracts under the European air defense agreements is available only to the extent that appropriated funds, other than those made available under section 31 of the Arms Export Control Act, are available for that purpose.

(e) RELATION TO FISCAL YEAR 1985 AUTHORIZATION.—The authorities provided by this section are an extension of, and not in addition to, the authorities provided by section 1007 of the Department of Defense Authorization Act, 1985 (98 Stat. 2579), relating to the authority of the Secretary of Defense to carry out the European air defense agreements during fiscal year 1985.

(f) DEFINITION OF EUROPEAN AIR DEFENSE AGREEMENTS.—For the purposes of this section, the term "European air defense agreements" means—

(1) the agreement entitled "Agreement between the Secretary of Defense of the United States of America and the Minister of Defense of the Federal Republic of Germany on Cooperative Measures for Enhancing Air Defense for Central Europe", signed on December 6, 1983; and

(2) the agreement entitled "Agreement between the Secretary of Defense of the United States of America and the Minister of Defense of the Federal Republic of Germany in implementation of the 6 December 1983 Agreement on Cooperative Measures for Enhancing Air Defense for Central Europe", signed on July 12, 1984.

TITLE II—ECONOMIC SUPPORT FUND

* * * * * * *

SEC. 202. ASSISTANCE FOR THE MIDDLE EAST.

(a) ISRAEL.[7, 8]—(1) Of the amounts authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961, not less than $1,200,000,000 for fiscal year 1986[9] and not less than $1,200,000,000 for fiscal year 1987 shall be available only for Israel.

(2) The total amounts of funds allocated for Israel under that chapter for fiscal year 1986 and fiscal year 1987 shall be made available as a cash transfer on a grant basis. Such transfer shall be made on an expedited basis in the first 30 days of the respective fiscal year. In exercising the authority of this paragraph, the President shall ensure that the level of cash transfer made to Israel does not cause an adverse impact on the total level of nonmilitary exports from the United States to Israel.

(b) EGYPT.—(1) Of the amounts authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961, not less than $815,000,000 for fiscal year 1986[10] and not less than $815,000,000 for fiscal year 1987 shall be available only for Egypt.

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[7] Title II of the Foreign Assistance Appropriations Act, 1986, as contained in sec. 101(i) of Public Law 99–190 contained the following text: "That it is the sense of the Congress that the recommended levels of assistance for Egypt and Israel are based in great measure upon their continued participation in the Camp David Accords and upon the Egyptian-Israeli peace treaty; and that Egypt and Israel are urged to continue their efforts to restore a full diplomatic relationship, including ambassadors, and achieve realization of the Camp David Accords." Identical langauge is contained in Title II of the 1987 version of the Act, Public Law 99–591, 100 Stat. 3341.

[8] Title V sec. 532 of the Foreign Assistance Appropriations Act, 1986, as contained in sec. 101(i) of the further continuing appropriations, 1986 (Public Law 99–190, 99 Stat. 1308) provide the following:

SEC. 532. The Congress finds that progress on the peace process in the Middle East is vitally important to United States security interests in the region. The Congress recognizes that, in fulfilling its obligations under the Treaty of Peace Between the Arab Republic of Egypt and the State of Israel, done at Washington on March 26, 1979, Israel incurred severe economic burdens. Furthermore, the Congress recognizes that an economically and militarily secure Israel serves the security interests of the United States, for a secure Israel is an Israel which has the incentive and confidence to continue pursuing the peace process. Therefore, the Congress declares that it is the policy and the intention of the United States that the funds provided in annual appropriations for the Economic Support Fund which are allocated to Israel shall not be less than the annual debt repayment (interest and principal) from Israel to the United States Government in recognition that such a principle serves United States interests in the region.

Section 531 of the 1987 version of the Act, Public Law 99–591, 100 Stat. 3341, contained identical language to sec. 532 above.

[9] Title II of the Foreign Assistance Appropriations Act, 1986, as contained in sec. 101(i) of the further continuing appropriations, 1986 (Public Law 99–190, 99 Stat 1298) provided the following economic support fund appropriation: "* * * not less than $1,200,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within 30 days of enactment of this Act or by October 31, 1985, which ever is later * * *"

Title II of the 1987 Act, Public Law 99–591, 100 Stat. 3341, contain identical language to that above except that the amount is "$1,200,000,000," and the date is "October 31, 1986."

[10] Title II of the Foreign Assistance Appropriations Act, 1986, as contained in sec. 101(i) of Public Law 99–190, 99 Stat 1298, provided the following appropriations for Egypt in the economic support fund category: "not less than $815,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, of which not less than $115,000,000 shall be provided as a cash transfer in accordance with the provisions of section 202(b) of Public Law 99–83, and not less than $200,000,000 shall be provided as a Commodity Import Program:"

Title II of the 1987 version of the Act, Public Law 99–591, 100 Stat. 3341 contain language identical to that above with the following added:

* * * *Provided further*, That notwithstanding any other provision of law, the Agency for International Development is authorized to obligate such funds as it deems necessary in excess of $115,000,000 from the funds appropriated for assistance to Egypt for the fiscal year 1987 as

Continued

(2) All of the funds made available to Egypt under that chapter for the fiscal years 1986 and 1987 shall be provided on a grant basis.

(3) Up to $115,000,000 of the amounts provided for Egypt for each of the fiscal years 1986 and 1987 pursuant to paragraph (1) may be provided as a cash transfer with the understanding that Egypt will undertake economic reforms or development activities which are additional to those which would be undertaken in the absence of the cash transfer.

(c) COOPERATIVE SCIENTIFIC AND TECHNOLOGICAL PROJECTS.—It is the sense of the Congress that, in order to continue to build the structure of peace in the Middle East, the United States should finance, and where appropriate participate in, cooperative projects of a scientific and technological nature involving Israel and Egypt and other Middle East countries wishing to participate. These cooperative projects should include projects in the fields of agriculture, health, energy, the environment, education, water resources, and the social sciences.

SEC. 203. ASSISTANCE FOR CYPRUS.

(a) EARMARKS.—Of the amounts authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961, not less than $15,000,000 for fiscal year 1986 [11] and not less than $15,000,000 for fiscal year 1987 shall be available only for Cyprus.

(b) CYPRUS PEACE AND RECONSTRUCTION FUND.—It is the sense of the Congress that, at the appropriate time, $250,000,000 should be authorized to be appropriated to provide assistance for Cyprus under chapter 4 of part II of the Foreign Assistance Act of 1961 if the President certifies to the Congress that an agreement has been concluded by the Greek and Turkish Cypriots which is supported by Greece and Turkey and which achieves substantial progress toward settlement of the Cyprus dispute. Such an agreement should include an agreement on Varosha/Famagusta, foreign troop levels in the Republic of Cyprus, the disposition of the international airport on Cyprus, or other significant steps which are evidence

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direct cash transfer for Egypt: *Provided further*, That such obligations in excess of $115,000,000 shall only be made in support of the implementation of a comprehensive structural economic reform program by the Government of Egypt: *Provided further*, That all such cash transfers in excess of $115,000,000 shall be subject to the regular notification procedures of the Committee on Foreign Affairs of the House of Representatives, the Committee on Foreign Relations of the Senate, and the Appropriations Committee of the House and Senate: *Provided further*, That such notifications for the provision of cash transfers in excess of $115,000,000 shall include detailed descriptions of the comprehensive structural economic reform program of the Government of Egypt: *Provided further*, That if the Agency for International Development obligates cash transfer assistance for Egypt exceeding $115,000,000, as permitted above, then such increased funding shall be derived through proportionate reductions in both the Commodity Import Program and project assistance: *Provided further*, That it is the sense of the Congress that the recommended levels of assistance for Egypt and Israel are based in great measure upon their continued participation in the Camp David Accords and upon the Egyptian-Israeli peace treaty; and that Egypt and Israel are urged to continue their efforts to restore a full diplomatic relationship, including ambassadors, and achieve realization of the Camp David Accords: * * *

[11] Title II of the Foreign Assistance Appropriations Act, 1986, as contained in sec. 101(i) of Public Law 99-190 provided the following appropriations for Cyprus for fiscal year 1986 in the economic support fund category: "* * * of the funds appropriated or otherwise made available under this heading, $15,000,000 shall be available only for Cyprus (except that any offshore procurement must meet Agency for International Development procurement source and origin regulations):"

Title II of the 1987 version of the Act, Public Law 99-591, 100 Stat. 3341, *Provided*, "That not less than $15,000,000 of the funds appropriated under this paragraph shall be available for Cyprus:"

of substantial progress toward an overall settlement of the Cyprus dispute.

SEC. 204. ASSISTANCE FOR PORTUGAL.

Of the amounts authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961, $80,000,000 for fiscal year 1986 and $80,000,000 for fiscal year 1987 shall be available only for Portugal.

SEC. 205. ACQUISITION OF AGRICULTURAL COMMODITIES UNDER COMMODITY IMPORT PROGRAMS.

The President shall use not less than 18 percent of the funds which are authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 for each of the fiscal years 1986 and 1987, and which are made available for commodity import programs, for the purchase of agricultural commodities of United States-origin.

SEC. 206. TIED AID CREDIT PROGRAM.

Of the amounts authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated for Commodity Import Programs—

(1) not less than $50,000,000 for fiscal year 1986, and

(2) an aggregate of not less than $100,000,000 for both fiscal years 1986 and 1987,

shall be deposited in the fund authorized by subsection (c)(2) of section 645 of the Trade and Development Enhancement Act of 1983 (12 U.S.C. 635r) and shall be used by the Agency for International Development in carrying out the program of tied aid credits for United States exports which is provided for in that section. Funds that have not been obligated pursuant to the tied aid credit program by the end of the third quarter of the fiscal year for which they were appropriated may be used for other purposes under chapter 4 of part II of the Foreign Assistance Act of 1961 if the Adminstrator of the Agency for International Development certifies to the Congress that (A) no trade credit application acceptable and timely under the Trade and Development Enhancement Act of 1983 is pending, or (B) those funds are not needed for that program because other countries are not engaging in predatory financing practices in order to compete with United States exports.

SEC. 207. RESTRICTION ON USE OF FUNDS FOR NUCLEAR FACILITIES.

Funds authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 for fiscal year 1986 or fiscal year 1987 may not be used to finance the construction of, the operation or maintenance of, or the supplying of fuel for, any nuclear facility in a foreign country unless the President certifies to the Congress that such country is a party to the Treaty on the Non-Proliferation of Nuclear Weapons or the Treaty for the Prohibition of Nuclear Weapons in Latin America (the "Treaty of Tlatelolco"), cooperates fully with the International Atomic Energy Agency, and pursues nonproliferation policies consistent with those of the United States.

SEC. 208. FISCAL YEAR 1985 SUPPLEMENTAL AUTHORIZATION.

(a) AUTHORIZATION.—In addition to the amount appropriated for such purpose by Public Law 98–473, there are authorized to be appropriated $2,008,000,000 for fiscal year 1985 to carry out the purposes of chapter 4 of part II of the Foreign Assistance Act of 1961. Of this amount, $1,500,000,000 shall be available only for Israel, $500,000,000 shall be available only for Egypt, and $8,000,000 shall be available only for the Middle East Regional Program. Amounts appropriated pursuant to this section are authorized to remain available until September 30, 1986.

(b) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act.

TITLE III—DEVELOPMENT ASSISTANCE

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SEC. 305. PROMOTION OF IMMUNIZATION AND ORAL REHYDRATION.

(a) * * *

(b) ANNUAL REPORTS.—Each annual report required by section 634 of the Foreign Assistance Act of 1961 shall describe the progress achieved during the preceding fiscal year in carrying out section 104(c)(3) of such Act.

* * * * * * *

SEC. 311. USE OF PRIVATE AND VOLUNTARY ORGANIZATIONS, COOPERATIVES, AND THE PRIVATE SECTOR.

(a) STUDY.—The[12] Administrator of the Agency for International Development shall undertake a comprehensive study of additional ways to provide development assistance through nongovernmental organizations, including United States and indigenous private and voluntary organizations, cooperatives, the business community, and other private entities. Such study shall include—

(1) an analysis of the percentage of development assistance allocated to governmental and nongovernmental programs;

(2) an analysis of structural impediments, within both the United States and foreign governments, to additional use of nongovernmental programs; and

(3) an analysis of the comparative economic benefits of governmental and nongovernmental programs.

(b) REPORT.—The Administrator shall report the results of this study to the Congress no later than September 30, 1986.

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SEC. 315. MINORITY SET-ASIDE.

Except to the extent that the Administrator of the Agency for International Development determines otherwise, not less than 10 percent of the aggregate of the funds made available for each of the fiscal years 1986 and 1987 to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be made available only for activities of economically and socially disadvantaged enterprises (within the meaning of section 133(c)(5) of the International Development and Food Assistance Act of 1977), historically black colleges and universities, and private and voluntary organizations which are controlled by individuals who are black Americans, Hispanic Americans, or Native Americans, or who are economically and socially disadvantaged (within the meaning of section 133(c)(5)(B) and (C) of the International Development and Food Assistance Act of 1977). For purposes of this section, economically and socially disadvantaged individuals shall be deemed to include women.

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[12] 22 U.S.C. 2151u note.

TITLE IV—OTHER FOREIGN ASSISTANCE PROGRAMS

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SEC. 402. VOLUNTARY CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS AND PROGRAMS.

(a) * * *

(b) FISCAL YEAR 1985 CONTRIBUTION TO UNITED NATIONS ENVIRONMENT PROGRAM.—Notwithstanding section 614 of the Foreign Assistance Act of 1961 or any other provision of law, $10,000,000[13] of the funds appropriated for the fiscal year 1985 to carry out chapter 3 of part I of such Act shall be available only for the United Nations Environment Program. This subsection shall take effect on the date of enactment of this Act.

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TITLE V—INTERNATIONAL TERRORISM AND FOREIGN AIRPORT SECURITY

PART A—INTERNATIONAL TERRORISM GENERALLY[14]

* * * * * * *

SEC. 502. COORDINATION OF ALL UNITED STATES TERRORISM-RELATED[15] ASSISTANCE TO FOREIGN COUNTRIES.

(a) COORDINATION.—The Secretary of State shall be responsible for coordinating all assistance related to international terrorism[15] which is provided by the United States Government to foreign countries.

(b) REPORTS.—Not later than February 1 each year, the Secretary of State, in consultation with appropriate United States Government agencies, shall report to the appropriate committees of the Congress on the assistance related to international terrorism[15] which was provided by the United States Government during the preceding fiscal year. Such reports may be provided on a classified basis to the extent necessary, and shall specify the amount and nature of the assistance provided.

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[13] This amount was lowered to $9,000,000 per fiscal year by title I of section 101(i) of Public Law 99-190, 99 Stat. 1294

[14] Title II of the Foreign Assistance Appropriations Act, 1986, as contained in sec. 101(i) of Public Law 99-190, 99 Stat. 1300, $7,420,000 for anti-terrorism assistance for fiscal year 1986.

Title II of the 1987 Act, Public Law 99-591, 100 Stat. 3341 appropriated $9,840,000 as follows:

ANTI-TERRORISM ASSISTANCE

For necessary expenses to carry out the provisions of chapter 8 of part II, $9,840,000.

In addition, Title I, chapter V of Public Law 99-349 [Urgent Supplemental Appropriations Act, 1986], 100 Stat. 725, provides as follows:

DEPARTMENT OF STATE

ANTI-TERRORISM ASSISTANCE (TRANSFERS OF FUNDS)

For an additional amount to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961, $2,739,000, to be derived by transfer from any of the funds appropriated or otherwise made available in titles I, II, III, and IV of the Foreign Assistance and Related Programs Appropriations Act, 1986 (as enacted in Public Law 99-190).

[15] Sec. 503 of Public Law 99-399; 100 Stat. 871, substituted the references to "terrorism-related" or "related to international terrorism" in lieu of references to "anti-terrorism."

(c)[16] Rule of Construction.—Nothing contained in this section shall be construed to limit or impair the authority or responsibility of any other Federal agency with respect to law enforcement, domestic security operations, or intelligence activities as defined in Executive Order 12333.

SEC. 504. PROHIBITION ON IMPORTS FROM AND EXPORTS TO LIBYA.

(a) Prohibition on Imports.—Notwithstanding any other provision of law, the President may prohibit any article grown, produced, extracted, or manufactured in Libya from being imported into the United States.

(b) Prohibition on Exports.—Notwithstanding any other provision of law, the President may prohibit any goods or technology, including technical data or other information, subject to the jurisdiction of the United States or exported by any person subject to the jurisdiction of the United States, from being exported to Libya.

(c) Definition.—For purposes of this section, the term "United States", when used in a geographical sense, includes territories and possessions of the United States.

SEC. 505.[16a] BAN ON IMPORTING GOODS AND SERVICES FROM COUNTRIES SUPPORTING TERRORISM.

(a) Authority.—The President may ban the importation into the United States of any good or service from any country which supports terrorism or terrorist organizations or harbors terrorist or terrorist organizations.

(b) Consultation.—The President, in every possible instance, shall consult with the Congress before exercising the authority granted by this section and shall consult regularly with the Congress so long as that authority is being exercised.

(c) Reports.—Whenever the President exercises the authority granted by this section, he shall immediately transmit to the Congress a report specifying—

(1) The country with respect to which the authority is to be exercised and the imports to be prohibited;

(2) the circumstances which necessitate the exercise of such authority;

(3) why the President believes those circumstances justify the exercise of such authority; and

(4) why the President believes the prohibitions are necessary to deal with those circumstances.

At least once during each succeeding 6-month period after transmitting a report pursuant to this subsection, the President shall report to the Congress with respect to the actions taken, since the last such report, pursuant to this section and with respect to any changes which have occurred concerning any information previously furnished pursuant to this subsection.

(d) Definition.—For purposes of this section, the term "United States" includes territories and possessions of the United States.

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[16] Subsection (c) was added by Sec. 503 of Public Law 99-399; 100 Stat. 871.

[16a] 22 U.S.C. 2349aa-9.

SEC. 506. INTERNATIONAL ANTI-TERRORISM COMMITTEE.

The Congress calls upon the President to seek the establishment of an international committee, to be known as the International Anti-Terrorism Committee, consisting of representatives of the member countries of the North Atlantic Treaty Organization, Japan, and such other countries as may be invited and may choose to participate. The purpose of the Committee should be to focus the attention and secure the cooperation of the governments and the public of the participating countries and of other countries on the problems and responses to international terrorism, by serving as a forum at both the political and law enforcement levels.

SEC. 507. INTERNATIONAL TERRORISM CONTROL TREATY.

It is the sense of the Congress that the President should establish a process by which democratic and open societies of the world, which are those most plagued by terrorism, negotiate a viable treaty to effectively prevent and respond to terrorist attacks. Such a treaty should incorporate an operative definition of terrorism, and should establish effective close intelligence-sharing, joint counterterrorist training, and uniform laws on asylum, extradition, and swift punishment for perpetrators of terrorism. Parties to such a treaty should include, but not be limited to, those democratic nations who are most victimized by terrorism.

SEC. 508. STATE TERRORISM.

It is sense of the Congress that all civilized nations should firmly condemn the increasing use of terrorism by certain states as an official instrument for promoting their policy goals, as evidenced by such examples as the brutal assassination of Major Arthur D. Nicholson, Junior, by a member of the Soviet armed forces.

Part B—Foreign Airport Security

SEC. 551. SECURITY STANDARDS FOR FOREIGN AIR TRANSPORTATION.

(a) Security at Foreign Airports.—Section 1115 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1515) is amended to read as follows:

"Security Standards in Foreign Air Transportation

"ASSESSMENT OF SECURITY MEASURES

"Sec. 1115. (a)(1) The Secretary of Transportation shall conduct at such intervals as the Secretary shall deem necessary an assessment of the effectiveness of the security measures maintained at those foreign airports being served by air carriers, those foreign airports from which foreign air carriers serve the United States, those foreign airports which pose a high risk of introducing danger to international air travel, and at such other foreign airports as the Secretary may deem appropriate.

"(2) Each such assessment shall be made by the Secretary of Transportation in consultation with the appropriate aeronautic authorities of the foreign government concerned and each air carrier serving the foreign airport at which the Secretary is conducting such asssessment.

"(3) The assessment shall determine the extent to which an airport effectively maintains and administers security measures. In making an assessment of any airport under this subsection, the Secretary shall use a standard which will result in an analysis of the security measures at such airport based upon, at a minimum, the standards and appropriate recommended practices contained in Annex 17 to the Convention on International Civil Aviation, as those standards and recommended practices are in effect on the date of such assessment.

"CONSULTATION WITH THE SECRETARY OF STATE

"(b) In carrying out subsection (a), the Secretary of Transportation shall consult the Secretary of State with respect to the terrorist threat which exists in each country. The Secretary of Transportation shall also consult with the Secretary of State in order to determine which foreign airports are not under the de facto control of the government of the country in which they are located and pose a high risk of introducing danger to international air travel.

"REPORT OF ASSESSMENTS

"(c) Each report to the Congress required by section 315 of this Act shall contain a summary of the assessments conducted pursuant to subsection (a).

"NOTIFICATION TO FOREIGN COUNTRY OF DETERMINATION

"(d) Whenever, after an assessment in accordance with subsection (a), the Secretary of Transportation determines that an airport does not maintain and administer effective security measures, the Secretary (after advising the Secretary of State) shall notify the appropriate authorities of such foreign government of such determination, and recommend the steps necessary to bring the security measures in use at that airport up to the standard used by the Secretary in making such assessment.

"NOTICE AND SANCTIONS

"(e)(1) Paragraph (2) of this subsection shall become effective—

"(A) 90 days after notification to the foreign government pursuant to subsection (d), if the Secretary of Transportation finds that the foreign government has failed to bring the security measures at the identified airport up to the standard used by the Secretary in making an assessment of such airport under subsection (a); or

"(B) immediately upon the Secretary of Transportation's determination under subsection (d) if the Secretary of Transportation determines, after consultation with the Secretary of State, that a condition exists that threatens the safety or security of passengers, aircraft, or crew traveling to or from such airport.

The Secretary of Transportation shall immediately notify the Secretary of State of any determination made pursuant to subparagraph (B) so that the Secretary of State may comply with the requirement of section 552(a) of the International Security and Development Cooperation Act of 1985 that a travel advisory be issued.

"(2) Subject to paragraph (1), if the Secretary of Transportation determines pursuant to this section that an airport does not maintain and administer effective security measures—

"(A) the Secretary of Transportation—

"(i) shall publish the identity of such airport in the Federal Register,

"(ii) shall cause the identity of such airport to be posted and prominently displayed at all United States airports regularly being served by scheduled air carrier operations, and

"(iii) shall notify the news media of the identity of such airport;

"(B) each air carrier and foreign air carrier providing service between the United States and such airport shall provide notice of such determination by the Secretary to any passenger purchasing a ticket for transportation between the United States and such airport, with such notice to be made by written material included on or with such ticket;

"(C) the Secretary of Transportation, after consultation with the appropriate aeronautical authorities of the foreign government concerned and each air carrier serving such airport, may, notwithstanding section 1102 of this Act and with the approval of the Secretary of State, withhold, revoke, or impose conditions on the operating authority of any air carrier or foreign air carrier to engage in foreign air transportation utilizing such airport; and

"(D) the President may prohibit air carriers and foreign air carriers from providing service between the United States and any other foreign airport which is directly or indirectly served by aircraft flying to or from the airport with respect to which the determination is made under this section.

"(3) The Secretary of Transportation shall promptly submit to the Congress a report (with a classified annex if necessary) on any action taken under this subsection, setting forth information concerning the attempts made to secure the cooperation of the foreign government in meeting the standard used by the Secretary in making the assessment of the airport under subsection (a).

"LIFTING OF SANCTIONS

"(f)(1) The sanctions required to be imposed with respect to an airport pursuant to subsection (e)(2) (A) and (B) may be lifted only if the Secretary of Transportation, in consultation with the Secretary of State, has determined that effective security measures are maintained and administered at that airport.

"(2) The Congress shall be notified if any sanction imposed pursuant to subsection (e) is lifted.

"AUTHORITY FOR IMMEDIATE SUSPENSION OF AIR SERVICE

"(g) Notwithstanding sections 1102 and 1114 of this Act, whenever the Secretary of Transportation determines that—

"(1) a condition exists that threatens the safety or security of passengers, aircraft, or crew traveling to or from a foreign airport, and

"(2) the public interest requires an immediate suspension of services between the United States and the identified airport,

the Secretary of Transportation shall, without notice or hearing and with the approval of the Secretary of State, suspend the right of any air carrier or foreign air carrier to engage in foreign air transportation to or from that foreign airport and the right of any person to operate aircraft in foreign air commerce to or from that foreign airport.

"CONDITIONS OF AUTHORITY

"(h) The provisions of this section shall be deemed to be a condition to any authority granted under title IV or title VI of this Act to any air carrier or any foreign air carrier, issued under authority vested in the Secretary of Transportation.".

(b) CONFORMING AMENDMENTS.—

(1) INFORMATION IN SEMIANNUAL REPORTS.—Section 315(a) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1356(a)) is amended by adding at the end thereof the following new sentence: "Each semiannual report submitted by the Administrator pursuant to the preceding sentence shall include the information described in section 1115(c) of this Act.".

(2) CIVIL PENALTIES.—Section 901(a)(1) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1471(a)(1)) is amended by inserting "or 1115(e)(2)(B)" after "1114."

(3) TABLE OF CONTENTS.—That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the center heading

"TITLE XI—MISCELLANEOUS"

is amended by striking out

"Sec. 1115. Security standards in foreign air transportation.".

and inserting in lieu thereof

"Sec. 1115. Security standards in foreign air transportation.
"(a) Assessment of security measures.
"(b) Consultation with the Secretary of State.
"(c) Report of assessments.
"(d) Notification to foreign country of determination.
"(e) Notice and sanctions.
"(f) Lifting of sanctions.
"(g) Authority for immediate suspension of air service.
"(h) Conditions of authority.".

(c) CLOSING OF BEIRUT INTERNATIONAL AIRPORT.—It is the sense of the Congress that the President is urged and encouraged to take all appropriate steps to carry forward his announced policy of seeking the effective closing of the international airport in Beirut, Lebanon, at least until such time as the Government of Lebanon has instituted measures and procedures designed to prevent the use of that airport by aircraft hijackers and other terrorists in attacking civilian airlines or their passengers, hijacking their aircraft, or taking or holding their passengers hostage.

SEC. 552.[16b] TRAVEL ADVISORY AND SUSPENSION OF FOREIGN ASSISTANCE.

(a) TRAVEL ADVISORY.—Upon being notified by the Secretary of Transportation that the Secretary has determined, pursuant to subsection (e)(1)(B) of section 1115 of the Federal Aviation Act of 1958 that a condition exists that threatens the safety or security of passengers, aircraft, or crew traveling to or from a foreign airport which the Secretary of Transportation has determined pursuant to that section to be an airport which does not maintain and administer effective security measures, the Secretary of State shall immediately issue a travel advisory with respect to that airport. Any travel advisory issued pursuant to this subsection shall be published in the Federal Register. The Secretary of State shall take the necessary steps to widely publicize that travel advisory.

(b) SUSPENSION OF FOREIGN ASSISTANCE.—The President shall suspend all assistance under the Foreign Assistance Act of 1961 or the Arms Export Control Act to any country in which is located an airport with respect to which section 1115(e)(2) of the Federal Aviation Act of 1958 becomes effective if the Secretary of State determines that such country is a high terrorist threat country. The President may waive the requirements of this subsection if the President determines and reports to the Congress that national security interests or a humanitarian emergency require such waiver.

(c) LIFTING SANCTIONS.—The sanctions required to be imposed pursuant to this section may be lifted only if, pursuant to section 1115(f) of the Federal Aviation Act of 1958, the Secretary of Transportation, in consultation with the Secretary of State, has determined that effective security measures are maintained and administered at the airport with respect to which the Secretary of Transportation had made the determination described in section 1115 of that Act.

(d) NOTIFICATION TO CONGRESS.—The Congress shall be notified if any sanction imposed pursuant to this section is lifted.

SEC. 553.[17] UNITED STATES AIRMARSHAL PROGRAM.

(a) STUDY OF NEED FOR EXPANSION OF PROGRAM.—The Secretary of Transportation, in coordination with the Secretary of State, shall study the need for an expanded airmarshal program on international flights of United States air carriers. The Secretary of Transportation shall report the results of this study to the Congress within 6 months after the date of enactment of this Act.

(b) AUTHORITY TO CARRY FIREARMS AND MAKE ARRESTS.—The Secretary of Transportation, with the approval of the Attorney General and the Secretary of State, may authorize persons, in connection with the performance of their air transportation security duties, to carry firearms and to make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States, if they have reasonable grounds to believe that the person to be arrested has committed or is committing a felony.

[16b] 49 U.S.C. app. 1515a.

[17] 49 U.S.C. app. 1356b.

SEC. 554. ENFORCEMENT OF INTERNATIONAL CIVIL AVIATION ORGANIZATION STANDARDS.

The Secretary of State and the Secretary of Transportation, jointly, shall call on the member countries of the International Civil Aviation Organization to enforce that Organization's existing standards and to support United States actions enforcing such standards.

SEC. 555. INTERNATIONAL CIVIL AVIATION BOYCOTT OF COUNTRIES SUPPORTING INTERNATIONAL TERRORISM.

It is the sense of the Congress that the President—

(1) should call for an international civil aviation boycott with respect to those countries which the President determines—

(A) grant sanctuary from prosecution to any individual or group which has committed an act of international terrorism, or

(B) otherwise support international terrorism; and

(2) should take steps, both bilateral and multilateral, to achieve a total international civil aviation boycott with respect to those countries.

SEC. 556.[18] MULTILATERAL AND BILATERAL AGREEMENTS WITH RESPECT TO AIRCRAFT SABOTAGE, AIRCRAFT HIJACKING, AND AIRPORT SECURITY.

The Secretary of State shall seek multilateral and bilateral agreement on strengthening enforcement measures and standards for compliance with respect to aircraft sabotage, aircraft hijacking, and airport security.

SEC. 557. RESEARCH ON AIRPORT SECURITY TECHNIQUES FOR DETECTING EXPLOSIVES.

In order to improve security at international airports, there are authorized to be appropriated to the Secretary of Transportation from the Airport and Airway Trust Fund (in addition to amounts otherwise available for such purpose) $5,000,000, without fiscal year limitation, to be used for research on and the development of airport security devices or techniques for detecting explosives.

SEC. 558. HIJACKING OF TWA FLIGHT 847 AND OTHER ACTS OF TERRORISM.

The Congress joins with all Americans in celebrating the release of the hostages taken from Trans World Airlines flight 847. It is the sense of the Congress that—

(1) purser Uli Derickson, pilot John Testrake, co-pilot Philip Maresca, flight engineer Benjamin Zimmermann, and the rest of the crew of Trans World Airlines flight 847 displayed extraordinary valor and heroism during the hostages' ordeal and therefore should be commended;

(2) the hijackers who murdered United States Navy Petty Officer Stethem should be immediately brought to justice;

(3) all diplomatic means should continue to be employed to obtain the release of the 7 United States citizens previously kidnapped and still held in Lebanon;

(4) acts of international terrorism should be universally condemned; and

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[18] 49 U.S.C. app. 1515 note.

(5) the Secretary of State should be supported in his efforts to gain international cooperation to prevent future acts of terrorism.

SEC. 559. EFFECTIVE DATE.

This part shall take effect on the date of enactment of this Act.

TITLE VI—INTERNATIONAL NARCOTICS CONTROL

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SEC. 607. PROCUREMENT OF WEAPONS TO DEFEND AIRCRAFT INVOLVED IN NARCOTICS CONTROL EFFORTS.

Of the funds available to carry out chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to grant military assistance), $1,000,000 for each of the fiscal years 1986 and 1987 shall be made available to arm, for defensive purposes, aircraft used in narcotic control eradication or interdiction efforts. The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate shall be notified of the use of any such funds for that purpose at least 15 days in advance in accordance with the reprogramming procedures applicable under section 634A of the Foreign Assistance Act of 1961.

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SEC. 610.[19] ASSISTANCE FOR JAMAICA.

In allocating assistance for Jamaica for fiscal year 1986 under chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund), the President shall give major consideration to whether the Government of Jamaica has prepared, presented, and committed itself to a comprehensive plan or strategy for the control and reduction of illicit cultivation, production, processing, transportation, and distribution of marijuana within a specifically stated period of time.

SEC. 611.[20] ASSISTANCE FOR BOLIVIA.

Assistance may be provided to Bolivia for fiscal years 1986 and 1987 under chapter 2 (relating to grant military assistance), chap-

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[19] Title V sec. 537 of the Foreign Assistance Appropriations Act, 1986 as contained in sec. 101(j) of Public Law 99-190, 99 Stat. 1308, provides in part:

Sec. 537. Of the funds made available by this Act for Jamaica and Peru, not more than 50 per centum of the funds made available for each country shall be obligated unless the President determines and reports to the Congress that the governments of these countries are sufficiently responsive to the United States Government concerns on drug control and that the added expenditures of the funds for that country are in the national interest of the United States: *Provided*, That this provision shall not be applicable to funds made available to carry out section 481 of the Foreign Assistance Act of 1961.

The 1987 version of the Act, Public Law 99-591, 100 Stat. 3341 contained identical text in sec. 536.

[20] Title V sec. 537 of the Foreign Assistance Appropriations Act, 1986 as contained in sec. 101(j) of Public Law 99-190, 99 Stat. 1308, provides in part:

"That assistance may be provided to Bolivia for Fiscal Year 1986, under chapter 2 (relating to grant military assistance), chapter 4 (relating to the economic support fund), and chapter 5 (relating to international military education and training) of part II of the Foreign Assistance Act of 1961, and under chapter 2 of the Arms Export Control Act (relating to foreign military sales financing), only under the following conditions:

"For Fiscal Year 1986—

"(A) up to 50 percent of the aggregate amount of such assistance allocated for Bolivia may be provided at any time after the President certifies to the Congress that the Government of Bolivia has enacted legislation that will establish its legal coca requirements, provide for

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ter 4 (relating to the economic support fund), and chapter 5 (relating to international military education and training) of part II of the Foreign Assistance Act of 1961, and under chapter 2 of the Arms Export Control Act (relating to foreign military sales financing), only under the following conditions:

(1) For fiscal year 1986—

(A) up to 50 percent of the aggregate amount of such assistance allocated for Bolivia may be provided at any time after the President certifies to the Congress that the Government of Bolivia has enacted legislation that will establish its legal coca requirements, provide for the licensing of the number of hectares necessary to produce the legal requirement, and make unlicensed coca production illegal; and

(B) the remaining amount of such assistance may be provided at any time following a certification pursuant to subparagraph (A) if the President certifies to the Congress that the Government of Bolivia has achieved the eradication targets for the calendar year 1985 contained in its 1983 narcotics agreements with the United States.

(2) For fiscal year 1987, such assistance may not be provided unless the President certifies to the Congress that the Government of Bolivia has developed a plan to eliminate illicit narcotics production countrywide and is prepared to enter into an agreement with the United States to implement that plan. If that certification is made, then—

(A) [20a] up to 50 percent of the aggregate amount of such assistance allocated for Bolivia may be provided at any time after the President certifices to the Congress that Bolivia has engaged in narcotics interdiction operations which have significantly disrupted the illicit coca industry in Bolivia or has cooperated with the United States in such operations; and

(B) [20a] the remaining amount of such assistance may be provided at any time after the President certifies to the Congress that Bolivia has either met in calendar year 1986

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the licensing of the number of hectares necessary to produce the legal requirement, and make unlicensed coca production illegal; and

"(B) the remaining amount of such assistance may be provided at any time following a certification pursuant to subparagraph (A) if the President certifies to the Congress that the Government of Bolivia achieved the eradication targets for the calendar year 1985 contained in its 1983 narcotics agreements with the United States."

Title V, sec. 535 of the 1987 Act, Public Law 99-591, 100 Stat. 3341 provides:

* * * *Provided further,* That assistance may be provided to Bolivia for fiscal year 1987, under chapter 2 (relating to grant military assistance), chapter 4 (relating to the economic support fund), and chapter 5 (relating to international military education and training) of part II of the Foreign Assistance Act of 1961, and under chapter 2 of the Arms Export Control Act (relating to foreign military sales financing), only in accordance with the provisions of section 611 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83) as amended by section 2011 of H.R. 5484 as passed by the Senate on September 30, 1986.

[20a] Sec. 2012(b) of Public Law 99-570; 100 Stat. 3207 amended subparagraphs (A) and (B) of paragraph (2) which previously read as follows:

"(A) up to 50 percent of the aggregate amount of such assistance allocated for Bolivia may be provided at any time after the President certifies to the Congress that the Government of Bolivia has achieve at least half of the eradication target for the calendar year 1986 agreed to by the United States and the Government of Bolivia; and

"(B) the remaining amount of such assistance may be provided at any time the President certifies to the Congress that the Government of Bolivia fully achieved that eradication target."

the eradication targets for the calendar year 1985 contained in its 1983 narcotics agreements with the United States or has entered into an agreement of cooperation with the United States for implementing that plan for 1987 and beyond (including numerical eradication targets) and is making substantial progress toward the plan's objectives, including substantial eradication of illicit coca crops and effective use of United States assistance.

In the certification required by subparagraph (B), the President shall explain why the terms of the 1983 agreement provided unattainable and the reasons why a new agreement was necessary.

SEC. 612.[19] ASSISTANCE TO PERU.

(a) CONDITIONS ON ASSISTANCE.—United States assistance (as defined by section 481(i)(4) of the Foreign Assistance Act of 1961) may be provided for Peru—

(1) for fiscal year 1986, only if the President reports to the Congress that the Government of Peru has demonstrated substantial progress in developing a plan that will establish its legal coca requirements, license the number of hectares necessary to produce the legal requirement, and eliminate illicit and unlicensed coca production; and

(2) for fiscal year 1987, only if the President reports to the Congress that the Government of Peru has developed such a plan and is implementing it.

(b) UPPER HUALLAGA VALLEY PROJECT.—Funds authorized to be appropriated for fiscal year 1987 to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance) may be made available for the project of the Agency for International Development in the Upper Huallaga Valley of Peru only if the Administrator of that Agency, after consultation with the Congress, determines that a comprehensive review of that project has been completed which establishes the effectiveness of that project in reducing and eradicating coca leaf production, distribution, and marketing in the Upper Huallaga Valley. The assistance for Peru described in this subsection may be provided only if the report required by subsection (a)(2) has been submitted to the Congress.

SEC. 613. REALLOCATION OF FUNDS IF CONDITIONS NOT MET.

If any of the assistance described in section 611 is not provided for Bolivia because the conditions specified in that section are not met, or if any of the assistance described in section 612(a) is not provided for Peru because the conditions specified in that section are not met, the President shall reprogram such assistance in order to provide additional assistance to countries which have taken significant steps to halt illicit drug production or trafficking.

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SEC. 615. LATIN AMERICAN REGIONAL NARCOTICS CONTROL ORGANIZATION.

(a) FEASIBILITY STUDY.—The Secretary of State, with the assistance of the National Drug Enforcement Policy Board, shall conduct a study of the feasibility of establishing a regional organization in Latin America which would combat narcotics production and trafficking through regional information-sharing and a regional enforcement unit.

(b) REPORT.—No later than six months after the date of enactment of this Act, a report on the advisability of encouraging the establishment of such an organization shall be submitted to the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives and the Committee on Foreign Relations and the Committee on the Judiciary of the Senate.

SEC. 616. GREATER EFFORT BY UNITED STATES ARMED FORCES TO SUPPORT NARCOTICS CONTROL EFFORTS ABROAD.

No later than 60 days after the date of enactment of this Act, the President shall report to the Congress on why the United States Armed Forces should not exert greater effort in facilitating and supporting interception of narcotics traffickers, and in gathering narcotics-related intelligence, outside the United States.

SEC. 617. CUBAN DRUG TRAFFICKING.

(a) FINDINGS.—The Congress finds that—

(1) the subject of the flow, use, and control of narcotic and psychotropic substances is a matter of great international importance;

(2) the problem of drug abuse and drug trafficking continues to worsen throughout most parts of the world;

(3) the concerns of the governments of many countries have become manifest in several bilateral and multilateral narcotics control projects;

(4) United Nations agencies monitor and apply controls on the flow and use of drugs and coordinate multilateral efforts to control production, trafficking, and abuse of drugs;

(5) the United Nations Fund for Drug Abuse Control funds narcotics projects throughout the world and has been a vehicle since 1971 for multilateral implementation of narcotics control and reduction programs;

(6) the International Narcotics Control Board is charged with monitoring compliance with the Single Convention on Narcotic Drugs, 1961, and the Convention on Psychotropic Substances, and Cuba is a party to both Conventions;

(7) the United Nations Commission on Narcotic Drugs is responsible for formulating policies, coordinating activities, supervising the implementation of international conventions, and making recommendations to governments for international drug control;

(8) the promotion of drug abuse and participation in drug trafficking is universally considered egregious criminal behavior wherever it occurs, whether it occurs locally, nationally, or internationally;

(9) a Federal grand jury of the United States has indicted four prominent Cuban officials on charges of conspiring to smuggle drugs into the United States;

(10) United States Government officials have testified at several congressional hearings that the Government of Cuba is facilitating the flow of illicit drugs into the United States in order to obtain hard currency, support guerrilla/terrorist activities, and undermine United States society; and

(11) such alleged conduct on the part of the Government of Cuba would be injurious to the world community and counter to the general principle of international law that no country has the right to use or permit the use of its territory in such a manner as to injure another country or persons therein.

(b) Recommended Actions.—It is the sense of the Congress that the President should—

(1) acting through the Permanent Representative of the United States to the United Nations, take such steps as may be necessary to place the question of the involvement by the Government of Cuba in illicit drug trafficking on the agenda of the United Nations;

(2) acting through the Representative of the United States to the Organization of American States, request the Organization of American States to consider this question as soon as possible; and

(3) request other appropriate international organizations and international forums to consider this question.

(c) Report.—The President shall report to the Congress on the actions taken pursuant to this section.

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SEC. 619.[21] DRUG TRAFFICKING AND THE PROBLEM OF TOTAL CONFIDENTIALITY OF CERTAIN FOREIGN BANK ACCOUNTS.

(a) Findings.—The Congress finds that—

(1) several banks in Latin America and the Caribbean are used by narcotics traffickers as depositories for money obtained in providing illicit drugs to the United States and other countries of the region;

(2) offshore banks which provide total confidentiality provide a service which materially assists the operations of illicit drug traffickers; and

(3) cooperation in gaining access to the bank accounts of such narcotics traffickers would materially assist United States authorities in controlling the activities of such traffickers.

(b) Policy.—The Congress—

(1) requests the President to negotiate treaties or appropriate international agreements with all countries providing confidential banking services (giving high priority to countries in the Caribbean region) to provide disclosure to the United States Govenment of information contained in official records, and in records of bank accounts, concerning persons under investigation for violations of United States law, in particular those regarding international drug trafficking;

(2) directs the President to include reports on the results of such efforts in the annual International Narcotics Control Strategy Report; and

(3) reaffirms its intention to obtain maximum cooperation on the part of all governments for the purpose of halting international drug trafficking, and constantly to evaluate the cooperation of those governments receiving assistance from the United States.

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[21] 22 U.S.C. 2291 note.

TITLE VII—WESTERN HEMISPHERE

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SEC. 702.[21a] EL SALVADOR.

(a) SUPPORT FOR EL SALVADOR.—(1) The Congress finds that—

(A) a free and democratic El Salvador is in the security interest of the United States;

(B) Jose Napoleon Duarte was elected President of El Salvador in 1984 in the most democratic election held in El Salvador in many years;

(C) political violence in El Salvador has declined dramatically under President Duarte's leadership;

(D) President Duarte's policies of respect for human rights, political pluralism, dialogue and reconciliation with the Salvadoran guerrilla force, legal and social reform and effective defense against the violent overthrow of the Salvadoran government are deserving of praise from all who believe in a democratic form of government;

(E) the March 31, 1985, legislation and municipal elections were successfully carried out, with 64 percent of the electorate defying guerrilla attacks to vote;

(F) the victory of President Duarte's Christian Democratic Party reaffirms the support for these policies by his fellow citizens, the essential test of any government or movement;

(G) in spite of the state of siege technically in effect due to the insurgent threat, observance of free speech, free press, and free assembly are widely enjoyed in El Salvador and permit public airing of opposing political views;

(H) President Duarte is firmly committed to judicial reform and prosecution of cases involving "death squads";

(I) President Duarte's leadership and popular support has notably weakened the popular support given the guerrillas, as evidenced by the high levels of voter participation in the free elections held in El Salvador since 1982, the reduction in territory in which the guerrillas can freely operate, their inability to mount frontal military attacks, and their resort to economic sabotage, ambushes, political assassination, and urban terrorism with blatant disregard for basic human rights; and

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[21a] Title V of the Foreign Assistance and Related Agencies Appropriations Act, 1987 (sec. 101(f) of Public Law 99-591, 100 Stat. 3341) provides:

SEC. 537. None of the funds available in this Act may be used to make available to El Salvador any helicopters or other aircraft, and licenses may not be issued under section 38 of the Arms Export Control Act for the export to El Salvador of any such aircraft, unless the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate are notified at last fifteen days in advance in accordance with the procedures applicable to notifications.

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SEC. 545. Of the amounts made available by this Act for military assistance and financing for El Salvador under chapters 2 and 5 of part II of the Foreign Assistance Act of 1961 and under the Arms Export Control Act, $5,000,000 may not be expended until the President reports, following the conclusion of the Appeals process in the case of Captain Avila, to the Committees on Appropriations that the Government of El Salvador has (1) substantially concluded all investigative action with respect to those responsible for the January 1981 deaths of the two United States land reform consultants Michael Hammer and Mark Pearlman and the Salvadoran Land Reform Institute Director Jose Rodolfo Viera, and (2) pursued all legal avenues to bring to trial and obtain a verdict of those who ordered and carried out the January 1981 murders.

(J) President Duarte has succeeded in reversing the decline in his country's economy which, though still weak, has better prospects than in recent years.

(2) Therefore, it is the sense of the Congress that—

(A) President Duarte is to be congratulated for his outstanding leadership under difficult circumstances and for his efforts to foster democratic government and institutions in his country, and he is encouraged to continue his efforts to promote political pluralism, democratic institutions, and respect for human rights in his country; and

(B) the armed services of El Salvador are to be congratulated for their improved performance and professionalism in defending Salvadoran citizens and their democratically elected government from attack by armed insurgents, and especially for their role in helping to protect and uphold the electoral process.

(3) The Congress reaffirms the importance of continued support for democratic principles and institutions and respect for human rights by the various sectors of Salvadoran society, which is a major factor in United States support for El Salvador.

(b) OBJECTIVES.—The Congress expects that—

(1) the Government of El Salvador will be willing to pursue a dialogue with the armed opposition forces and their political representatives for the purposes of achieving an equitable political settlement of the conflict, including free and fair elections;

(2) the elected civilian government will be in control of the Salvadoran military and security forces, and those forces will comply with applicable rules of international law and with Presidential directives pertaining to the protection of civilians during combat operations, including Presidential directive C-111-03-984 (relating to aerial fire support);

(3) the Government of El Salvador will make demonstrated progress, during the period covered by each report pursuant to subsection (c), in ending the activities of the death squads;

(4) the Government of El Salvador will make demonstrated progress, during the period covered by each report pursuant to subsection (c), in establishing an effective judicial system; and

(5) the Government of El Salvador will make demonstrated progress, during the period covered by each report pursuant to subsection (c), in implementing the land reform program.

(c) REPORTS.—On October 1, 1985, April 1, 1986, October 1, 1986, and April 1, 1987, the President shall report to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate on the extent to which the objectives described in subsection (b) are being met. With respect to the objective described in paragraph (4) of that subsection, each report shall discuss whether the commission proposed by the President of El Salvador to investigate human rights cases has been established, funded, and given sufficient investigative powers; whether the evidence that commission collects may be used in the Salvadoran judicial process; whether that commission has issued a comprehensive report with regard to its investigation of all Americans murdered in El Salvador; and whether those responsible for the Las Hojas massacre are being prosecuted.

(d) AIRCRAFT FOR AERIAL WARFARE.—(1) The authorities of part II of the Foreign Assistance Act of 1961 and the Arms Export Control Act may not be used to make available to El Salvador any helicopters or other aircraft, and licenses may not be issued under section 38 of the Arms Export Control Act for the export to El Salvador of any such aircraft, unless the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate are notified at least 15 days in advance in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

(2) Paragraph (1) shall take effect on the date of enactment of this Act and shall remain in effect until October 1, 1987.

(e) SPECIAL ACCOUNT FOR LOCAL CURRENCIES.—(1) All local currencies, which are generated with the funds provided to El Salvador for balance-of-payments support for fiscal years 1986 and 1987 under chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund), shall be deposited in accordance with section 609 of that Act in a special account established by the Government of El Salvador.

(2) Local currencies deposited pursuant to paragraph (1) shall be used for projects assisting agrarian reform and the agricultural sector (and particular emphasis shall be placed on projects for these purposes); judicial reform, employment generation; health, education, and other social services; infrastructure repair; and credits and other support for the private sector (principally for small and medium sized businesses).

(3) For purposes of subsection—

(A) the term "agrarian reform" means projects assisting or enhancing the abilities of agencies, cooperatives, and farms to implement land reform decrees in El Salvador, notwithstanding section 620(g) of the Foreign Assistance Act of 1961; and

(B) the term "judicial reform" means projects assisting or enhancing the abilities of agencies of the Salvadoran Government to investigate and prosecute politically motivated violence.

(f) DEVELOPMENT ASSISTANCE.—Of the amounts available to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, $79,600,000 for fiscal year 1986 and $79,600,000 for fiscal year 1987 shall be available only for El Salvador.

(g) SUSPENSION OF ASSISTANCE IF A MILITARY COUP OCCURS.—All assistance authorized by this Act which is allocated for El Salvador shall be suspended if the elected President of that country is deposed by military coup or decree.

SEC. 703. ASSISTANCE FOR GUATEMALA.

(a) CONDITIONS ON MILITARY ASSISTANCE AND SALES.[22]—For fiscal years 1986 and 1987, assistance may be provided for Guatemala

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[22] Title III of the Foreign Assistance Appropriations Act, 1986 as contained in sec. 101(j) of Public Law 99-190, 99 Stat. 1302 provided the following appropriation for fiscal year 1986 [assuming certification requirements are met]:

* * * That not more than $553,900,000 of the funds made available under this paragraph shall be available at concessional rates of interest: *Provided further,* That all country and fund-

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under chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to grant military assistance) and sales may be made and financing may be provided for Guatemala under the Arms Export Control Act (relating to foreign military sales) only if the President makes the following certifications to the Congress:

(1) For fiscal year 1986, an elected civilian government is in power in Guatemala and has submitted a formal written request to the United States for the assistance, sales, or financing to be provided.

(2) For both fiscal years 1986 and 1987, the Government of Guatemala made demonstrated progress during the preceding year—

(A) in achieving control over its military and security forces,

(B) toward eliminating kidnapings and disappearances, forced recruitment into the civil defense patrols, and other abuses by such forces of internationally recognized human rights, and

(C) in respecting the internationally recognized human rights of its indigenous Indian population.

(b) CONSTRUCTION EQUIPMENT AND MOBILE MEDICAL FACILITIES AND RELATED TRAINING.—If the conditions specified in subsection (a) are met, Guatemala may be provided with the following for fiscal years 1986 and 1987 (in addition to such other assistance, sales, or financing as may be provided for Guatemala):

(1) Sales of construction equipment and mobile medical facilities to assist in development programs that will directly assist the poor in Guatemala.

(2) Sales of training, to be provided outside of Guatemala, which is related to the sales described in paragraph (1).

(3) A total for both fiscal years 1986 and 1987 of no more than $10,000,000 in credits under the Arms Export Control Act for sales described in paragraphs (1) and (2).

Such sales and credits shall be provided only to enable the military forces of Guatemala to obtain equipment and training for civilian engineering and construction projects and mobile medical teams, which would not be used in the rural resettlement program.

(c) PROHIBITION ON FURNISHING WEAPONS.—Funds authorized to be appropriated by title I of this Act may not be used for the procurement by Guatemala of any weapons or ammunition.

(d) SUSPENSION OF ASSISTANCE IF A MILITARY COUP OCCURS.—All assistance authorized by this Act which is allocated for Guatemala shall be suspended if the elected civilian government of that country is deposed by military coup or decree.

(e) RURAL RESETTLEMENT PROGRAM.—Assistance provided for Guatemala for the fiscal year 1986 and fiscal year 1987 under chapter 1 of part I (relating to development assistance) or under chapter

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ing level changes in requested concessional financing allocations shall be submitted through the regular notification process of the Committee on Appropriations.

Title V of the 1987 Act, Public Law 99-591, 100 Stat. 3341 provides as follows:

SEC. 538. Funds provided in this Act for Guatemala may not be provided to the Government of Guatemala for use in its rural resettlement program, except through the regular notification procedures of the Committees on Appropriations.

4 of part II (relating to the economic support fund) of the Foreign Assistance Act of 1961—

(1) may not be provided to the Government of Guatemala for use in its rural resettlement program; and

(2) shall be provided through private and voluntary organizations to the maximum extent possible.

(f) INVITATION FOR ICRC TO VISIT GUATEMALA.—The Congress calls upon the President to urge the Government of Guatemala to allow the International Committee of the Red Cross—

(1) to conduct an unimpeded visit to Guatemala in order to investigate humanitarian needs in that country and to report on human rights abuses in that country; and

(2) to investigate the possibilities of its providing humanitarian services in that country.

(g) RELATIONS BETWEEN BELIZE AND GUATEMALA.—It is the sense of the Congress that the United States should use its good offices and influence to encourage the Government of Guatemala to recognize the independence of Belize and to enter into a mutual nonaggression treaty with Belize.

(h) HUMAN RIGHTS GROUPS IN GUATEMALA.—(1) The Congress finds that—

(A) the Group for Mutual Support was formed in 1984 to protest the disappearances of Guatemalan civilians;

(B) the Group for Mutual Suppport has carried out its work in a peaceful, non-ideological manner, and is the only indigenous human rights group operating in Guatemala; and

(C) two of the Group's six steering committee members, Hector Gomez and Maria Rosario Godyo de Cuevas, were recently killed.

(2) It is the sense of the Congress that—

(A) human rights groups in Guatemala, particularly the Group for Mutual Support, should be allowed to carry out their work against human rights abuses with the full cooperation, protection, and support of the Government of Guatemala; and

(B) whether the Government of Guatemala allows human rights groups, including the Group for Mutual Support, to carry out their work should be taken into account by the United States in determining whether there is human rights progress in Guatemala.

SEC. 704. REFUGEES IN HONDURAS.

Funds authorized to be appropriated by this Act and funds authorized to be appropriated for the "Migration and Refugee Assistance" account for fiscal years 1986 and 1987—

(1) which are to be used for refugee assistance or other assistance for Nicaraguan Indian refugees in Honduras shall be channeled, to the maximum extent possible, through the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, the Intergovernmental Committee for Migration, or other established and recognized international refugee relief organizations; and

(2) may not be used to facilitate the involuntary repatriation of Salvadoran refugees who are in Honduras.

SEC. 705. PROMOTING THE DEVELOPMENT OF THE HAITIAN PEOPLE AND PROVIDING FOR ORDERLY EMIGRATION FROM HAITI.[22a]

(a) USE OF PVOs.—To the maximum extent practicable, assistance for Haiti under chapter 1 of part I (relating to development assistance) and under chapter 4 of part II (relating to the economic support fund) of the Foreign Assistance Act of 1961 should be provided through private and voluntary organizations.

(b) CONDITIONS ON ASSISTANCE.—Funds available for fiscal year 1986 and for fiscal year 1987 to carry out chapter 1 of part I (relating to development assistance), chapter 4 of part II (relating to the economic support fund), or chapter 5 of part II (relating to international military education and training) of the Foreign Assistance Act of 1961 may be obligated for Haiti only if the President determines that the Government of Haiti—

(1) is continuing to cooperate with the United States in halting illegal emigration to the United States from Haiti;

(2) is cooperating fully in implementing United States development, food, and other economic assistance programs in Haiti (including programs for prior fiscal years); and

(3) is making progress toward improving the human rights situation in Haiti and progress toward implementing political reforms which are essential to the development of democracy in Haiti, such as progress toward the establishment of political parties, free elections, free labor unions, and freedom of the press.

(c) REPORTS TO THE CONGRESS.—Not later than one year after the date of the enactment of this Act and one year thereafter, the President shall report to the Congress on the extent to which the actions of the Government of Haiti are consistent with each paragraph of subsection (b).

(d) ASSISTANCE IN HALTING ILLEGAL EMIGRATION FROM HAITI.—Notwithstanding the limitations of section 660 of the Foreign Assistance Act of 1961 (relating to police training), funds made available under such Act may be used for programs with Haiti, which shall be consistent with prevailing United States refugee policies, to assist in halting significant illegal emigration from Haiti to the United States.

[22a] Title I, Chapter V of Public Law 99-349 [Urgent Supplemental Appropriations Act, 1986] 100 Stat. 726 provides:

ASSISTANCE FOR HAITI

Of the funds made available in title II of the Foreign Assistance and Related Programs Appropriations Act, 1986 (as enacted in Public Law 99-190), subject to the notification process of the Committees on Appropriations, up to $21,700,000 shall be made available for assistance to Haiti. Of this amount, $1,700,000, or the equivalent amount in local currencies, may be transferred to the Inter-American Foundation for use by the Foundation for programs for Haiti. The assistance made available pursuant to this paragraph shall be used to promote the transition to democracy by means such as generating local currency for use for literacy projects, rural development, and job creation. The assistance provided for Haiti pursuant to this paragraph shall be in addition to the assistance previously allocated for Haiti.

It is the sense of the Congress that the United States Government should cooperate with the Government of Haiti in recovering for the Haitian people the wealth that was illegally obtained by former president Jean-Claude Duvalier and his former government ministers and associates through diversions of funds and property, regardless of whether that wealth is located in the United States or abroad.

Notwithstanding any limitations on assistance to Haiti contained in Public Law 98-473 or Pulic Law 99-83, funds in the amount of $750,000 previously appropriated for the purposes of chapter 2 of part II of the Foreign Assistance Act of 1961, as amended, may be made available for Haiti to carry out such purposes: *Provided*, That none of the funds made available pursuant to this paragraph may be made available for obligation unless the Appropriations Committees of both Houses of Congress are previously notified fifteen days in advance: *Provided further*, That the funds provided under this paragraph shall be made available only to provide nonlethal military assistance for Haiti.

(e) LIMITATION ON MAP AND FMS FINANCING.—Assistance may not be provided for Haiti for fiscal year 1986 or fiscal year 1987 under chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to grant military assistance) or under the Arms Export Control Act (relating to foreign military sales financing), except for necessary transportation, maintenance, communications, and related articles and services to enable the continuation of migrant and narcotics interdiction operations.

(f) LITERACY AND OTHER EDUCATION PROGRAMS.—Of the amounts authorized to be appropriated to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance) which are allocated for Haiti, $1,000,000 for fiscal year 1986 and $1,000,000 for fiscal year 1987 shall be available only for literacy and other education programs in Haiti.

SEC. 706. MILITARY ASSISTANCE FOR PARAGUAY.

For the fiscal years 1986 and 1987, none of the funds authorized to be appropriated to carry out chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to grant military assistance) or to carry out the Arms Export Control Act (relating to foreign military sales financing) may be used for assistance for Paraguay unless the President certifies to the Congress that the Government of Paraguay has ended the practice of torture and abuse of individuals held in detention by its military and security forces and has instituted procedures to ensure that those arrested promptly charged and brought to trial.

SEC. 707. ASSISTANCE FOR PERU.[22b]

(a) HUMAN RIGHTS TRAINING IN IMET PROGRAMS.—Respect for internationally recognized human rights shall be an important component of the training provided for Peru under chapter 5 of part II of the Foreign Assistance Act of 1961 for fiscal year 1986 and for fiscal year 1987.

(b) STRENGTHENING THE PERUVIAN JUDICIAL SYSTEM.—Of the amount authorized to be appropriated by this Act to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund), $1,000,000 for fiscal year 1986 and $1,000,000 for fiscal year 1987 shall be used to strengthen the judicial system in Peru under section 534 of the Foreign Assistance Act of 1961 (relating to administration of justice).

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SEC. 709. COMPREHENSIVE REPORTS ON ASSISTANCE FOR LATIN AMERICA AND THE CARIBBEAN.

(a) REQUIREMENT FOR COMPREHENSIVE ACCOUNTING OF ASSISTANCE.—In the annual reports required by section 634 of the Foreign Assistance Act of 1961, the President shall provide to the Congress a full, complete, and detailed accounting of all assistance provided during the fiscal years 1986 and 1987 for Latin America and the Caribbean under the Foreign Assistance Act of 1961 and the Arms Export Control Act.

[22b] See sec. 612 of this act.

(b) Information To Be Included.—The report provided pursuant to subsection (a) shall include for each fiscal year, among other things, the following with respect to each authorization account:

(1) The specific projects and other activities carried out in each country.

(2) The number of persons from each country who were provided with training, and the types of training provided.

(3) The defense articles and defense services provided for each country.

(4) The types of goods and commodities provided to each country for economic stabilization purposes under chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund), and a copy of each agreement for the furnishing of any assistance under that chapter.

(5) The amounts of local currency generated by United States assistance to each country, the uses of those currencies, and the total amount of those currencies still available for use as of the time of the report.

(6) A report on any transfers or reprogrammings of funds, and a description of how transferred or reprogrammed funds modified the amounts requested for each account.

(7) A report on the funds which have been obligated but remain unexpended for each country in each account.

(8) An analysis of the amount of funds and programs provided through nongovernmental as contrasted to governmental channels.

SEC. 710. USE OF PRIVATE AND VOLUNTARY ORGANIZATIONS.

To the maximum extent practicable, assistance under chapter 1 of part I (relating to development assistance) and chapter 4 of part II (relating to the economic support fund) of the Foreign Assistance Act of 1961 for countries in Latin America and the Caribbean should be provided through private and voluntary organizations which have a proven record of development assistance efforts overseas.

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SEC. 713. USE OF EMPLOYEE STOCK OWNERSHIP PLANS IN DEVELOPMENT EFFORTS.

(a) Findings.—The Congress declares that—

(1) employee stock ownership plans in industrial, farming, banking, and other enterprises in Central America and the Caribbean can be an important component in achieving United States goals in Central America and the Caribbean; and

(2) employee stock ownership plans should be used as an instrument in financing growth and transfers of equity in the region, in reorganizing state-owned enterprises into viable employee-owned businesses, in expanding political and economic pluralism, and in strengthening democratic institutions in the region.

(b) Plan for Expanded Use of ESOPs.—The President is urged to develop a plan for the expanded use of employee stock ownership plans in development efforts of the United States in Central America and the Caribbean, with an emphasis on policy and infrastructural changes needed to encourage voluntary employee stock ownership initiatives by multinational corporations and other private sector enterprises which have investments, are considering making new investments, or are interested in management contracts and joint ventures in the region.

(c) TASK FORCE.—To assist in this effort, there is established a Presidential Task Force on Project Economic Justice (hereafter in this section referred to as the "Task Force"), which shall consist of individuals appointed by the President who are distinguished leaders of the private sector of the United States, including significant representation of union representatives of workers in successful companies with employee stock ownership plans and of nationally recognized experts in all phases of design, implementation, and operation of employee stock ownership plans. The President shall designate one of the members of the Task Force to serve as Chairman. The Chairman of the Task Force shall appoint a volunteer fundraising committee, and all the expenses of the Task Force shall be paid without the use of public funds.

(d) REPORT.—Not later than December 31, 1985, the Task Force shall prepare and transmit to the President and the Congress a report on the expanded use of employee stock ownership plans in the development efforts of the United States in Central America and the Caribbean, including specific recommendations on strategies for using employee stock ownership plans as a means of accelerating the rate of private sector capital formation in Central America and the Caribbean that is systematically linked to expanding ownership and profit-sharing opportunities for all employees.

SEC. 714. INTERNATIONAL ADVISORY COMMISSION FOR THE CARIBBEAN REGION.

(a) FINDINGS.—The Congress finds that—

(1) many of the social, agricultural, educational, and economic problems which confront nations in the Caribbean Region result primarily from social and economic injustice and inadequate economic and agricultural development;

(2) such problems are not addressed sufficiently by current United States policies toward that region;

(3) the development of the Caribbean Region is of vital importance to the economic and strategic interests of the United States and its allies; and

(4) for purposes of defining development plans, providing an international forum for Caribbean Region development issues, and providing expert advice to donor-aid countries, an international commission is needed as the prime institution for promoting economic cooperation and development in the Caribbean Region.

(b) INVITATIONS TO PARTICIPATE IN COMMISSION.—

(1) INVITATION TO CARIBBEAN COUNTRIES.—The President may invite the countries which comprise the Caribbean Region to participate with the United States in a commission to be known as the International Advisory Commission for the Car-

ibbean Region (hereafter in this section referred to as the "Commission").

(2) INVITATION TO CERTAIN OTHER COUNTRIES.—The President may also invite the Netherlands, the United Kingdom, France, Canada, the Commonwealth of Puerto Rico, and the Virgin Islands to participate in the Commission.

(c) FUNCTIONS OF COMMISSION.—It is the sense of the Congress that the Commission should—

(1) examine social, agricultural, educational, and economic issues which affect the Caribbean Region; and

(2) consult with leaders of the countries in the Caribbean Region and with representatives from public and private organizations involved in matters related to the Caribbean Region in order to evaluate the problems and needs of such countries.

(d) FUNDING FOR ORGANIZATIONAL MEETING OF COMMISSION.—Of the funds authorized to be appropriated to carry out section 106 of the Foreign Assistance Act of 1961 (relating to development assistance for energy, private and voluntary organizations, and selected development activities), up to a total of $100,000 for fiscal years 1986 and 1987 may be made available to—

(1) pay reasonable administrative expenses associated with the organizational meeting of the Commission; and

(2) pay reasonable travel and lodging expenses incurred by commissioners from other participant governments incident to their attendance at the organizational meeting of the Commission.

(e) REQUEST TO CONGRESS RELATING TO UNITED STATES PARTICIPATION IN THE COMMISSION.—The President should provide cost estimates and request authorization from the Congress in order to provide for the participation of the United States in the Commission (other than United States participation associated with the organizational meeting).

(f) APPOINTMENT OF UNITED STATES REPRESENTATIVE AND OBSERVERS.—Upon the creation of the Commission—

(1) the President should consider appointing one individual as the United States representative to the Commission;

(2) the Speaker of the House of Representatives should consider appointing two Members of the House, one from each major political party, as observers at the Commission; and

(3) the majority leader of the Senate should consider appointing two Members of the Senate, one from each major political party, as observers at the Commission.

SEC. 715.* * *

SEC. 716. RURAL ELECTRIFICATION.

It is the sense of the Congress that funds appropriated for the fiscal years 1986 and 1987 under section 103(a)(2) of the Foreign Assistance Act of 1961 (relating to development assistance for agriculture, rural development, and nutrition) should be used for a comprehensive rural electrification program in Central America in order to establish conditions of stability and a foundation for economic development.

SEC. 717. FACILITATING INTERNATIONAL COMMERCE THROUGH MEXICO.

(a) Finding.—Recognizing that increased levels of balanced international trade are an essential component in an economic development program for the region and that the United States has traditionally been the most important trading partner for each of the nations of Latin America, it is the sense of the Congress that current procedures and laws of the Government of Mexico, and practices of its officials, constitute a significant impediment to the transit of vehicles carrying the commodities of international trade through Mexican territory.

(b) Negotiations and Cooperative Steps Concerning Transit.—As the Government of Mexico has played a valuable role in assisting and encouraging the economic and political development of the region, and in offering advice to the United States as to constructive policies this nation might pursue with respect to peace and prosperity in the area, the Secretary of State, acting independently or with representatives of other Latin America nations, shall initiate negotiations with the Government of Mexico aimed at eliminating or reducing those impediments to international trade. The agenda for such negotiations should include discussions to encourage the Government of Mexico to accede to existing international custom conventions on international in-transit shipments. Such actions are to be taken in concert with the institution by the United States, and the nations of the region where the transiting shipments originate, of appropriate and cooperative steps to make sealed-truck, no-inspection transit administratively acceptable to the Government of Mexico and other transited countries. Similar bilateral or multilateral negotiations by the Secretary of State with nations respecting the same international customs conventions is also encouraged.

(c) Report.—The Secretary of State shall report the status of these negotiations to Congress by January 1, 1986.

SEC. 718. CONDEMNING HUMAN RIGHTS VIOLATIONS AND THE SUBVERSION OF OTHER GOVERNMENTS BY THE GOVERNMENT OF CUBA.

(a) Condemnation of Certain Action by the Government of Cuba.—The Congress condemns—

(1) the consistent pattern of gross violations of internationally recognized human rights by the Cuban Government, including—

(A) cruel, inhumane, and degrading treatment and punishment of prisoners;

(B) the suppression of free speech, press, and assembly; and

(C) restrictions on religious activity and the freedom to emigrate; and

(2) the provision by the Cuban government of material aid and personnel support for the purposes of subversion.

(b) Call Upon the Government of Cuba.—The Congress calls upon the Government of Cuba to restore civil liberties and cease in the violation of human rights of the Cuban people and cease the subversion of other governments through material and personnel support.

SEC. 719. REPORTS ON FOREIGN DEBT IN LATIN AMERICA.

(a) FINDINGS.—The Congress finds that—

(1) the foreign debt of Latin American countries has soared from $27,000,000,000 in 1970 to over $350,000,000,000 in 1983;

(2) the foreign debt of Latin American countries is a serious obstacle to their economic progress, threatens their stability, and endangers the democratic processes in those nations;

(3) the economic and political futures of many of the Latin American countries hang in the balance and depend upon a successful resolution of the foreign debt crisis; and

(4) the confidence of the American people in the United States system of banking is also involved in a successful resolution of the foreign debt crisis.

(b) REPORT.—Not later than January 1, 1986, the Secretary of State shall prepare and transmit to the Congress a report on—

(1) the magnitude of the foreign debt crisis in the Western Hemisphere;

(2) the impact of the foreign debt crisis on the economies of the countries of Latin America;

(3) the degree to which the national security interests of the United States are implicated in this crisis;

(4) the steps being taken and the policy being pursued by the United States aimed at dealing with this crisis;

(5) the degree to which the foreign debt crisis affects the system of banking in the United States; and

(6) the steps being taken and the policy being pursued by the United States Government aimed at dealing with this crisis.

SEC. 720. ECONOMIC ASSISTANCE FOR URUGUAY.

Of the amounts authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund), $15,000,000 for fiscal year 1986 and $15,000,000 for fiscal year 1987 shall be available only for Uruguay.

SEC. 721. CANADIAN EXPORTS TO THE UNITED STATES.

(a) CATTLE AND HOGS.—(1) The Congress finds that—

(A) livestock prices have been in decline for some time due to excessive supply partially caused by dramatic increases in importation of live cattle and hogs from Canada, which has increased by 1,000 percent in the last decade in the case of hogs alone;

(B) American livestock producers are suffering from the same general economic crisis affecting all of agriculture, and many will face liquidation or foreclosure in the near future; and

(C) the disparity between the United States and the Canadian dollar amounts to 32 to 34 percent and results in even further increases in Canadian hogs and cattle being imported into the United States.

(2) Therefore, it is the sense of the Congress that the President should direct appropriate officials of the executive branch, including the United States Trade Representative, the Secretary of Agriculture, and the Secretary of Commerce, to aggressively pursue discussions with the Canadian Government directed toward immedi-

ate reduction in the Canadian export of cattle and hogs to the United States.

(b) SOFTWOOD TIMBER.—(1) The Congress finds that—

(A) softwood timber prices have been in decline for some time due to excessive supply partially caused by dramatic increases in importation of processed softwood timber from Canada, which has increased from 18 percent of the United States market in the last two years to 35 to 40 percent today;

(B) American timber producers are suffering from this economic crisis, and the difficulty in acquiring timber from the National Forest System; and

(C) the disparity between the United States and the Canadian dollar amounts to 32 to 34 percent and results in even further increases in processed softwood timber being imported into the United States.

(2) Therefore, it is the sense of the Congress that the President should direct appropriate officials of the executive branch, including the United States Trade Representative, the Secretary of Agriculture, and the Secretary of Commerce, to aggressively pursue discussions with the Canadian Government directed toward immediate reduction in the Canadian export of softwood timber to the United States.

SEC. 722. NICARAGUA.

(a) SETTLEMENT OF THE CONFLICT.—The Congress--

(1) strongly supports national reconciliation in Nicaragua and the creation of a framework for negotiating a peaceful settlement to the Nicaraguan conflict; and

(2) finds that the United States should, in assisting efforts to reach comprehensive and verifiable final agreements based on the Contadora Document of Objectives, encourage the Government of Nicaragua to pursue a dialogue with the armed opposition forces and their political representatives for the purposes of achieving an equitable political settlement of the conflict, including free and fair elections.

(b) UNITED STATES CONCERNS ABOUT NICARAGUAN FOREIGN AND DOMESTIC POLICIES.—The Congress finds and declares the following:

(1) Despite positive actions by the Congress signaling support for negotiated solutions to conflicts in Central America, there are disturbing trends in Nicaragua's foreign and domestic policies, including—

(A) President Daniel Ortega's April 1985 trip to the Soviet Union at a time when the Congress signaled its strong disapproval of increasing Nicaraguan-Soviet ties;

(B) the Sandinista government's close military ties with Cuba, the Soviet Union, and its Warsaw Pact allies; the disappointing and insufficient reduction of the number of Cuban advisors in Nicaragua by only 100 out of an approximately 2,500; and the continuing military buildup that Nicaragua's neighbors consider threatening;

(C) the Sandinista government's curtailment of individual liberties, political expression, freedom of worship, and the independence of the media;

(D) the subordination of military, judicial, and internal security functions to the ruling political party; and

(E) the Sandinista government's efforts to export its influence and ideology.

(2) If Nicaragua does not address the concerns described in paragraph (1), the United States has several options to address this challenge to peace and stability in the region, including political, diplomatic, and trade sanctions. In addition, the United States—

(A) should through appropriate regional organizations, such as the Organization of American States, seek to maintain multilateral pressure on Nicaragua to address these concerns; and

(B) should, if called upon to do so, give serious consideration to supporting any sanctions adopted by such an organization.

(3) In assessing whether or not progress is being made in addressing these concerns, the Congress will expect prompt and significant initiatives by the Government of Nicaragua such as—

(A) the removal of foreign military advisors from Nicaragua;

(B) the end to Sandinista support for insurgencies in other countries in the region, including the cessation of military supplies to the rebel forces fighting the democratically elected government in El Salvador;

(C) restoration of individual liberties, political expression, freedom of worship, and the independence of the media; and

(D) progress toward international reconciliation and a pluralistic democratic system, including steps to liberalize institutions in order to allow the internal opposition in Nicaragua to become a viable partner in the Nicaraguan political process.

(c) RESOLUTION OF THE CONFLICT IN NICARAGUA.—

(1) BASIS FOR POLICY.—The Congress finds that—

(A) the people of Nicaragua are suffering the horrors of a fierce armed conflict that is causing grave hardships and loss of life, has thrown the country into a serious political, social, and economic upheaval, and is of serious concern to the nations of the region and to the United States;

(B) this conflict is fundamentally a continuation of efforts of the Nicaraguan people to attain a representative government at peace with its neighbors, efforts which began under the Somoza regime; and

(C) the United States recognized these noble aspirations of the Nicaraguan people in the June 23, 1979, resolution of the Seventeenth Meeting of Consultation of Ministers of Foreign Affairs of the Organization of American States, which reads as follows:

"WHEREAS:

"The people of Nicaragua are suffering the horrors of a fierce armed conflict that is causing grave hardships and loss of life, and has thrown the country into a serious political, social and economic upheaval;

"The inhumane conduct of the dictatorial regime governing the country, as evidenced by the report of the Inter-American Commission on Human Rights, is the fundamental cause of the dramatic situation faced by the Nicaraguan people; and

"The spirit of solidarity that guides Hemisphere relations places an unavoidable obligation on the American countries to exert every effort within their power, to put an end to the bloodshed and to avoid the prolongation of this conflict which is disrupting the peace of the Hemisphere;

"THE SEVENTEENTH MEETING OF CONSULTATION OF MINISTERS OF FOREIGN AFFAIRS,

"DECLARES:

"That the solution of the serious problem is exclusively within the jurisdiction of the people of Nicaragua.

"That in the view of the Seventeenth Meeting of Consultation of Ministers of Foreign Affairs this solution should be arrived at on the basis of the following:

"1. Immediate and definitive replacement of the Somoza regime.

"2. Installation in Nicaraguan territory of a democratic government, the composition of which should include the principal representative groups which oppose the Somoza regime and which reflects the free will of the people of Nicaragua.

"3. Guarantee of the respect for human rights of all Nicaraguans without exception.

"4. The holding of free elections as soon as possible, that will lead to the establishment of a truly democratic government that guarantees peace, freedom, and justice.

"RESOLVES:

"1. To urge the member states to take steps that are within their reach to facilitate an enduring and peaceful solution of the Nicaraguan problem on the bases set forth above, scrupulously respecting the principle of nonintervention and abstaining from any action that might be in conflict with the above bases or be incompatible with a peaceful and enduring solution to the problem.

"2. To commit their efforts to promote humanitarian assistance to the people of Nicaragua and to contribute to the social and economic recovery of the country.

"3. To keep the Seventeenth Meeting of Consultation of Ministers of Foreign Affairs open while the present situation continues.".

(2) THE GOVERNMENT OF NICARAGUA.—The Congress further finds that—

(A) the Government of National Reconstruction of Nicaragua formally accepted the June 23, 1979, resolution as a basis for resolving the Nicaraguan conflict in its "Plan to Achieve Peace" which was submitted to the Organization of American States on July 12, 1979;

(B) the June 23 1979, resolution and its acceptance by the Government of National Reconstruction of Nicaragua was the formal basis for the removal of the Somoza regime and the installation of the Government of National Reconstruction;

(C) the Government of National Reconstruction, now known as the Government of Nicaragua and controlled by the Frente Sandinista (the FSLN), has flagrantly violated the provisions of the June 23, 1979, resolution, the rights of the Nicaraguan people, and the security of the nations in the region, in that it—

(i) no longer includes the democratic members of the Government of National Reconstruction in the political process;

(ii) is not a government freely elected under conditions of freedom of the press, assembly, and organization, and is not recognized as freely elected by its neighbors, Costa Rica, Honduras, and El Salvador;

(iii) has taken significant steps towards establishing a totalitarian Communist dictatorship, including the formation of FSLN neighborhood watch committees and the enactment of laws that violate human rights and grant undue executive power;

(iv) has committed atrocities against its citizens as documented in reports by the Inter-American Commission on Human Rights of the Organization of American States;

(v) has aligned itself with the Soviet Union and Soviet allies, including the German Democratic Republic, Bulgaria, Libya, and the Palestine Liberation Organization;

(vi) has committed and refuses to cease aggression in the form of armed subversion against its neighbors in violation of the Charter of the United Nations, the Charter of the Organization of American States, the Inter-American Treaty of Reciprocal Assistance, and the 1965 United Nations General Assembly Declaration on Intervention; and

(vii) has built up an army beyond the needs of immediate self-defense, at the expense of the needs of the Nicaraguan people and about which the nations of the region have expressed deepest concern.

(3) THE NICARAGUAN DEMOCRATIC OPPOSITION.—The Congress further finds that—

(A) as a result of these violations, the Government of Nicaragua has lost the support of virtually all independent sectors of Nicaraguan society who initially suported the removal of the Somoza regime (including democratic political parties of the left, center, and right; the leadership of the Church; free unions; and the business, farmer, and professional sectors) and who still seek democracy, reject the rule of the Frente Sandinista, and seek the free elections promised in 1979;

(B) the Nicaraguan political opposition has joined with the armed opposition groups in issuing the San Jose Manifesto of March 1, 1985, calling for a national dialogue under mediation by the Nicaraguan Bishops Conference to peacefully attain the fulfillment of the Government of Nicaragua's commitments to the Organization of American States, including "the democratization of Nicaragua, conscious that democracy is the only means to carry out an authentic revolution and secure our national identity and sovereignty";

(C) on June 12, 1985, in San Salvador, El Salvador, the political and armed opposition groups representing the entire democratic political spectrum of Nicaragua formed the United Nicaraguan Opposition and affirmed their "historical commitment to achieve for Nicaragua the reconciliation of her children, to establish the foundation for democracy and the moral and material reconstruction of the nation"; and

(D) the United Nicaraguan Opposition further declared its intention to "give priority at all times to a political solution which will ease the suffering of our people".

(4) CONCERNS IN THE REGION AND UNITED STATES RESPONSIBILITIES.—The Congress further finds that—

(A) Nicaragua's neighbors, Costa Rica, El Salvador, and Honduras, have expressed, individually and through the Contadora process, their belief that their peace and freedom is not safe so long as the Government of Nicaragua excludes from power most of Nicaragua's political leadership and is controlled by a small sectarian party, without regard to the will of the majority of Nicaraguans; and

(B) the United States, given its role in the installation of the current Government of Nicaragua, has a special responsibility regarding the implementation of the commitments made by that Government in 1979, especially to those who fought against Somoza to bring democracy to Nicaragua with United States support.

(5) RESOLUTION OF THE CONFLICT.—The Congress—

(A) condemns the Government of Nicaragua for violating its solemn commitments to the Nicaraguan people, the United States, and the Organization of American States;

(B) affirms that the Government of Nicaragua will be regarded as having achieved political legitimacy when it fulfills its 1979 commitment to the Organization of American States to implement genuinely democratic elections, under the supervision of the Organization of American States, in which all elements of the Nicaraguan resistance can peacefully participate under conditions recognized as necessary for free elections by international bodies;

(C) urges the Government of Nicaragua to enter a national dialogue, as proposed by the Nicaraguan democratic resistance in San Jose, Costa Rica, on March 1, 1985, under mediation by the Nicaraguan Bishops Conference in order to peacefully resolve the current crisis through internationally recognized elections in which all elements of Nicaraguan society can freely participate;

(D) supports the Nicaraguan democratic resistance in its efforts to peacfully resolve the Nicaraguan conflict and to achieve the fulfillment of the Government of Nicaragua's solemn commitments to the Nicaraguan people, the United States, and the Organization of American States;

(E) supports efforts by the Contadora nations, the Organization of American States, and other appropriate regional organizations to maintain multilateral pressure on Nicaragua to fulfill its commitments; and

(F) requests that the Secretary of State transmit the text of this subsection to the Foreign Ministers of the member states of the Organziation of American States.

(d) PROHIBITION RELATING TO MILITARY OR PARAMILITARY OPERATIONS IN NICARAGUA.—Notwithstanding any other provision of law, no funds authorized to be appropriated or otherwise made available by this Act (except the funds authorized to be appropriated in this section), by the Foreign Assistance Act of 1961, or by the Arms Export Control Act shall be used to provide assistance of any kind, either directly or indirectly, to any person or group engaging in an insurgency or other act of rebellion against the Government of Nicaragua. The United States shall not enter into any arrangement conditioning, expressly or impliedly, the provision of assistance under this Act or the purchase of defense articles and services under the Arms Export Control Act upon the provision of assistance by a recipient to persons or groups engaging in an insurgency or other act of rebellion against the Government of Nicaragua.

(e) LIMITATION ON USE OF FUNDS AGAINST NICARAGUA.—None of the funds authorized to be appropriated in this or any other Act can be used to fund directly, or indirectly, activities against the Government of Nicaragua which have not been authorized by, or pursuant to, law and which would place the United States in violation of our obligations under the Charter of the Organization of American States, to which the United States is a signatory, or under international law as defined by treaty commitments agreed to, and ratified by, the Government of the United States.

(f) FOOD AID TO THE NICARAGUAN PEOPLE.—In cooperation with Cardinal Miguel Obando y Bravo and private and voluntary organizations, the President should explore and promote means for providing food aid to the Nicaraguan people through private and voluntary organizations and the Catholic Church.

(g) HUMANITARIAN ASSISTANCE FOR NICARAGUAN DEMOCRATIC RESISTANCE.—(1) Effective upon the date of enactment of this Act, there are authorized to be appropriated $27,000,000 for humanitarian assistance to the Nicaraguan democratic resistance. Such assistance shall be provided to such department or agency of the United States as the President shall designate, except the Central Intelligence Agency or the Department of Defense.

(2) The assistance authorized by this subsection is authorized to remain available for obligation until March 31, 1986.

(3) One-third of the assistance authorized by this subsection shall be available for obligation at any time after the appropriation of funds pursuant to such authorization, an additional one-third shall be available for obligation upon submission of the first report required by subsection (j), and the remaining one-third shall be available for obligation upon submission of the second such report.

(4) The President shall establish appropriate procedures to ensure that any humanitarian assistance provided by the United States Government to the Nicaraguan democratic resistance is used only for the intended purpose and is not diverted (through barter, exchange, or any other means) for acquisition of weapons systems, ammunition, or other equipment, vehicle, or material which can be used to inflict serious bodily harm or death.

(5) As used in this subsection, the term "humanitarian assistance" means the provision of food, clothing, medicine, and other humanitarian assistance, and it does not include the provision of weapons, weapons systems, ammunition, or other equipment, vehicles, or material which can be used to inflict serious bodily harm or death.

(h) ASSISTANCE FOR IMPLEMENTATION OF A CONTADORA AGREEMENT.—Effective upon the date of enactment of this Act, there are authorized to be appropriated $2,000,000, which are authorized to remain available until expended, for payment by the Secretary of State for the expenses arising from implementation by the Contadora nations (Mexico, Panama, Colombia, and Venezuela) of an agreement among the countries of Central America based on the Contadora Document of Objectives of September 9, 1983, including peacekeeping, verification, and monitoring systems.

(i) POLICIES WITH RESPECT TO NICARAGUA.—The President is hereby urged and requested—

(1) to pursue vigorously the use of diplomatic and economic measures to resolve the conflict in Nicaragua, including simultaneous negotiations—

(A) to implement the Contadora Document of Objectives of September 8, 1983; and

(B) to develop, in close consultation and cooperation with other nations, trade and economic measures to complement such policies of the United States and to encourage the Government of Nicaragua to take the necessary steps to resolve the conflict;

(2) to suspend the economic sanctions imposed by the President on May 1, 1985, and the United States military maneuvers in Honduras and off the coast of Nicaragua, if the Government of Nicaragua agrees—

(A) to a cease fire,

(B) to open a dialogue with all elements of the opposition, including the Nicaraguan democratic resistance, and

(C) to suspend the state of emergency in Nicaragua;

(3) to call upon the Nicaraguan democratic resistance to remove from their ranks any individuals who have engaged in human rights abuses; and

(4) to resume bilateral discussions with the Government of Nicaragua with a view to encouraging—

(A) a church-mediated dialogue between the Government of Nicaragua and all elements of the opposition, including the Nicaraguan democratic resistance, in support of internal reconciliation as called for by the Contadora Document of Objectives; and

(B) a comprehensive, verifiable agreement among the nations of Central America, based on the Contadora Document of Objectives.

(j) REPORTS.—The President shall submit a report to the Congress 90 days after the date of enactment of this Act, and every 90 days thereafter, on any actions taken to carry out subsections (g) and (h). Each such report shall include—

(1) a detailed statement of any progress made in reaching a negotiated settlement referred to in subsection (i)(1), including the willingness of the Nicaraguan democratic resistance and the Government of Nicaragua to negotiate a settlement;

(2) a detailed accounting of the disbursements made to provide humanitarian assistance with the funds provided pursuant to subsection (g); and

(3) a discussion of the alleged human rights violations by the Nicaraguan democratic resistance and the Government of Nicaragua, including a statement of the steps taken by the Nicaraguan democratic resistance to comply with the request referred to in subsection (i)(3).

(k) SUBMISSION OF REQUEST FOR ADDITIONAL ASSISTANCE FOR THE CENTRAL AMERICA PEACE PROCESS.—If the President determines at any time after the enactment of this Act that—

(1) negotiations based on the Contadora Document of Objectives of September 9, 1983, have produced an agreement, or show promise of producing an agreement, or

(2) other trade and economic measures will assist in a resolution of the conflict, or to stabilization in the region,

the President may submit to the Congress a request for budget and other authority to provide additional assistance for the furtherance of the Central America peace process.

(l) STATEMENT TO BE INCLUDED.—The President's request pursuant to subsection (k) shall include a detailed statement as to progress made to resolve the conflict in the region.

(m) CONSULTATION WITH THE CONGRESS.—In formulating a request pursuant to subsection (k), the President shall consult with the Congress.

(n) HOUSE PROCEDURES.—(1) The provisions of this subsection apply, during the 99th Congress, to the consideration in the House of Representatives of a joint resolution with respect to the request submitted by the President pursuant to subsection (k).

(2) For purposes of this subsection, the term "joint resolution" means only a joint resolution introduced within 3 legislative days after the Congress receives the request submitted by the President pursuant to subsection (k)—

(A) the matter after the resolving clause of which is as follows: "That the Congress hereby approves the additional authority and assistance for the Central America peace process that the President requested pursuant to the International Security and Development Cooperation Act of 1985, notwithstanding section 10 of Public Law 91-672.";

(B) which does not have a preamble; and

(C) the title of which is as follows: "Joint Resolution relating to Central America pursuant to the International Security and Development Cooperation Act of 1985.".

(3) A joint resolution shall, upon introduction, be referred to the appropriate committee or committees of the House of Representatives.

(4) If all the committees of the House to which a joint resolution has been referred have not reported the same joint resolution by the end of 15 legislative days after the first joint resolution was introduced, any committee which has not reported the first joint resolution introduced shall be discharged from further consideration of that joint resolution and that joint resolution shall be placed on the appropriate calendar of the House.

(5)(A) At any time after the first joint resolution placed on the appropriate calendar has been on that calendar for a period of 5 legislative days, it is in order for any Member of the House (after consultation with the Speaker as to the most appropriate time for the consideration of that joint resolution) to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of that joint resolution. The motion is highly privileged and is in order even though a previous motion to the same effect has been disagreed to. All points of order against the joint resolution under clauses 2 and 6 of Rule XXI of the Rules of the House are waived. If the motion is agreed to, the resolution shall remain the unfinished business of the House until disposed of. A motion to reconsider the vote by which the motion is disagreed to shall not be in order.

(B) Debate on the joint resolution shall not exceed ten hours, which shall be divided equally between a Member favoring and a Member opposing the joint resolution. A motion to limit debate is in order at any time in the House or in the Committee of the Whole and is not debatable.

(C) An amendment to the joint resolution is not in order.

(D) At the conclusion of the debate on the joint resolution, the Committee of the Whole shall rise and report the joint resolution back to the House, and the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion.

(6) As used in this subsection, the term "legislative day" means a day on which the House is in session.

(o) SENATE PROCEDURES.—A joint resolution which is introduced in the Senate within 3 calendar days after the day on which the Congress receives a Presidential request described in subsection (k) and which, if enacted, would grant the President the authority to take any or all of the actions described in subsection (k) shall be considered in accordance with procedures contained in paragraphs (3) through (7) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98-473), except that—

(1) references in such paragraphs to the Committees on Appropriations of the Senate shall be deemed to be references to the appropriate committee or committees of the Senate; and

(2) amendments to the joint resolution are in order.

(p) SUBMISSION OF REQUEST FOR ADDITIONAL ASSISTANCE FOR NICARAGUAN DEMOCRATIC RESISTANCE.—If the President determines at any time after the enactment of this Act that—

(1) negotiations based on the Contadora Document of Objectives of September 9, 1983, have failed to produce an agreement, or

(2) other trade and economic measures have failed to resolve the conflict,

the President may submit to the Congress a request for budget and other authority to provide additional assistance for the Nicaraguan democratic resistance.

(q) STATEMENT TO BE INCLUDED.—The President's request pursuant to subsection (p) shall include a detailed statement as to why the negotiations or other measures have failed to resolve the conflict in the region.

(r) CONSULTATION WITH THE CONGRESS.—In formulating a request pursuant to subsection (p), the President shall consult with the Congress.

(s) HOUSE PROCEDURES.—(1) The provisions of this subsection apply, during the 99th Congress, to the consideration in the House of Representatives of a joint resolution with respect to the request submitted by the President pursuant to subsection (p).

(2) For purposes of this subsection, the term "joint resolution" means only a joint resolution introduced within 3 legislative days after the Congress receives the request submitted by the President pursuant to subsection (p)—

(A) the matter after the resolving clause of which is as follows: "That the Congress hereby approves the additional authority and assistance for the Nicaraguan democratic resistance that the President requested pursuant to the International Security and Development Cooperation Act of 1985, notwithstanding section 10 Public Law 91-672.";

(B) which does not have a preamble; and

(C) the title of which is as follows: "Joint Resolution relating to Central America pursuant to the International Security and Development Cooperation Act of 1985.".

(3) A joint resolution shall, upon introduction, be referred to the appropriate committee or committees of the House of Representatives.

(4) If all the committees of the House to which a joint resolution has been referred have not reported the same joint resolution by the end of 15 legislative days after the first joint resolution was introduced, any committee which has not reported the first joint resolution introduced shall be discharged from further consideration of that joint resolution and that joint resolution shall be placed on the appropriate calendar of the House.

(5)(A) At any time after the first joint resolution placed on the appropriate calendar has been on that calendar for a period of 5 legislative days, it is in order for any Member of the House (after consultation with the Speaker as to the most appropriate time for the consideration of that joint resolution) to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of that joint resolution. The motion is highly privileged and is in order even though a previous motion to the same effect has been disagreed to. All points or order against the joint resolution under clauses 2 and 6 of Rule XXI of the Rules of the House are waived. If the motion is agreed to, the resolution shall remain the unfinished business of the House until disposed of. A motion to reconsider the vote by which the motion is disagreed to shall not be in order.

(B) Debate on the joint resolution shall not exceed ten hours, which shall be divided equally between a Member favoring and a Member opposing the joint resolution. A motion to limit debate is in order at any time in the House or in the Committee of the Whole and is not debatable.

(C) An amendment to the joint resolution is not in order.

(D) At the conclusion of the debate on the joint resolution, the Committee of the Whole shall rise and report the joint resolution back to the House and the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion.

(6) As used in this subsection, the term "legislative day" means a day on which the House is in session.

(t) SENATE PROCEDURES—A joint resolution which is introduced in the Senate within 3 calendar days after the day on which the Congress receives a Presidential request described in subsection (p) and which, if enacted, would grant the President the authority to take any or all of the actions described in subsection (p) shall be considered in accordance with procedures contained in paragraphs (3) through (7) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98-473), except that—

(1) references in such paragraphs to the Committees on Appropriations of the Senate shall be deemed to be references to the appropriate committee or committees of the Senate; and

(2) amendments to the joint resolution are in order.

(u) CONGRESSIONAL RULEMAKING POWERS.—Subsections (n), (o), (s), and (t) are enacted—

(1) as exercises of the rulemaking powers of the House of Representatives and Senate, and as such they are deemed a part of the Rules of the House and the Rules of the Senate, respectively, but applicable only with respect to the procedure to be followed in the House and the Senate in the case of joint resolutions under this section, and they supersede other rules only to the extent that they are inconsistent with such rules; and

(2) with full recognition of the constitutional right of the House and the Senate to change their rules at any time, in the same manner, and to the same extent as in the case of any other rule in the House or Senate, and of the right of the Committee on Rules of the House of Representatives to report a resolution for the consideration of any measure.

TITLE VIII—AFRICA

SEC. 801. BALANCE-OF-PAYMENTS SUPPORT FOR COUNTRIES IN AFRICA.

(a) ESF COMMODITY IMPORT AND SECTOR PROGRAMS.—Agreements with countries in Africa which provide for the use of funds made available to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 for the fiscal years 1986 and 1987 to finance imports by those countries (under commodity import programs or sector programs) shall require that those imports be used to meet long-term development needs in those countries in accordance with the following criteria:

(1) Spare parts and other imports shall be allocated on the basis of evaluations, by the agency primarily responsible for administering part I of that Act, of the ability of likely recipients to use such spare parts and imports in a maximally productive, employment generating, and cost effective way.

(2) Imports shall be coordinated with investments in accordance with the recipient country's plans for promoting economic development. The agency primarily responsible for administering part I of that Act shall assess such plans to determine whether they will effectively promote economic development.

(3) Emphasis shall be placed on imports for agricultural activities which will expand agricultural production, particularly activities which expand production for export or production to reduce reliance on imported agricultural products.

(4) Emphasis shall also be placed on a distribution of imports having a broad development impact in terms of economic sectors and geographic regions.

(5) In order to maximize the likelihood that the imports financed by the United States under such chapter are in addition to imports which would otherwise occur, consideration shall be given to historical patterns of foreign exchange uses.

(6)(A) Seventy-five percent of the foreign currencies generated by the sale of such imports by the government of the country shall be deposited in a special account established by that government and, except as provided in subparagraph (B), shall be available only for use in accordance with the agreement for economic development activities which are consistent with the policy directions of section 102 of the Foreign Assistance Act of 1961 and which are the types of activities for which assistance may be provided under sections 103 through 106 of that Act.

(B) The agreement shall require that the government of the country make available to the United States Government such portion of the amount deposited in the special account as may be determined by the President to be necessary for requirements of the United States Government.

(b) ANNUAL EVALUATIONS.—The agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 shall conduct annual evaluations of the extent to which the crieria set forth in this subsection have been met.

SEC. 802. ECONOMIC SUPPORT ASSISTANCE FOR SOUTHERN AFRICA.

(a) FUNDS FOR SOUTHERN AFRICA REGIONAL PROGRAMS.—Of the amounts authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961, not less than $30,000,000 for fiscal year 1986 and not less than $30,000,000 for fiscal year 1987 shall be available only for regional programs in southern Africa. Not less than 50 percent of each of these amounts shall be allocated to assist sector projects supported by the Southern Africa Development Coordination Conference (SADCC) to enhance the economic development of the nine member states forming this important regional institution, especially in the following sectors: transportation, agriculture research and training, manpower development, and institutional support for the SADCC secretariat.

(b) STUDIES RELATING TO SOUTHERN AFRICA REGIONAL PROGRAMS.—(1) The administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 shall conduct a study which evaluates—

(A) the assistance which that agency provides to the Southern Africa Development Coordination Conference and other African regional institutions and economic development organizations, and

(B) ways to improve such assistance.

(2) The administrator shall also conduct a study which assesses what type of bureaucratic mechanism within that agency might be established to coordinate assistance to all African regional institutions.

(3) The administrator shall submit the results of the studies conducted pursuant to this subsection to the Congress within 3 months after the date of enactment of this Act.

(c) SOUTH AFRICA EDUCATIONAL TRAINING PROGRAMS.—Funds available to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 for fiscal year 1986 and fiscal year 1987 which are used for education or training programs in South Africa may not be used for programs conducted by or through organizations in South Africa which are financed or controlled by the Government of South Africa, such as the "homeland" and "urban council" authorities. Such funds may only be used for programs which in both their character and organizational sponsorship in South Africa clearly reflect the objective of a majority of South Africans for an end to the apartheid system of separate development. Nothing in this subsection shall be construed to prohibit programs which are consistent with this subsection and which award university scholarships to students who choose to attend a South African-supported university.

(d) HUMAN RIGHTS FUND FOR SOUTH AFRICA.—Of the amount allocated for the Human Rights Fund for South Africa under chapter 4 of part II of the Foreign Assistance Act of 1961 for each of the fiscal years 1986 and 1987, not less than 35 percent shall be used for direct legal and other assistance to political detainees and prisoners and their families, including the investigation of the killing of protestors and prisoners, and for support for actions of black-led community organizations to resist, through non-violent means, the enforcement of apartheid policies such as—

(1) removal of black populations from certain geographic areas on account of race or ethnic origin,

(2) denationalization of blacks, including any distinctions between the South African citizenships of blacks and whites,

(3) residence restrictions based on race or ethnic origin,

(4) restrictions on the rights of blacks to seek employment in South Africa and live wherever they find employment in South Africa, and

(5) restrictions which make it impossible for black employees and their families to be housed in family accommodations near their place of employment.

SEC. 803. POLICY TOWARD SOUTH AFRICAN "HOMELANDS".

(a) Findings.—The Congress finds that—

(1) the sanctity of the family, individual liberty, maximum freedom of choice, ownership of private property, and equal treatment of all citizens, regardless of race, are principles which are fully supported by the American people;

(2) the forced relocation of blacks by the Government of the Republic of South Africa to designated "homelands" divides families, as families are required to remain in the "homelands" while fathers seek work in the so-called "white areas";

(3) the forced removal of persons living in so-called "black spots" in "white" rural areas in South Africa denies them the fundamental right to live and to farm on land they have legally occupied for years, and subjects them to arbitrary arrest and detention when they seek these rights;

(4) compared to "white" South Africa, the designated "homelands", which are meant to accommodate the largest South African population group on a fraction of South African territory and were established without the consent of the vast majority of the governed, are characterized by high rates of infant mortality, unemployment, and malnutrition and by a severe shortage of medical services;

(5) the policy of the Government of the Republic of South Africa denies blacks their rightful claim to full South African citizenship; and

(6) the recent violence in South Africa must be seen as an inevitable result of the denial of the full rights of citizenship.

(b) Statement of Policy.—It is the sense of the Congress that—

(1) the policy of separate development and the forced relocation of the people of the Republic of South Africa are inconsistent with fundamental American values and internationally recognized principles of human rights;

(2) the Government of the United States should continue to regard as citizens of South Africa all persons born within the internationally recognized boundaries of the Republic of South Africa, and not differentiate among these citizens on the basis of the South African Government's claim to have granted independence to various "homelands";

(3) at such times that any "homeland" official applies for a visa for travel to the United States, such visa should not be granted unless that official holds a passport which is recognized as valid by the Government of the United States; and

(4) the Government of the United States should urge that the forced relocation of South African citizens be discontinued and that policies be adopted for all South Africa's citizens which protect the sanctity of the family, individual liberty, maximum freedom of choice, ownership of private property, and equal treatment of all citizens, regardless of race.

SEC. 804. ASSISTANCE FOR ZAIRE.

(a) Economic Support Assistance.—Funds allocated for assistance for Zaire under chapter 4 of part II of the Foreign Assistance Act of 1961 for each of the fiscal years 1986 and 1987 shall be used only for assistance which is provided in accordance with the provisions applicable to assistance under chapter 1 of part I of the Foreign Assistance Act of 1961. Such assistance shall be provided, to the maximum extent practicable, through private and voluntary organizations.

(b) Military Assistance.—For each of the fiscal years 1986 and 1987—

(1) the value of assistance provided under chapter 2 of part II of the Foreign Assistance Act of 1961 for Zaire may not exceed $7,000,000; and

(2) financing may not be provided under the Arms Export Control Act of Zaire.

SEC. 805. ASSISTANCE FOR TUNISIA.

(a) Policy Concerning Security Assistance.—The United States provides security assistance to Tunisia in recognition of the traditional friendship between the United States and Tunisia and our common interests in the region. The provision of such assistance is also based on the expectation that political stability and development in Tunisia will be best advanced through continued growth of democratic institutions.

(b) Earmarking of MAP and ESF.—For each of the fiscal years 1986 and 1987—

(1) not less than $15,000,000 of the amounts authorized to be appropriated to carry out chapter 2 of part II of the Foreign Assistance Act of 1961, and

(2) not less than $20,000,000 [23] of the amounts authorized to be appropriated to carry out chapter 4 of part II of that Act,

shall be available only for Tunisia.

SEC. 806. POLITICAL SETTLEMENT IN SUDAN.

(a) Findings.—The Congress finds that—

(1) friendship and mutual interests bind the United States and Sudan; and

(2) the peace, security, and economic development of Sudan depend in large part on addressing the problems associated with the traditional north-south division in that country through political rather than military means.

(b) United States Policy.[23a]—It is, therefore, the policy of the United States that the provision of security assistance to Sudan shall be based on the expectation that the Government of Sudan will make progress toward reaching a political settlement with all parties to the conflict in the south of Sudan.

SEC. 807. ELECTIONS IN LIBERIA.

In recognition of the special relationship that the United States has with Liberia and of the wide variety of interests that the United States has in Liberia, security assistance for Liberia for fiscal years 1986 and 1987 is based on the expectation of a successful completion of free and fair elections, on a multiparty basis, in October 1985 as proposed by the Government of Liberia and on a return to full civilian, constitutional rule as a consequence of those elections.

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[23] Title III of the Foreign Assistance Appropriations Act, 1986 as contained in sec. 101(j) of Public Law 99-190, 99 Stat 1301, appropriated in the Foreign Military Sales category for fiscal year 1986: "not less than $27,000,000 of concessional credits shall be provided only for Tunisia."

[23a] The Foreign Assistance and Related Programs Appropriations Act, 1987 (sec. 101(f) of the Continuing Appropriations Act, 1987), Public Law 99-591, 100 Stat. 3341 provides:

Sec. 542. None of the funds provided in this Act shall be available for the Sudan if the President determines that the Sudan is acting in a manner that would endanger the stability of the region, or the Camp David peace process.

SEC. 808. WESTERN SAHARA.

(a) UNITED STATES POLICY.—The policy of the United States shall be to support a negotiated political solution to the conflict in the Western Sahara taking into account the principle of self-determination as outlined in the 1981 Nairobi resolution and to encourage all parties to the conflict to reach a peaceful internationally recognized settlement. As part of this policy, the United States should carefully consider each type of military assistance it furnishes to any of the parties to the conflict and should seek to insure that the furnishing of such military assistance is consistent with United States policy which seeks a negotiated settlement.

(b) FURTHER STATEMENT OF POLICY.—It is the further policy of the United States to support Morocco's legitimate defense needs and to discourage aggression by any country in North Africa against another.

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SEC. 812. FAILURE OF THE ETHIOPIAN GOVERNMENT TO RESPONSIBLY AMELIORATE FAMINE CONDITIONS.

(a) FINDINGS.—The Congress finds that—

(1) many thousands of Ethiopian people have suffered and died, and an additional ten million people are in danger of death, through starvation caused by prolonged drought;

(2) the Government of the United States has a continuing commitment to the emergency fund under title II of the Agricultural Trade Development and Assistance Act of 1954 (the Food For Peace Act);

(3) United States emergency food assistance for Africa in fiscal year 1985 is more than twice the amount provided in fiscal year 1984, and is the largest amount contributed by any single donor;

(4) the Ethiopian Government, as a client state of the Soviet Union, has considered the equipage and modernization of its five hundred thousand-person military organization more vital than alleviating the suffering of its people caused by drought;

(5) the Ethiopian Government has considered the funding of its military organization more vital than promoting a viable national agrarian policy;

(6) there is evidence that the Government of Ethiopia has used the drought-caused famine to induce cooperation from certain dedicated Ethiopians who seek to bring about fundamental changes in their country;

(7) the United States Government is concerned about the seizure by the Ethiopian Government of an Australian aid ship in an attempt to cut off food to its citizens in the northern regions, an area most severely stricken by famine; and

(8) the Ethiopian Government deems the appearance and status of its socialist system more worthy of attention than its citizens and agricultural policies in need.

(b) STATEMENT OF POLICY.—It is the sense of the Congress that—

(1) the Government of Ethiopia should be condemned for failing in its responsibility to sufficiently ameliorate the severe drought and famine conditions throughout its agrarian countryside;

(2) the Government of Ethiopia should allocate more of its resources toward the development of a more balanced and effective agrarian system;

(3) human rights monitoring groups can be a positive force for human rights in Ethiopia and should be allowed to function and should be supported;

(4) the Government of Ethiopia should initiate a genuine policy of national reconciliation;

(5) the continued improvement of Ethiopia's treatment of the Ethiopian people and respect for human rights would better relations between the United States and Ethiopia;

(6) the President or his representatives should convey to Ethiopian officials the concerns of the Congress expressed in this section at every opportunity; and

(7) the President or his representatives should also convey these concerns of the Congress to the governments of United States allies and urge the cooperation of those governments in efforts to ensure a more responsible Ethiopian Government.

(c) PROHIBITION ON IMPORTS AND EXPORTS.—(1) The President shall determine, within 30 days after the date of enactment of this Act, whether the Ethiopian regime is conducting a deliberate policy of starvation of its people and has not granted fundamental human rights to its citizens. The President shall submit that determination, and the basis for the determination, to the Congress.

(2) If the President determines that such a policy is being conducted and that such rights are not being granted, paragraph (3) shall take effect if the Congress enacts a joint resolution approving that determination.

(3) If the conditions specified in paragraph (1) and (2) are met—

(A) goods and services of Ethiopian origin may not be imported into the United States; and

(B) except for emergency relief, rehabilitation, and recovery assistance, goods, and services of United States origin may not be exported (directly or indirectly) to Ethiopia.

(d) PROHIBITION ON ECONOMIC ASSISTANCE.—The President shall suspend all forms of economic assistance to the Government of Ethiopia. This section shall not be construed to prevent the furnishing of international disaster assistance under section 491 of the Foreign Assistance Act of 1961 or economic assistance which will directly benefit people in accordance with section 116 of that Act.

SEC. 813. ASSISTANCE FOR THE PEOPLE'S REPUBLIC OF MOZAMBIQUE.

(a) ECONOMIC ASSISTANCE.—The funds authorized to be appropriated for fiscal years 1986 and 1987 to carry out chapter 1 of part I (relating to development assistance) and chapter 4 of part II (relating to the economic support fund) of the Foreign Assistance Act of 1961 that are allocated for bilateral assistance to the People's Republic of Mozambique shall be used solely for assistance to the private sector of the economy of Mozambique to the maximum extent practicable. To the maximum extent practicable, such funds shall be channeled to non-governmental entities in Mozambique.

(b) MILITARY ASSISTANCE.—(1) None of the funds authorized to be appropriated for fiscal year 1986 or fiscal year 1987 to carry out chapter 2 of part II (relating to grant military assistance) or chapter 5 of part II (relating to international military education and training) of the Foreign Assistance Act of 1961 shall be used to provide assistance to the People's Republic of Mozambique unless the President makes the certification described in paragraph (2) before providing any such assistance for that fiscal year.

(2) The certification required by paragraph (1) is a certification by the President to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate that the Government of the People's Republic of Mozambique—

(A) is making a concerted and significant effort to comply with internationally recognized human rights;

(B) is making continued progress in implementing essential economic and political reforms, including the restoration of private property and respect for the right to engage in free enterprise in all sectors of the economy;

(C) has implemented a plan by September 30, 1986, to reduce the number of foreign military personnel to no more than 55; and

(D)(i) in the case of a certification with respect to assistance for fiscal year 1986, is committed to holding free elections at a date no later than September 30, 1986, and to that end has demonstrated its good faith efforts to begin discussions with all major political factions in Mozambique which have declared their willingness to find and implement an equitable political solution to the conflict, with such solution to involve a commitment to—

(I) the electoral process with internationally recognized observers; and

(II) the elimination of all restrictions on the formation and activities of opposition political parties; and

(ii) in the case of a certification with respect to assistance for fiscal year 1987, held free elections by September 30, 1986.

TITLE IX—ASIA

SEC. 901. THE PHILIPPINES.[24]

(a) DEMOCRACY IN THE PHILIPPINES.—It is the sense of the Congress that the United States should encourage the revitalization of

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[24] Title II of the Foreign Assistance and Related Programs Appropriations Act, 1987 (sec. 101(f) of the Continuing Appropriations Act, 1987), Public Law 99-591, 100 Stat. 3341 provides:

* * * * * * *

Economic support fund: . . .

Provided further, That not less than an additional sum of $200,000,000 shall be available only for the Philippines: . . .

Title I, Chapter V of the Urgent Supplemental Appropriations Act, 1986, Public Law 99-349, 100 Stat. 726 further periods:

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Continued

democracy in the Philippines. To that end, the Congress affirms its intention to grant future aid to the Philippines according to the determination of the Congress that United States security interests are enhanced and sufficient progress is made by the Government of the Philippines in—

(1) guaranteeing free, fair, and honest elections in 1986 and 1987, or sooner should any such elections occur;

(2) ensuring the full, fair, and open prosecution of those responsible for the murder of Benigno Aquino, including those involved in the cover-up;

(3) ensuring freedom of speech and freedom of the press, and unrestricted access to the media on the part of all candidates for public office in the local and provincial elections of 1986 and the Presidential election of 1987;

(4) establishing the writ of habeas corpus and the termination of the Presidential Detention Action and all other forms of detention without charge or trial;

(5) releasing all individuals detained or imprisoned for peaceful political activities;

(6) making substantial progress in terminating extrajudicial killings by the Philippine military and security forces and the prosecution of those responsible for such killings in the past;

(7) implementing structural economic reforms and a strengthening of the private sector, including elimination of corruption and monopolies; and

(8) enhancing the professional capability of the Philippine armed forces and security forces (including the Philippine Constabulary and the Civilian House Defense Forces).

(b) PRIMARY PURPOSE OF UNITED STATES ASSISTANCE.—The Congress finds and declares that the primary purpose of United States assistance to the Philippines should be to maintain and foster friendly relations between the people of the Philippines and the people of the United States and to encourage the restoration of internal security, both of which goals can be best served by the achievement of an open and stable democracy.

(c) CONGRESSIONAL OVERSIGHT.—The Congress, in determining future aid levels for the Philippines, will take into account not only our military bases agreement with that country, but also the extent to which the objectives and goals specified in subsections (a)

SPECIAL ASSISTANCE TO THE PHILIPPINES

ECONOMIC SUPPORT FUND

For an additional amount for the "Economic Support Fund", $100,000,000, to remain available until March 31, 1987: *Provided*, That this amount shall be available only for the Philippines: *Provided further*, That none of these funds may be available for obligation unless the Appropriations Committees of both Houses of Congress are previously notified fifteen days in advance.

MILITARY ASSISTANCE

For an additional amount for "Military Assistance", $50,000,000, to remain available until March 31, 1987: *Provided*, That this amount shall be available only for the Philippines: *Provided further*, That none of these funds may be available for obligation unless the Appropriations Committees of both Houses of Congress are previously notified fifteen days in advance.

EXPORT-IMPORT BANK OF THE UNITED STATES

Direct loan authority made available in title IV of the Foreign Assistance and Related Programs Appropriations Act, 1986 (as enacted in Public Law 99–190), for the Export-Import Bank of the United States is available through September 30, 1987.

and (b) have been implemented. The Congress may defer assistance for the Philippines under both chapter 2 of part II of the Foreign Assistance Act of 1961 and the Arms Export Control Act if—

(1) significant progress is not achieved with respect to the objectives and goals specified in subsections (a) and (b), or

(2) the Congress finds that such assistance is used to violate the internationally recognized human rights of the Filipino people.

(d) * * * Repealed 1986.[24a]

(e) Nonlethal Assistance.—Assistance provided for the Philippines for fiscal year 1986 under the Arms Export Control Act or under chapter 2, of part II of the Foreign Assistance Act of 1961 shall be nonlethal in character.

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SEC. 903. DISADVANTAGED CHILDREN IN ASIA.

(a) * * *

(b) Additional Steps To Help Amerasian Children.—The Congress finds that Amerasian children are currently the object of discrimination in the countries in Asia where they now reside. Therefore, the President shall report to the Congress on the quality of life of these children and on what additional steps, such as facilitating adoptions, the United States could take to enhance the lives of these children.

SEC. 904.[25] ASSISTANCE FOR AFGHANISTAN.

(a) Authorization.—The [25a] President may make available funds authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund) for the provision of food, medicine, or other humanitarian assistance to the Afghan people, notwithstanding any other provision of law.

(b) [25a] Earmarking of Funds.—Each fiscal year, not less than $15,000,000 of the aggregate amount of funds available to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 shall be available only for humanitarian assistance to the Afghan people pursuant to subsection (a) of this section.

(c) Effective Dates.—This section shall take effect on the date of enactment of this Act, except that subsection (b) shall not apply to fiscal year 1985.

[24a] Title V of sec. 556, Foreign Assistance and Related Programs Appropriations Act (sec. 101(f) of the Continuing Appropriations Act) Public Law 99-591 (100 Stat. 334) repealed sec. (d). It formerly read as follows:

(d) Amounts of Assistance.—Of the amounts authorized to be appropriated for each of the fiscal years 1986 and 1987—

(1) to carry out the Arms Export Control Act (relating to foreign military sales financing), not more than $20,000,000 may be used for assistance for the Philippines;

(2) to carry out chapter 2 of part II of the Foreign Assistance Act of 1981 (relating to grant military assistance), not more than $50,000,000 may be used for assistance for the Philippines; and

(3) to carry out chapter 4 of part II of the Foreign Assistance Act of 1981 (relating to the economic support fund), $110,000,000 shall be available only for the Philippines."

[25] 22 U.S.C. 2374 note.

[25a] Title V of the Foreign Assistance and Related Programs Appropriations Act, 1987 (sec. 101(f) of the Continuing Appropriations Act, 1987, Public Law 99-591, 100 Stat. 3341) provides:

Sec. 541. Not less than $300,000,000 of the aggregate amount of funds appropriated by this Act to carry out the provisions of chapter 1 of part I of the Foreign Assistance Act of 1961 and chapter 4 of part II of that Act, shall be available for the provision of food, medicine, or other humanitarian assistance to the Afghan people, notwithstanding any other provision of law.

SEC. 905. ASSISTANCE FOR THE CAMBODIAN PEOPLE.

The President may make available to the noncommunist resistance forces in Cambodia up to $5,000,000 for fiscal year 1986, and up to $5,000,000 for fiscal year 1987, of the funds authorized to be appropriated to carry out chapter 2 (relating to grant military assistance) or chapter 4 (relating to the economic support fund) of part II of the Foreign Assistance Act of 1961, notwithstanding any other provision of law.

SEC. 906. PROHIBITION ON CERTAIN ASSISTANCE TO THE KHMER ROUGE.

(a) PROHIBITION.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated by this Act or any other Act may be obligated or expended for the purpose or with the effect of promoting, sustaining, or augmenting, directly or indirectly, the capacity of the Khmer Rouge or any of its members to conduct military of paramilitary operations in Cambodia or elsewhere in Indochina.

(b) DEOBLIGATION OF CERTAIN FUNDS.—All funds appropriated before the date of enactment of this section which were obligated but not expended for activities having the purpose or effect described in subsection (a) shall be deobligated and shall be deposited in the Treasury of the United States as miscellaneous receipts.

(c) EXCEPTION FOR HUMANITARIAN ASSISTANCE.—This section shall not be construed as limiting the provision of food, medicine, or other humanitarian assistance to the Cambodian people.

SEC. 907. POLITICAL SETTLEMENT IN SRI LANKA.

(a) FINDINGS.—The Congress finds that—

(1) the Government and people of Sri Lanka and the Government and people of the United States share a common devotion to independence, democracy, and human rights;

(2) the United States is concerned over the armed clashes between the security forces of the Government of Sri Lanka and some Sri Lankans who seek through violent means, including terrorist attacks, to divide that nation;

(3) there have been acts of terrorism committed against members of the Sri Lankan security forces, as well as against civilians, and there have been human rights abuses by members of the security forces against civilians, particularly Tamils, despite the efforts of the Government, which the Congress believes must be intensified, to put an end to those abuses;

(4) the differences and grievances in Sri Lanka cannot be resolved through the use of force; and

(5) the United States is a proud participant through its economic assistance programs in Sri Lanka's highly regarded development efforts and looks forward to enhanced cooperation and assistance in the context of a political settlement in Sri Lanka leading to the kind of peaceful climate in which additional aid could be effectively utilized.

(b) POLITICAL SETTLEMENT.—It is, therefore, the sense of the Congress that—

(1) all parties in Sri Lanka, from all communities in and out of government, should renew their efforts to achieve a joint political settlement which meets the legitimate concerns of all

the people of Sri Lanka, while preserving the territorial integrity of Sri Lanka; and

(2) all parties outside Sri Lanka should do nothing which would impede progress toward such a settlement.

SEC. 908. UNITED STATES POLICY TOWARD THE REPUBLIC OF KOREA.

(a) FINDINGS.—The Congress finds that—

(1) the Government of the Republic of Korea has taken several significant and encouraging steps in liberalizing the political system in that country;

(2) among the steps which have facilitated a more democratic environment are the release of hundreds of student demonstrators, the lifting of a political ban on more than 300 opposition leaders, and the holding of a vigorously contested election for the National Assembly in which the opposition made substantial gains;

(3) despite these steps, the people of the Republic of Korea, who have become increasingly better educated and prosperous as a result of Korea's extraordinarily rapid economic development, have the desire and the capability to participate more fully and effectively in the government of their own country; and

(4) while internationally recognized human rights are clearly respected much more in the Republic of Korea than in the Democratic People's Republic of Korea, continued progress toward democratization in the south is in the interests of both the Republic of Korea and the United States, inasmuch as long-term political stability cannot be assured in the absence of further progress towards democratic government.

(b) UNITED STATES POLICY.—It is the policy of the United States to provide assistance to the Republic of Korea in order to help that country defend itself against external aggression. It is the hope of the United States that the continuing close relations between our two countries, including such assistance, will encourage the establishment of a genuinely democratic system in the Republic of Korea, in which internationally recognized human rights, including freedom of the press, freedom of association, and freedom of assembly are observed.

TITLE X—FOOD AND AGRICULTURAL ASSISTANCE

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SEC. 1008. LONG-TERM AGRICULTURAL COMMODITY AGREEMENTS WITH FOOD DEFICIT COUNTRIES.

As part of the United States foreign assistance program, the President should explore the possibility of concluding long-term agricultural commodity agreements to help stabilize and increase the flow of concessional and commercial foodstuffs with food deficit countries. The President shall prepare and transmit to the Congress a report on his efforts to achieve such long-term agreements by June 1, 1986.

TITLE XI—PEACE CORPS

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SEC. 1103. LIMITATION ON LENGTH OF PEACE CORPS EMPLOYMENT.

(a) * * *

(b) [26] Reports to Congress.—The Director of the Peace Corps shall, not later than January 1, 1986, submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report describing the criteria to be applied by the Director in exercising the authority provided by the amendments made by subsection (a) to make appointments or assignments of individuals for periods of more than five years. Not later than each January 1 thereafter, the Director shall submit to the Committees referred to in the preceding sentence a report on—

(1) the exercise of such authority during the preceding fiscal year for each of the purposes specified in paragraph (5) of section 7(a) of the Peace Corps Act, as added by subsection (a) of this section; and

(2) the exercise during that fiscal year of the authority under paragraph (6) of such section 7(a), as added by subsection (a) of this section.

SEC. 1104. PEACE CORPS NATIONAL ADVISORY COUNCIL.

(a) * * *

(b) [27] Termination of Similar Advisory Body.—Any advisory body carrying out functions similar to those assigned to the Peace Corps National Advisory Council provided for in subsection (a) shall cease to exist sixty days after the date of the enactment of this Act.

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TITLE XII—MISCELLANEOUS PROVISIONS RELATING TO FOREIGN ASSISTANCE

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SEC. 1205.[28] REPORTS ON ECONOMIC CONDITIONS IN CERTAIN COUNTRIES.

(a) External Debt Burden of Certain Countries Receiving United States Assistance.—The Congress finds that the Governments of Egypt, Israel, Turkey, and Portugal each have an enormous external debt burden which may be made more difficult by virtue of financing provided for those governments under various United States assistance programs.

(b) Annual Reports on Economic Conditions.—In order to assist the Congress in examining United States assistance for those countries, the President shall report to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate, not later than January 15 of each year, regarding economic conditions prevailing in Egypt, Israel, Turkey, and Portugal which may affect their respective ability to meet their international debt obligations and to stabilize their economies.

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[26] 22 U.S.C. 2506 note.
[27] 22 U.S.C. 2511 note.
[28] 25 U.S.C. 2346 note.

SEC. 1206. EGYPTIAN-ISRAELI RELATIONS.

The Congress notes the recent effort of Egypt to move the peace process forward. However, the Congress continues to be concerned about the less than normal relations between Egypt and Israel. It is the sense of the Congress that all United States foreign assistance to Egypt is provided in the expectation that the Egyptian Government will continue in its efforts to bring peace to the region and that it will continue to support and fulfill the provisions of the Camp David Accords and the Egyptian-Israeli Peace Treaty.

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SEC. 1210. REPORT ON UNITED STATES ASSISTANCE TO COAL EXPORTING NATIONS.

Not later then 30 days after the date of enactment of this Act, the President shall submit to the appropriate committees of the Congress a report describing the status and terms of, and containing all other pertinent information relating to, any United States Government assistance which is provided to foreign nations that produce or export coal for the purpose of financing or assisting in the development of coal production, transportation, export, or other coal-related activities or operations.

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TITLE XIII—MISCELLANEOUS PROVISIONS

SEC. 1301.[29] EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act shall take effect on October 1, 1985.

SEC. 1302.[30] CODIFICATION OF POLICY PROHIBITING NEGOTIATIONS WITH THE PALESTINE LIBERATION ORGANIZATION

(a) UNITED STATES POLICY.—The United States in 1975 declared in a memorandum of ageement with Israel, and has reaffirmed since, that "The United States will continue to adhere to its present policy with respect to the Palestine Liberation Organization, whereby it will not recognize or negotiate with the Palestine Liberation Organization so long as the Palestine Liberation Organization does not recognize Israel's right to exist and does not accept Security Council Resolutions 242 and 338.".

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[29] 22 U.S.C. 2151-1 note.

[30] 22 U.S.C. 2151 note. Title V, sec. 531 of the Foreign Assistance Appropriations Act, 1986 as contained in sec. 101(i) of Public Law 99-190, 99 Stat. 1307 (Further Continuing Appropriation, 1986) provides the following:

SEC. 531. In reaffirmation of the 1975 memorandum of agreement between the United States and Israel, and in accordance with section 1302 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83), no employee of or individual acting on behalf of the United States Government shall recognize or negotiate with the Palestine Liberation Organization or representatives thereof, so long as the Palestine Liberation Organization does not recognize Israel's right to exist, does not accept Security Council Resolutions 242 and 338, and does not renounce the use of terrorism. Sec. 531 of Title V of the 1987 version of the Continuing Appropriations Act, Public Law 99-591, 100 Stat. 3341 contains identical language.

Note also that Title V of the Foreign Assistance and Related Agencies Appropriations Act 1987 (see. 101(f) of the Continuing Appropriations Act, 1987), Public Law 99-591, 100 Stat. 3341 provides

"Sec. 527. Notwithstanding any other provision of law or this Act, none of the funds provided for "International organizations and programs" shall be available for the United States proportionate share for any programs for the Palestine Liberation Organization, the Southwest African Peoples Organization, Libya, Iran, or, at the discretion of the President, Communist countries listed in section 620(f) of the Foreign Assistance Act of 1961, as amended."

(b) Reaffirmation and Codification of Policy.—The United States hereby reaffirms that policy. In accordance with that policy, no officer or employee of the United States Government and no agent or other individual acting on behalf of the United States Government shall negotiate with the Palestine Liberation Organization or any representatives thereof (except in emergency or humanitarian situations) unless and until the Palestine Liberation Organization recognizes Israel's right to exist, accepts United Nations Security Council Resolutions 242 and 338 and renounces the use of terrorism.

SEC. 1303.[31] COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD.

(a) Purpose.—Because the fabric of a society is strengthened by visible reminders of the historical roots of the society, it is in the national interest of the United States to encourage the preservation and protection of the cemeteries, monuments, and historic buildings associated with the foreign heritage of United States citizens.

(b) Establishment.—There is established a commission to be known as the Commission for the Preservation of America's Heritage Abroad (hereafter in this section referred to as the "Commission").

(c) Duties.—The Commission shall—

(1) identify and publish a list of those cemeteries, monuments, and historic buildings located abroad which are associated with the foreign heritage of United States citizens from eastern and central Europe, particularly those cemeteries, monuments, and buildings which are in danger of deterioration or destruction;

(2) encourage the preservation and protection of such cemeteries, monuments, and historic buildings by obtaining, in cooperation with the Department of State, assurances from foreign governments that the cemeteries, monuments, and buildings will be preserved and protected; and

(3) prepare and disseminate reports on the condition of and the progress toward preserving and protecting such cemeteries, monuments, and historic buildings.

(d) Membership.—(1) The Commission shall consist of 21 members appointed by the President, 7 of whom shall be appointed after consultation with the Speaker of the House of Representatives and 7 of whom shall be appointed after consultation with the President pro tempore of the Senate.

(2)(A) Except as provided in subparagraphs (B) and (C), members of the Commission shall be appointed for terms of 3 years.

(B) Of the members first appointed after consultation with the Speaker of the House of Representatives, 5 shall be appointed for 2 years.

(C) A member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the member's predecessor was appointed.

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[31] 16 U.S.C. 469j.

(D) A member may retain membership on the Commission until the member's successor has been appointed.

(3) The President shall designate the Chairman of the Commission from among its members.

(e) MEETINGS. The Commission shall meet at least once every three months.

(f) COMPENSATION AND PER DIEM.—(1) Members of the Commission shall receive no pay on account of their service on the Commission.

(2) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5 of the United States Code.

(g) AUTHORITIES.—(1) The Commission or any member it authorizes may, for the purposes of carrying out this section, hold such hearings, sit and act at such times and places, request such attendance, take such testimony, and receive such evidence, as the Commission considers appropriate.

(2) The Commission may appoint such personnel (subject to the provisons of title 5 of the United States Code which govern appointments in the competitive service) and may fix the pay of such personnel (subject to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates) as the Commission deems desirable.

(3) The Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay then in effect for grade GS–18 of the General Schedule (5 U.S.C. 5332(a)).

(4) Upon request of the Commission, the head of any Federal department or agency, including the Secretary of State, may detail, on a reimbursable basis, any of the personnel of such department or agency to the Commission to assist it in carrying out its duties under this section.

(5) The Commission may secure directly from any department or agency of the United States, including the Department of State, any information necessary to enable it to carry out this section. Upon the request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(6) The Commission may accept, use, and dispose of gifts or donations of money or property.

(7) The Commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(8) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(h) REPORTS.—The Commission shall transmit an annual report to the President and to each House of Congress as soon as practicable after the end of each fiscal year. Each report shall include a detailed statement of the activities and accomplishments of the Commission during the preceding fiscal year and any recommendations by the Commission for legislation and administrative actions.

SEC. 1304.[32] FEDERAL COAL EXPORT COMMISSION.

(a) ESTABLISHMENT.—The Secretary of Commerce shall establish, within ninety days after the date of enactment of this Act, a Federal Coal Export Commission (hereafter in this section referred to as the "Commission").

(b) MEMBERSHIP.—The Commission shall be composed of thirty members appointed by the Secretary of Commerce, as follows:

(1) FEDERAL GOVERNMENT REPRESENTATIVES.—Ten members shall be representatives of the International Trade Administration, the Department of Energy, the Department of State, the Department of Transportation, the Office of the United States Trade Representative, and a Federal institution involved in export financing.

(2) PRIVATE SECTOR REPRESENTATIVES.—

(A) Five members shall be representatives of export coal producers, including traders and brokers.

(B) Five members shall be representatives of coal labor.

(C) Five members shall be representatives of transporters of export coal, including representatives of rail and barge carriers and port authorities.

(D) Five members shall be representatives of institutions having a substantial interest in United States export coal financing.

(c) EXPENSES.—Members of the Commission shall serve without pay. While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5 of the United States Code.

(d) COOPERATION.—All Federal departments and agencies are authorized to cooperate with the Commission and to furnish information, appropriate personnel, and such assistance as may be agreed upon by the Commission and the Federal department or agency involved.

(e) ACTIVITIES.—The Commission shall convene not less than four times a year for consultation on activities leading to increased cooperation among entities involved in United States coal exports, with the goal of expanding the United States share of the international coal market. Activities of the Commission shall include, but are not limited to, the identification of—

(1) diplomatic channels to facilitate the exportation of United States coal and methods to increase the coordination of diplomatic efforts relating to such exports;

(2) domestic and international impediments to coal exports;

(3) foreign markets for United States export coal, with emphasis on increasing United States coal sales to developing nations and expanding the participation of the United States

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[32] 15 U.S.C. 4011 note.

International Development Cooperation Agency in such an effort;

(4) availability of, and methods of, financing United States coal exports, including the feasibility of increasing Federal export financial and economic assistance; and

(5) methods to promote, market, and coordinate United States coal on the international market.

The Commission shall also examine the potential for small- and medium-sized coal companies to enter the export coal trade through export trading companies with respect to the marketing, transportation, and financial services which such trading companies may provide pursuant to the Export Trading Company Act of 1982.

(f) REPORT.—The Commission shall submit to the President and the Congress, within two years after its first meeting, a report which details its findings pursuant to subsection (e) and, based upon such findings, makes recommendations which would lead to the expansion of the United States share of the international metallurgical and steam coal market.

(g) TERMINATION.—The Commission shall cease to exist upon submission of its report pursuant to subsection (f).

g. Jordan Supplemental Economic Assistance Authorization Act of 1985

Partial test of Public Law 99-88 [Supplemental Appropriations Act, 1985; H.R. 2577], 99 Stat. 376, approved August 15, 1985.

AN ACT Making supplemental appropriations for the fiscal year ending September 30, 1985, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide supplemental appropriations for the fiscal year ending September 30, 1985, and for other purposes.

* * * * * * *

TITLE IV—AUTHORIZATION OF ECONOMIC SUPPORT FUND ASSISTANCE FOR JORDAN

SHORT TITLE

SEC. 401. This title may be cited as the "Jordan Supplemental Economic Assistance Authorization Act of 1985".

ECONOMIC SUPPORT FUND

SEC. 402. (a)(1) In addition to funds otherwise available for such purposes for such fiscal year, there are authorized to be appropriated to the President to carry out chapter 4 of part II of the Foreign Assistance Act of 1961, $250,000,000 for the fiscal year 1985, which amount shall be available only for Jordan.

(2) Of the funds authorized to be appropriated by paragraph (1)—

(A) for the fiscal year 1985, $50,000,000 shall be available only for commodity import programs and $30,000,000 shall be available only for project assistance;

(B) for the fiscal year 1986, $50,000,000 shall be available only for commodity import programs and $30,000,000 shall be available only for project assistance; and

(C) for the fiscal year 1987, $60,000,000 shall be available only for commodity import programs and $30,000,000 shall be available only for project assistance.

(b) Amounts appropriated to carry out this section are authorized to remain available until September 30, 1987.[1]

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[1] Title II of the Foreign Assistance and Related Programs Appropriations Act, 1987 (sec. 101(f) of the Continuing Appropriations Act, 1987), Public Law 99-599, 100 Stat. 3341 provides:

* * * * * * *

Economic support fund: * * * *Provided further,* That up to $15,000,000 shall be made available for Jordan in addition to funds otherwise made available by this paragraph and allocated to Jordan: * * *

POLICY

SEC. 403. (a) SENSE OF CONGRESS.—It is the sense of Congress that no foreign military sales financing authorized by this Act may be used to finance the procurement by Jordan of United States advanced aircraft, new air defense weapons systems, or other new advanced military weapons systems, and no notification may be made pursuant to section 36(b) of the Arms Export Control Act with respect to a proposed sale to Jordan of United States advanced aircraft, new air defense systems, or other new advanced military weapons systems, unless Jordan is publicly committed to the recognition of Israel and to negotiate promptly and directly with Israel under the basic tenets of United Nations Security Council Resolutions 242 and 338.

(b) CERTIFICATION.—Any notification made pursuant to section 36(b) of the Arms Export Control Act with respect to a proposed sale to Jordan of United States advanced aircraft, new air defense systems or other new advanced military weapons, must be accompanied by a Presidential certification of Jordan's public commitment to the recognition of Israel and to negotiate promptly and directly with Israel under the basic tenets of United Nations Security Council Resolutions 242 and 338.

h. African Famine Relief and Recovery Act of 1985

Partial Text of Public Law 99-8 [S. 689], 99 Stat. 21, approved April 2, 1985.

AN ACT To authorize appropriations for famine relief and recovery in Africa.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "African Famine Relief and Recovery Act of 1985".[1]

SEC. 2.[2] * * *

SEC. 3.[1] MIGRATION AND REFUGEE ASSISTANCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise available for such purpose, there are authorized to be appropriated to the Department of State for "Migration and Refugee Assistance" for the fiscal year 1985, $37,500,000 for assisting refugees and displaced persons in Africa.

(b) USE OF FUNDS.—

(1) PROJECTS FOR IMMEDIATE DEVELOPMENT NEEDS.—Up to 54 percent of the funds authorized to be appropriated by this section may be made available to the United Nations Office of Emergency Operations in Africa for projects such as those proposed at the second International Conference on Assistance to Refugees in Africa (ICARA II) to address the immediate development needs created by refugees and displaced persons in Africa.

(2) EMERGENCY RELIEF AND RECOVERY EFFORTS.—The remaining funds authorized to be appropriated by this section shall be used by the Bureau for Refugee Programs of the Department of State for emergency relief and recovery efforts in Africa.

SEC. 4.[1] DEPARTMENT OF DEFENSE ASSISTANCE.

(a) SPECIAL RULE ON REIMBURSEMENT.—If the Department of Defense furnishes goods or services for African supplemental famine assistance activities, the Department of Defense shall be reimbursed for not more than the costs which it incurs in providing those goods or services. These costs do not include military pay and allowances, amortization and depreciation, and fixed facility costs.

(b) DEFINITION OF AFRICAN SUPPLEMENTAL FAMINE ASSISTANCE ACTIVITIES.—For purposes of this section, the term "African supplemental famine assistance activities" means the provision of the following fiscal year 1985 supplemental assistance for Africa:

(1) Famine assistance pursuant to section 2 of this Act.

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[1] 22 U.S.C. 2292 note.

[2] Sec. 2 amended the Foreign Assistance Act of 1961 by adding a new section 495K entitled "African Famine Assistance."

(2) Migration and refugee assistance pursuant to section 3 of this Act.

(3) Assistance pursuant to supplemental appropriations for title II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721-1726).

(4) Assistance with funds appropriated during fiscal year 1985 for the Emergency Refugee and Migration Assistance Fund (22 U.S.C. 2601(c)).

SEC. 5.[1] GENERAL PROVISIONS RELATING TO ASSISTANCE.

(a) COUNTRIES TO BE ASSISTED.—Amounts authorized to be appropriated by this Act shall be available only for assistance in those countries in Africa which have suffered during calendar years 1984 and 1985 from exceptional food supply problems due to drought and other calamities.

(b) "HICKENLOOPER AMENDMENT".—Assistance may be provided with funds authorized to be appropriated by this Act without regard to section 620(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(e)(1)).

(c) ENSURING THAT ASSISTANCE REACHES INTENDED RECIPIENTS.—The President shall ensure that adequate procedures have been established so that assistance pursuant to this Act is provided to the famine victims for whom it is intended.

SEC. 6.[1] REPORTS ON AFRICAN FAMINE ASSISTANCE.

(a) REPORT ON UNITED STATES CONTRIBUTION TO MEET EMERGENCY NEEDS.—

(1) REQUIREMENT FOR REPORT.—Not later than June 30, 1985, the President shall report to the Congress with respect to the United States contribution to meet emergency needs, including food needs, for African famine assistance.

(2) INFORMATION TO BE INCLUDED IN REPORT.—The report required by this subsection shall describe—

(A) the emergency needs, including food needs, for African famine assistance that are identified by the President's Interagency Task Force on the African Food Emergency, private and voluntary organizations active in famine relief, the United Nations Office for Emergency Operations in Africa, the United Nations Food and Agriculture Organization, the World Food Program, and such other organizations as the President considers appropriate; and

(B) the projected fiscal year 1985 contribution by the United States Government to meet an appropriate share of those needs referred to in subparagraph (A).

(b) REPORT ON ASSISTANCE PROVIDED PURSUANT TO THIS ACT.—

(1) REQUIREMENT FOR REPORT.—Not later than September 30, 1985, the President shall report to the Congress on the assistance provided pursuant to this Act.

(2) INFORMATION TO BE INCLUDED IN REPORT.—

(A) USE OF FUNDS.—The report pursuant to this subsection shall describe the uses, by the Agency for International Development and by the Department of State, of the funds authorized to be appropriated by this Act, including—

(i) a description of each project or program supported with any of those funds, and the amount allocated to it;

(ii) the identity of each private and voluntary organization or international organization receiving any of those funds, and the amount of funds each received;

(iii) the amount of those funds used for assistance to each country;

(iv) the amount of those funds, if any, which will not have been obligated as of September 30, 1985; and

(v) a list of any projects or programs supported with those funds which are not expected to be completed as of December 31, 1985.

i. International Security and Development Assistance Authorizations Act of 1983

Partial text of Public Law 98-151 [H.J. Res. 413], 97 Stat. at 964, approved November 14, 1983

A JOINT RESOLUTION Making further continuing appropriations for the fiscal year 1984.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1984, and for other purposes, namely:

Sec. 101. (a) * * *

(b)(1) * * * [1]

(2) Section 101(b)(2) of this joint resolution may be cited as the "International Security and Development Assistance Authorizations Act of 1983".

AUTHORIZATIONS OF APPROPRIATIONS

There is authorized to be appropriated to the President $1,315,000,000 for the fiscal year 1984 to carry out section 23 of the Arms Export Control Act. The total principal amount of loans guaranteed under section 24(a) of the Arms Export Control Act shall not exceed $4,446,500,000 for the fiscal year 1984.

There are authorized to be appropriated for the fiscal year 1984 the following amounts to carry out the following provisions of the Foreign Assistance Act of 1961:

(1) $725,213,000 to carry out section 103.
(2) $244,600,000 to carry out section 104(b).
(3) $133,400,000 to carry out section 104(c).
(4) $121,477,000 to carry out section 105.
(5) $160,000,000 to carry out section 106.
(6) $103,000,000 to carry out section 121.
(7) $30,000,000 to carry out section 214.
(8) $266,214,000 to carry out chapter 3 of part I.
(9) $47,000,000 to carry out section 481.
(10) $25,000,000 to carry out section 491.
(11) $3,074,000,000 to carry out chapter 4 of part II.
(12) $639,700,000 to carry out section 503.
(13) $56,452,000 to carry out chapter 5 of part II.
(14) $46,200,000 to carry out chapter 6 of part II.
(15) $22,000,000 to carry out section 661.

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[1] Sec. 101(b)(1) was cited as the "Foreign Assistance and Related Programs Appropriations Act, 1984."

(16) $370,000,000 to carry out section 667.

There is authorized to be appropriated to the President to carry out the African Development Foundation Act $3,000,000 for the fiscal year 1984.

There is authorized to be appropriated to carry out the Peace Corps Act $116,000,000 of the fiscal year 1984.

Section 10 of Public Law 91-672 and section 15(a) of the State Department Basic Authorities Act of 1956 shall not apply with respect to funds appropriated for "Migration and Refugee Assistance" or for the Inter-American Foundation by the joint resolution of October 1, 1983 (Public Law 98-107), as amended by this joint resolution.

ASSISTANCE FOR ISRAEL AND EGYPT

Section 31(b)(3) of the Arms Export Control Act is amended to read as follows:

"(3) Of the aggregate total of credits (or participations in credits) extended under section 23 of this Act and of the total principal amount of loans guaranteed under section 24(a) of this Act, not less than $1,700,000,000 for the fiscal year 1984 shall be available only for Israel, of which not less than $850,000,000 shall be credits under section 23. Of the total aggregate credit ceiling made available to Israel, up to $300,000,000 shall be made available for research and development activities in the United States and $250,000,000 shall be made available for the procurement of defense articles and defense services in Israel for the Lavi program.".

Section 31(c) of such Act is amended—

(a) in the first sentence by striking out "for the fiscal year 1982 and for the fiscal year 1983" and inserting in lieu thereof "for the fiscal year 1984"; and

(b) in the last sentence—

(1) by striking out "$550,000,000" and inserting in lieu thereof "850,000,000 for the fiscal year 1984"; and

(2) by striking out "for each such year".

Section 31(b)(6) of such Act is amended to read as follows:

"(6) Of the total amounts of credits (or participations in credits) extended under section 23 of this Act, not less than $465,000,000 for the fiscal year 1984 shall be available only for Egypt, and Egypt shall be released from its contractual liability to repay the United States Government with respect to such credits (and participations in credits). Of the total principal amount of loans guaranteed under section 24(a) of this Act, not less than $900,000,000 for the fiscal year 1984 shall be available only for Egypt.".

Section 31(b)(5) of such Act is amended by striking out "for the fiscal year 1982 and for the fiscal year 1983" and inserting in lieu thereof "for the fiscal year 1984".

Section 532 of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 532. EARMARKING FOR ISRAEL AND EGYPT.—Of the funds authorized to be appropriated to carry out this chapter for the fiscal year 1984, not less than $910,000,000 shall be available only for Israel and not less than $750,000,000 shall be available only for Egypt".

CONDITIONS ON MILITARY ASSISTANCE FOR EL SALVADOR

Not more than 70 percent of the amount available for the fiscal year 1984 for military assistance for El Salvador under chapters 2 and 5 of part II of the Foreign Assistance Act of 1961 and under the Arms Export Control Act may be expended until—

(1) Salvadoran authorities have substantially concluded all investigative actions in the case of the National Guardsmen charged with murder in the deaths of the four United States churchwomen in December 1980 that were set forth in communications from the Department of State (including the letters dated July 8 and September 23, 1983); and

(2) Salvadoran authorities have brought the accused to trial and have obtained a verdict.

Not more than 90 percent of the amount made available for the fiscal year 1984 for military assistance for El Salvador under chapters 2 and 5 of part II of the Foreign Assistance Act of 1961 and under the Arms Export Control Act may be expended until the President has determined and certified to the Congress that—

(1) the Government of El Salvador has not taken any action which would alter, suspend, or terminate the land reform program for phase I or phase III promulgated under Decree 154 (dated March 5, 1980) or Decree 207 (dated April 28, 1980) in a manner detrimental to the rights of the beneficiaries or the potential beneficiaries under those decrees; and

(2) the Government of El Salvador continues to make documented progress on implementing the land reform program.

MINORITY SET-ASIDE

Except to the extent that the Administrator of the Agency for International Development determines otherwise, not less than 10 percent of the aggregate of the funds made available for the fiscal year 1984 to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be made available only for activities of economically and socially disadvantaged enterprises (within the meaning of section 133(c)(5) of the International Development and Food Assistance Act of 1977), historically Black colleges and universities, and private and voluntary organizations which are controlled by individuals who are Black Americans, Hispanic Americans, or Native Americans, or who are economically and socially disadvantaged (within the meaning of section 133(c)(5) (B) and (C) of the International Development and Food Assistance Act of 1977). For purposes of this section, economically and socially disadvantaged individuals shall be deemed to include women.

MINORITY RESOURCE CENTER

None of the funds authorized to be appropriated for the fiscal year 1984 to carry out the Foreign Assistance Act of 1961 may be used to eliminate the Minority Resource Center as a separate and distinct entity within the Agency for International Development, including implementation of a consolidation of the Minority Resource Center with the Office of Small and Disadvantaged Business

Utilization under section 133(c)(8) of the International Development and Food Assistance Act of 1977.

PROMOTING THE DEVELOPMENT OF THE HAITIAN PEOPLE AND PROVIDING FOR ORDERLY EMIGRATION FROM HAITI

It is the sense of the Congress that for the fiscal year 1984 up to $24,000,000 of the funds available to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, and up to $10,000,000 of the funds available to carry out chapter 4 of part II of such Act, should be made available for development assistance for Haiti, subject to the limitation contained in the third paragraph of this heading.

To the maximum extent practicable, assistance for Haiti under chapter 1 of part I and under chapter 4 of part II of the Foreign Assistance Act of 1961 should be provided through private and voluntary organizations.

Funds available for fiscal year 1984 to carry out chapter 1 of part I or chapter 2, 4, or 5 of part II of the Foreign Assistance Act of 1961 may be obligated for Haiti, and credits may be extended and guarantees may be issued under the Arms Export Control Act for Haiti, only if the President determines that the Government of Haiti—

(1) is continuing to cooperate with the United States in halting illegal emigration to the United States from Haiti;

(2) is cooperating fully in implementing United States development, food, and other economic assistance programs in Haiti (including programs for prior fiscal years); and

(3) is making a concerted and significant effort to improve the human rights situation in Haiti by implementing the political reforms which are essential to the development of democracy in Haiti, including the establishment of political parties, free elections, and freedom of the press.

Six months after the date of enactment of this section, the President shall report to the Congress on the extent to which the actions of the Government of Haiti are consistent with each numbered provision contained in the third paragraph of this heading.

Notwithstanding the limitations of section 660 of the Foreign Assistance Act of 1961, funds made available under such Act for the fiscal year 1984 may be used for programs with Haiti, which shall be consistent with prevailing United States refugee policies, to assist in halting significant illegal emigration from Haiti to the United States.

PRIVATE SECTOR REVOLVING FUND

The amendment contained in section 407 of H.R. 2992, as reported by the Committee on Foreign Affairs of the House of Representatives on May 17, 1983, is hereby enacted.[2]

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[2] This amendment added a new sec. 108 to the Foreign Assistance Act of 1961. See page 36 for text.

ANTITERRORISM ASSISTANCE PROGRAM

The amendments contained in title II of H.R. 2992, as reported by the Committee on Foreign Affairs of the House of Representatives on May 17, 1983, are hereby enacted,[3] except that, for purposes of such enactment, section 575 of the Foreign Assistance Act of 1961 shall read as follows:

"SEC. 575. APPROPRIATIONS.—There is authorized to be appropriated to the President to carry out this chapter $5,000,000 for the fiscal year 1984. Amounts appropriated under this section are authorized to remain available until expended.".

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[3] These amendments added a new chapter 8 to part II of the Foreign Assistance Act of 1961. See page 148 for text.

j. Lebanon Emergency Assistance Act of 1983 [1]

Public Law 98-43 [S. 639], 97 Stat. 214, approved June 27, 1983

AN ACT To authorize supplemental assistance to aid Lebanon in rebuilding its economy and armed forces, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Lebanon Emergency Assistance Act of 1983".

ECONOMIC SUPPORT FUND

Sec. 2. (a) It is hereby determined that the national interests of the United States would be served by the authorization and appropriation of additional funds for economic assistance for Lebanon in order to promote the economic and political stability of that country and to support the international effort to strengthen a sovereign and independent Lebanon.

(b) Accordingly, in addition to amounts otherwise authorized to be appropriated for the fiscal year 1983 to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, there are authorized to be appropriated $150,000,000 to carry out such provisions with respect to Lebanon.[2]

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[1] See also the Multinational Force in Lebanon Resolution, Vol. II, sec. K.

[2] The Supplemental Appropriations Act, 1983 (Public Law 98-63; 97 Stat. 317) provided the following:

"ECONOMIC SUPPORT FUND

"For an additional amount for the 'Economic Support Fund', $301,250,000: *Provided*, That $150,000,000 of this amount shall be available only for Lebanon, to remain available until expended."

Subsequently, Public Law 99-190 (Continuing Appropriations, 1986) provided the following:

"TRANSFER OF FUNDS

"Transfer of funds: Of the unobligated funds remaining from funds appropriated for the 'Economic support fund' for Lebanon in Public Law 98-63, $22,850,000, shall be transferred as follows: (1) $12,500,000 to the 'Child Survival Funds,' (2) $5,350,000 to Internal Organizations and Programs for the United Nations Children's Fund, and (3) to 'International Narcotics Control: *Provided*, That except for such transfers,' amounts remaining unobligated as of September 30, 1985, from funds appropriated for the 'Economic Support Fund' for Lebanon in Public Law 98-63 shall, notwithstanding sections 451, 492(b), and 614 of the Foreign Assistance Act of 961, or any other provision of law, be made available only for Lebanon: *Provided further*, That, to the extent that these funds cannot be used to provide assistance for Lebanon, they shall revert to the Treasury as miscellaneous receipts."

Title V of the Foreign Assistance and Related Agencies Appropriations Act, 1987 (Sec. 101(f) of the Continuing Appropriations Act, 1987), Public Law 99-591, 100 Stat. 3341, provides:

* * * * * * *

Sec. 535. None of the funds appropriated or otherwise made available pursuant to this Act for "Economic support fund" or for "Foreign military credit sales" shall be obligated or expended for Lebanon except as provided through the regular notification procedures of the Committees on Appropriations.

(c) Amounts authorized by this section may be appropriated in an appropriation Act for any fiscal year (including a continuing resolution) and shall continue to be available beyond the fiscal year notwithstanding any provision of that appropriation Act to the contrary.

MILITARY SALES AND RELATED PROGRAMS

Sec. 3. (a) In order to support the rebuilding of the armed forces of Lebanon, the Congress finds that the national security interests of the United States would be served by the authorization and appropriation of additional funds to provide training for the Lebanese armed forces and by the authorization of additional foreign military sales guaranties to finance procurements by Lebanon of defense articles and defense services for its security requirements.

(b) In addition to amounts otherwise made available for the fiscal year 1983 to carry out the provisions of chapter 5 of part II of the Foreign Assistance Act of 1961, there are authorized to be appropriated for the fiscal year 1983 $1,000,000 to carry out such provisions with respect to Lebanon.[3]

(c) In addition to amounts otherwise made available for the fiscal year 1983 for loan guaranties under section 24(a) of the Arms Export Control Act, $100,000,000 of loan principal are authorized to be so guaranteed during such fiscal year for Lebanon.[3]

UNITED STATES ARMED FORCES IN LEBANON

Sec. 4. (a) The President shall obtain statutory authorization from the Congress with respect to any substantial expansion in the number or role in Lebanon of United States Armed Forces, including any introduction of United States Armed Forces into Lebanon in conjunction with agreements providing for the withdrawal of all foreign troops from Lebanon and for the creation of a new multinational peace-keeping force in Lebanon.

(b) Nothing in this section is intended to modify, limit, or suspend any of the standards and procedures prescribed by the War Powers Resolution of 1973.

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[3] The Supplemental Appropriations Act, 1983 (Public Law 98-63; 97 Stat. 318) provided the following:

"FOREIGN MILITARY SALES CREDIT

"During fiscal year 1983, for an additional amount for Foreign Military Credit Sales, for commitments to guarantee loans, $293,500,000 of contingent liability for loan principal: *Provided*, That of this sum $100,000,000 shall be available only for assistance to Lebanon.

"INTERNATIONAL MILITARY EDUCATION AND TRAINING

"For an additional amount for International military education and training, $1,000,000."

k. International Security and Development Cooperation Act of 1981

Partial Text of Public Law 97-113 [S. 1196], 95 Stat. 1519, approved December 29, 1981, as amended by Public Law 97-233 [H.J. Res. 494], 96 Stat. 260, approved August 10, 1982; Public Law 98-53 [Conditions on Aid to El Salvador; H.R. 1271], 97 Stat. 287, approved July 15, 1983; and by Public Law 99-83 [International Security and Development Cooperation Act of 1985; S. 960], 99 Stat. 190 at 247, approved August 8, 1985.

> NOTE.—Except for the provisions noted below, the International Security and Development Cooperation Act of 1981 consists of amendments to the Foreign Assistance Act of 1961, the Arms Export Control Act, the Peace Corps Act, Public Law 480, and to several former foreign aid annual authorization acts. These amendments are incorporated into the texts of these Acts at the appropriate locations.

AN ACT To authorize appropriations for the fiscal years 1982 and 1983 for international security and development assistance and for the Peace Corps, to establish the Peace Corps as an autonomous agency, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "International Security and Development Cooperation Act of 1981".

TITLE I—MILITARY SALES AND RELATED PROGRAMS

* * * * * * *

SPECIAL DEFENSE ACQUISITION FUND

Sec. 108. (a) * * * [1]

(b) Section 138 of title 10, United States Code, is amended by adding immediately following subsection (f) the following new subsection:

"(g) The size of the Special Defense Acquisition Fund established pursuant to chapter 5 of the Arms Export Control Act may not exceed $300,000,000 in fiscal year 1982, may not exceed

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[1] Subsec. (a) amends the Arms Export Control Act by adding a new ch. 5 concerning the Special Defense Acquisition Fund. See page 285 for the complete text.

$600,000,000 in fiscal year 1983, and may not exceed $900,000,000 in fiscal year 1984 or any fiscal year thereafter.".[2]

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TITLE II—ECONOMIC SUPPORT FUND

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ACQUISITION OF AGRICULTURAL COMMODITIES AND RELATED PRODUCTS UNDER COMMODITY IMPORT PROGRAMS

Sec. 203.[3] The Congress directs the President to allocate at least 15 percent of the funds which are made available each fiscal year under this title for commodity import programs for use in financing the purchase of agricultural commodities and agricultural-related products which are of United States-origin.

TITLE III—DEVELOPMENT ASSISTANCE

AGRICULTURE, RURAL DEVELOPMENT, AND NUTRITION

Sec. 301. (a) * * *

(b)(1) It is the sense of the Congress that the United States should strongly support the efforts of developing countries to improve infant feeding practices, in particular through the promotion of breast feeding. As a demonstration of that support, the President is authorized to use up to $5,000,000 of the funds made available for the fiscal year 1982 to carry out the purposes of sections 103 and 104(c) of the Foreign Assistance Act of 1961 in order to assist developing countries establish or improve programs to encourage improved infant feeding practices. In carrying out this paragraph, the Agency for International Development should provide funds for necessary research to obtain better information on the precise nature and magnitude of problems relating to infant feeding practices, including the use of infant formula, in developing countries.

(2) The President shall, as part of the congressional presentation documentation for the fiscal years 1983 and 1984, include information relevant to the implementation of this subsection, including—

(A) a description of actions taken by the Agency for International Development to promote breast feeding and to improve supplemental infant feeding practices in developing countries through funds made available in this subsection and through its regular programs in the fields of health, nutrition, and population activities;

(B) a summary of the results of studies authorized by this subsection on the nature and magnitude of problems in developing countries related to infant feeding practices; and

(C) a summary of reports by member countries of the World Health Organization on their actions to implement the International Code of Marketing of Breast Milk Substitutes.

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[2] Sec. 1103 of the Department of Defense Authorization Act, 1983 (Public Law 97-252; 96 Stat. 738), amended subsec. (g) by inserting the ceiling figure for fiscal year 1984.

[3] 22 U.S.C. 2346 note.

TITLE IV—FOOD FOR PEACE PROGRAMS

* * * * * * *

SELF-HELP MEASURES TO INCREASE AGRICULTURAL PRODUCTION; VERIFICATION OF SELF-HELP PROVISIONS

Sec. 403. (a) * * *

(b) * * *

(c)[4] The amendments made by this section shall not be effective if the Agriculture and Food Act of 1981 is enacted (either before or after the enactment of this Act) and contains the same amendments.

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TITLE V—OTHER ASSISTANCE PROGRAMS

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INTERNATIONAL NARCOTICS CONTROL

Sec. 502. (a)(1) * * *[5]

(2)[6] Assistance provided from funds appropriated, before the enactment of this Act, to carry out section 481 of the Foreign Assistance Act of 1961 may be made available for purposes prohibited by subsection (d) of such section as in effect immediately before the enactment of this subsection.

(3)[6] Funds appropriated for the fiscal year 1980 to carry out section 481 of the Foreign Assistance Act of 1961 which were obligated for assistance for the Republic of Colombia may be used for purposes other than those set forth in section 482(a)(2) of that Act[7] as in effect immediately before the enactment of the International Security and Development Cooperation Act of 1980.

(4)[6] Paragraphs (2) and (3) of this subsection shall apply only to the extent provided in advance in an appropriations Act. For such purpose, the funds described in those paragraphs are authorized to be made available for the purposes specified in those paragraphs.

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TITLE VI—PEACE CORPS

ESTABLISHMENT AS AN INDEPENDENT AGENCY

Sec. 601. (a) * * *[8]

(b)[9] There are transferred to the Director of the Peace Corps all functions relating to the Peace Corps which were vested in the Director of the ACTION Agency on the day before the date of the enactment of this Act.

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[4] Subsecs. (a) and (b) of sec. 403 contain amendments to Public Law 480. The Agriculture and Food Act of 1981 referred to in subsec. (c) was enacted on Dec. 1981 (Public Law 97–98) containing the same amendments as sec. 403. Therefore, the amendments made by subsecs. (a) and (b) are not effective.

[5] Par. (1) amends sec. 481(d) of the FA Act of 1961. See page 112 for text.

[6] 22 U.S.C. 2291 note.

[7] For text, see page 123.

[8] Subsec. (a) amends the Peace Corps Act by adding a new sec. 2A providing for the Peace Corps as an independent agency. See page 844 for text.

[9] 22 U.S.C. 2501–1 note.

(c)(1)[9] All personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds as are determined by the Director of the Office of Management and Budget, after consultation with the Comptroller General of the United States, the Director of the Peace Corps, and the Director of the ACTION Agency, to be employed, held, used, or assumed primarily in connection with any function relating to the Peace Corps before the date of the enactment of this Act are transferred to the Peace Corps. The transfer of unexpended balances pursuant to the preceding sentence shall be subject to section 202 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c).

(2)(A) The transfer pursuant to this subsection of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any employee to be separated or reduced in rank, class, grade, or compensation, or otherwise suffer a loss of employment benefits for one year after—

(i) the date on which the Director of the Office of Management and Budget submits the report required by subsection (f)(1) of this section, or

(ii) the effective date of the transfer of such employee,

whichever occurs later.

(B) The personnel transferred pursuant to this subsection shall, to the maximum extent feasible, be assigned to such related functions and organizational units in the Peace Corps as such personnel were assigned to immediately before the date of the enactment of this Act.

(C) Collective-bargaining agreements in effect on the date of the enactment of this Act covering personnel transferred pursuant to this subsection or employed on such date of enactment by the Peace Corps shall continue to be recognized by the Peace Corps until the termination date of such agreements or until such agreements are modified in accordance with applicable procedures.

(3) Under such regulations as the President may prescribe, each person who, immediately before the date of the enactment of this Act, does not hold an appointment under section 7(a)(2) of the Peace Corps Act and who is determined under paragraph (1) of this subsection to be employed primarily in connection with any function relating to the Peace Corps shall, effective on the date of the enactment of this Act, and notwithstanding subparagraph (B) of section 7(a)(2) of the Peace Corps Act, be appointed a member of the Foreign Service under section 7(a)(2) of the Peace Corps Act, and be appointed or assigned to an appropriate class of the Foreign Service, except that—

(A) any person who, immediately before such date of enactment, holds a career or career-conditional appointment shall not, without the consent of such person, be so appointed until three years after such date of enactment, during which period any such person not consenting to be so appointed may continue to hold such career or career-conditional appointment; and

(B) each person so appointed who, immediately before such date of enactment, held a career or career-conditional appointment at grade GS–8 or lower of the General Schedule established by section 5332 of title 5, United States Code, shall be appointed a member of the Foreign Service for the duration of operations under the Peace Corps Act.

Each person appointed under this paragraph shall receive basic compensation at the rate of such person's class determined by the President to be appropriate, except that the rate of basic compensation received by such person immediately before the effective date of such person's appointment under this paragraph shall not be reduced as a result of the provisions of this paragraph.

(d)(1) * * *

(2) [10] The Director of the Peace Corps shall continue to exercise all the functions under the Peace Corps Act or any other law or authority which the Director was performing on December 14, 1981.

(e)(1) * * *

(2) [11] The amendment made by paragraph (1) of this subsection shall not alter or affect (A) the validity of any action taken before the date of the enactment of this Act under those provisions of law repealed by that amendment, or (B) the liability of any person for any payment described in section 3(f) of the Peace Corps Act as in effect immediately before the date of the enactment of this Act.

(f)(1) Not later than the thirtieth day after the date of the enactment of this Act, or February 15, 1982, whichever occurs later, the Director of the Office of Management and Budget, after consultation with the Director of the Peace Corps and the Director of the ACTION Agency, shall submit to the appropriate committees of the Congress and to the Comptroller General a report on the steps taken to implement the provisions of this title, including descriptions of the dispositions of administrative matters, including matters relating to personnel, assets, liabilities, contracts, property, records, and unexpended balances or appropriations, authorizations, allocations, and other funds employed, used, held, available, or to be made available in connection with functions or activities relating to the Peace Corps.

(2) Not later than the forty-fifth day after the date of the enactment of this Act, or March 1, 1982, whichever occurs later, the Comptroller General shall submit to the appropriate committees of the Congress a report stating whether, in the judgment of the Comptroller General, determinations made by the Director of the Office of Management and Budget under subsection (c)(1) of this section were equitable.

(g) [9] References in any statute, reorganization plan, Executive order, regulation, or other official document or proceeding to the ACTION Agency or the Director of the ACTION Agency with respect to functions or activities relating to the Peace Corps shall be deemed to refer to the Peace Corps or the Director of the Peace Corps, respectively.

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[10] 22 U.S.C. 2503 note.

[11] 22 U.S.C. 2502 note. Par. (1) of subsec. (e) amends sec. 3 of the Peace Corps Act by repealing existing subsecs. (d), (e), and (f). See footnote 10, page 921, for discussion of the subject matter of these repealed provisions.

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RESTORATION OF CERTAIN AUTHORITIES FORMERLY CONTAINED IN THE FOREIGN SERVICE ACT

Sec. 604. (a) * * * [12]

(b) * * *

(c) [13] To the extent that the authorities provided by the amendments made by subsection (a) are authorities which are not applicable with respect to the Peace Corps immediately before the enactment of this Act and which require the expenditure of funds, those authorities may not be exercised using any funds appropriated after February 15, 1981, and before the date of enactment of this Act.

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TITLE VII—MISCELLANEOUS PROVISIONS

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INSPECTOR GENERAL

Sec. 705. (a) The Inspector General Act of 1978 is amended—

(1) in paragraph (1) of section 2, by inserting "the Agency for International Development," immediately after "Department of Transportation,";

(2) in section 11—

(A) in paragraph (1), by inserting "the Agency for International Development," immediately after "Administrator of"; and

(B) in paragraph (2), by inserting "the Agency for International Development," immediately after "Transportation or"; and

(3) by inserting immediately after section 8 the following new section 8A:

"SPECIAL PROVISIONS RELATING TO THE AGENCY FOR INTERNATIONAL DEVELOPMENT

"Sec. 8A. (a) In addition to the other duties and responsibilities specified in this Act, the Inspector General of the Agency for International Development—

"(1) shall supervise, direct, and control all security activities relating to the programs and operations of that Agency, subject to the supervision of the Administrator of that Agency; and

"(2) to the extent requested by the Director of the United States International Development Cooperation Agency (after consultation with the Administrator of the Agency for International Development), shall supervise, direct, and control all audit, investigative, and security activities relating to programs and operations within the United States International Development Cooperation Agency.

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[12] Subsec. (a) amends sec. 10 of the Peace Corps Act by adding new subsecs. (i) and (j). See page 934 for text.

[13] 22 U.S.C. 2509 note.

"(b) In addition to the Assistant Inspector Generals provided for in section 3(d) of this Act, the Inspector General of the Agency for International Development shall, in accordance with applicable laws and regulations governing the civil service, appoint an Assistant Inspector General for Security who shall have the responsibility for supervising the performance of security activities relating to programs and operations of the Agency for International Development.

"(c) The semiannual reports required to be submitted to the Administrator for the Agency for International Development pursuant to section 5(b) of this Act shall also be submitted to the Director of the United States International Development Cooperation Agency.

"(d) In addition to the officers and employees provided for in section 6(a)(6) of this Act, members of the Foreign Service may, at the request of the Inspector General of the Agency for International Development, be assigned as employees of the Inspector General. Members of the Foreign Service so assigned shall be responsible solely to the Inspector General, and the Inspector General (or his or her designee) shall prepare the performance evaluation reports for such members.

"(e) In establishing and staffing field offices pursuant to section 6(c) of this Act, the Administrator of the Agency for International Development shall not be bound by overseas personnel ceilings established under the Monitoring Overseas Direct Employment policy.

"(f) The reference in section 7(a) of this Act to an employee of the establishment shall, with respect to the Inspector General of the Agency for International Development, be construed to include an employee of or under the United States International Development Cooperation Agency.

"(g) The Inspector General of the Agency for International Development shall be in addition to the officers provided for in section 624(a) of the Foreign Assistance Act of 1961.

"(h) As used in this Act, the term 'Agency for International Development' includes any successor agency primarily responsible for administering part I of the Foreign Assistance Act of 1961.".

(b)(1) Section 624(g) of the Foreign Assistance Act of 1961 is repealed.

(2) Section 239(e) of such Act is amended by striking out "Auditor General" each of the three places it appears and inserting in lieu thereof "Inspector General".

(3) Section 5316 of title 5, United States Code, is amended by striking out "Auditor General of the Agency for International Development" and inserting in lieu thereof "Inspector General, Agency for International Development".

(c) The individual holding the position of Inspector General of the Agency for International Development on the date of enactment of this section shall not be required to be reappointed by reason of the enactment of this section.

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EMERGENCY HUMANITARIAN HELP FOR THE PEOPLE OF POLAND

Sec. 708. (a) The people of Poland, with whom the people of the United States have a longstanding friendship, now face serious domestic food shortages which will be worsened by large-scale loss of their livestock this winter if feed supplies do not arrive quickly. Therefore, the President is urged, for urgent humanitarian reasons, to use existing authorities promptly in order to provide to the people of Poland, under as favorable terms as possible, feed grains from Commodity Credit Corporation stocks or other appropriate commodities.

(b) For the longer term, the President is encouraged to pursue discussions with other Western countries about a multilateral effort to help the people of Poland achieve self-sustaining economic recovery in the years ahead.

(c) * * * [14]

USE OF CERTAIN POLISH CURRENCIES

Sec. 709. (a) Notwithstanding section 1415 of the Supplemental Appropriation Act, 1953, section 508 of the General Government Matters, Department of Commerce, and Related Agencies Appropriation Act, 1962, or any other provision of law, the currencies or credits received by the United States from the April 1981 sale and from the October 1981 sale of United States Government-held surplus dairy products to Poland shall, to such extent as may be provided in advance in an appropriation Act, be used by the President in Poland to serve United States interests, including use for activities of common benefit to the people of the United States and the people of Poland, such as joint programs in energy, agriculture, education, science, health, and culture, or for humanitarian activities.

(b) Notwithstanding any other provision of law, the availability or expenditure of such foreign currencies or credits shall not affect or reduce appropriations otherwise available for the purposes described in subsection (a).

FINDINGS REGARDING GLOBAL SECURITY

Sec. 710. (a) The Congress finds that the security of the United States and other countries is increasingly affected by a broad range of global problems including shortages or potential shortages of food, oil, water, wood, and other basic mineral and natural resources; desperate poverty; sickness; population pressures; environmental deterioration, including soil erosion and water pollution; and large-scale and destabilizing refugee problems.

(b) The Congress finds that hunger, disease, and extreme poverty are among the most critical of these global problems. As ever greater numbers of people perceive the disparity between their own continuing deprivation and the prosperity of others, and judge their predicament to be neither just nor inevitable, it becomes increasingly likely that there will be unrest and violence with consequent disruption of the flow of essential materials, adverse effects on the world economy, decreased likelihood of cooperative efforts toward meeting the other critical problems threatening national and global security, and increased likelihood of confrontation between nations which possess nuclear arms.

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[14] Subsec. (c) amended the Foreign Assistance Act of 1961 by adding a new sec. 540 providing $5,000,000 for Poland during fiscal year 1982.

(c) Therefore, the Congress finds that the Nation's understanding of global and national security must be broad enough to include the problems cited in this section, and that adequate protection of the security of the United States requires effective action on these global problems, and in particular on the problems of hunger, disease, and extreme poverty.

WORLD FOOD SECURITY RESERVES

Sec. 711. (a) The Congress finds that—

(1) the Congress recently passed and the President signed into law an Act which provides for establishment of a United States food security reserve of up to four million metric tons of wheat to be used for emergency food assistance;

(2) the food import needs of developing countries will increase over the next ten years; and

(3) other grain exporting countries could take additional steps to assure continuity of food assistance during food crisis years.

(b) The President shall encourage other grain exporting countries to establish their own food security reserves or take other measures that complement the United States food security reserve.

(c) The President shall report to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate within one year after the enactment of this Act on the actions he has taken and the response of other countries to these proposals.

FINDINGS AND DECLARATION OF POLICY REGARDING WORLD HUNGER

Sec. 712. The Congress, affirming the value of human life, finds and declares that the elimination of hunger and its causes is of fundamental moral significance and, further, that it is in the political, economic, and security interests of the United States. Therefore, the Congress declares that the elimination of hunger and its causes shall be a primary objective of United States relations with the developing countries.

REAFFIRMATION OF SUPPORT FOR HUMAN RIGHTS PROVISIONS

Sec. 713. (a) The Congress reaffirms its support for the various statutory provisions which have been enacted in order to promote internationally recognized human rights.

(b) It is the sense of the Congress that a strong commitment to the defense of human rights should continue to be a central feature of United States foreign policy.

IMMIGRANT VISAS FOR TAIWAN

Sec. 714.[15] The approval referred to in the first sentence of section 202(b) of the Immigration and Nationality Act shall be considered to have been granted with respect to Taiwan (China).

LEBANON

Sec. 715. It is the sense of the Congress that the Government of the United States should continue to support diplomatic efforts to resolve the current crisis in Lebanon, and to pursue a comprehensive and coordinated policy in Lebanon guided by the following principles:

(1) maintenance of an effective cease-fire throughout Lebanon;

(2) resolution of the issue of the Syrian missiles deployed in Lebanon;

(3) freedom, security, and opportunity for the Christian and all other Lebanese communities, including the Moslem, Druze, Armenian, and Jewish communities in Lebanon;

(4) reaffirmation of the historic United States-Lebanon relationship and strengthening the longstanding commitment of the United States to the independence, sovereignty, and territorial integrity of Lebanon, without partition, free from terrorism and violence, and free to determine its future without Soviet or other outside interference;

(5) generous international support for relief, rehabilitation, and humanitarian assistance for Lebanon, particularly for those Lebanese citizens who have suffered from the terrorism and violence of recent events;

(6) restoration of Lebanon's sovereignty free from outside domination or occupation; and

(7) support for a free and open national election.

USE OF CHEMICAL AND TOXIN WEAPONS

Sec. 716. (a) The Congress condemns the use of, and the provision for use of, chemical agents and toxin weapons against the peoples of Laos, Kampuchea, or Afghanistan.

(b) It is the sense of the Congress that the President should, acting through the Permanent Representative of the United States to the United Nations and all other appropriate diplomatic agents, seek definite measures to bring to an end actions by any party or government in using, and providing for use, chemical agents or toxin weapons against the peoples of Laos, Kampuchea, and Afghanistan, in violation of the spirit and the provisions of—

(1) The Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (done at Washington, London, and Moscow on April 10, 1972);[16]

(2) the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological

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[15] 8 U.S.C. 1152 note.

[16] For text, see vol. III.

Methods of Warfare (signed at Geneva on June 17, 1925);[17] and

(3) customary international law.

(c) It is further the sense of Congress that the President should—

(1) allocate the highest possible priority to the development of further evidence clarifying the nature and origins of the chemical agents and toxin weapons being used against the peoples of Laos, Kampuchea, and Afghanistan; and

(2) vigorously seek a satisfactory explanation from the Government of the Soviet Union regarding the strong circumstantial and presumptive evidence of its role in the use, or provision for use, of such weapons.

(d) The Congress reiterates the concern expressed in House Resolution 644 (96th Congress), adopted by the House of Representatives on May 19, 1980, regarding the outbreak of pulmonary anthrax near Sverdlosk on April 3, 1979, and expresses its disappointment that the Soviet Union has failed adequately to respond to requests for data explaining this incident as provided in the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction.

(e) It is further the sense of Congress that the negotiation of a treaty prohibiting the development, production, and stockpiling of chemical weapons, with reliable verification provisions, should be given a high priority by the United States Government and by all foreign governments.

FINANCIAL OBLIGATIONS OF THE SOVIET UNION TO THE UNITED NATIONS

Sec. 717. (a) The Congress finds and declares that—

(1) the financing of the United Nations is the collective responsibility of all member nations;

(2) the International Court of Justice has determined that the expenses of the United Nations incurred in its peacekeeping operations are properly included as a part of the regular expenses of the United Nations;

(3) peacekeeping operations are vital to the mission of the United Nations and must be adequately financed if such operations are to continue; and

(4) the Government of the Union of Soviet Socialist Republics is currently $180,000,000 in arrears on its payments to the United Nations, primarily as a result of its refusal to pay for the peacekeeping operations of the United Nations.

(b) It is the sense of the Congress that the President, acting through the Permanent Representative of the United States to the United Nations, should undertake a diplomatic initiative to obtain payment by the Government of the Union of Soviet Socialist Republics of all its outstanding financial obligations to the United Nations, including its assessments with respect to the peacekeeping operations of the United Nations.

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[17] For text, see vol. III.

CONDEMNATION OF LIBYA FOR ITS SUPPORT OF INTERNATIONAL TERRORIST MOVEMENTS

Sec. 718. (a) The Congress condemns the Libyan Government for its support of international terrorist movements, its efforts to obstruct positive movement toward the peaceful resolution of problems in the Middle East region, and its actions to destabilize and control governments of neighboring states in Africa.

(b) The Congress believes that the President should conduct an immediate review of concrete steps the United States could take, individually and in concert with its allies, to bring economic and political pressure on Libya to cease such activities, and should submit a report on that review to the Congress within one hundred and eighty days after the date of enactment of this Act. Such a review should include the possibility of tariffs on or prohibitions against the import of crude oil from Libya.

UNITED STATES CITIZENS ACTING IN THE SERVICE OF INTERNATIONAL TERRORISM

Sec. 719. (a) It is the sense of the Congress that the spread of international terrorism poses a grave and growing danger for world peace and for the national security of the United States. As a part of its vigorous opposition to the activities of international terrorist leaders and the increase of international terrorism, the United States should take all steps necessary to ensure that no United States citizen is acting in the service of terrorism or of the proponents of terrorism.

(b) Not later than six months after the enactment of this Act, the President shall submit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report which includes—

(1) a description of all legislation, currently in force, and of all administrative remedies, presently available, which can be employed to prevent the involvement, service, or participation by United States citizens in activities in support of international terrorism or terrorist leaders;

(2) an assessment of the adequacy of such legislation and remedies, and of the enforcement resources available to carry out such measures, to prevent the involvement, service, or participation by United States citizens in activities in support of international terrorism or terrorist leaders; and

(3) a description of available legislative and administrative alternatives, together with an assessment of their potential impact and effectiveness, which could be enacted or employed to put an end to the participation of United States citizens in activities in support of international terrorism or terrorist leaders.

NONALIGNED COUNTRIES

Sec. 720. (a) In considering whether to provide assistance, make sales, extend credits, or guarantee loans under the provisions of the Foreign Assistance Act of 1961, as amended, or the Arms Export Control Act, to any country represented at the Meeting of Ministers of Foreign Affairs and Heads of Delegations of the Non-Aligned Countries to the 36th General Session of the General Assembly of the United Nations on September 25 and 28, 1981, the President shall take into account whether such country has dissociated itself from the communique issued following the meeting.

(b) Within thirty days after the date of enactment of this section, the President shall submit a report to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate on the countries which have dissociated themselves from the nonaligned countries communique and on their methods of dissociation.

PROMOTING THE DEVELOPMENT OF THE HAITIAN PEOPLE AND PROVIDING FOR ORDERLY EMIGRATION FROM HAITI

Sec. 721.[18] (a)(1) It is the sense of the Congress that up to $15,000,000 of the funds available for the fiscal year 1982 to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 should be made available for development assistance for Haiti, subject to the limitation in subsection (b) of this section.

(2) To the maximum extent practicable, assistance for Haiti for the fiscal year 1982 under chapter 1 of part I of the Foreign Assistance Act of 1961 should be provided through private and voluntary organizations.

(b) Funds available for the fiscal year 1982 to carry out chapter 1 of part I or chapter 2 or chapter 5 of part II of the Foreign Assistance Act of 1961 may be expended for Haiti, and credits and guarantees extended for the fiscal year 1982 under the Arms Export Control Act may be approved for use for Haiti, only if the President determines that the Government of Haiti—

(1) is cooperating with the United States in halting illegal emigration from Haiti:

(2) is not aiding, abetting, or otherwise supporting illegal emigration from Haiti;

(3) has provided assurances that it will cooperate fully in implementing United States development assistance programs in Haiti (including programs for prior fiscal years); and

(4) is not engaged in a consistent pattern of gross violations of internationally recognized human rights.

(c) Six months after the date of enactment of this Act, the President shall prepare and transmit to the Congress a report on the extent to which the actions of the Government of Haiti are consistent with paragraphs (1), (2), (3), and (4) of subsection (b) of this section.

(d) Notwithstanding the limitations of section 660 of the Foreign Assistance Act of 1961,[19] funds made available under such Act for the fiscal year 1982 and for the fiscal year 1983 may be used for programs with Haiti to assist in halting significant illegal emigration from Haiti to the United States.

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[18] 22 U.S.C. 2151 note. See also the International Security and Development Assistance Authorizations Act of 1983 (Public Law 98-151) and sec. 450 of the Foreign Assistance Appropriations Act, 1985 (Public Law 98-473) for similar text regarding aid programs in Haiti during fiscal years 1984 and 1985, respectively.

[19] For text, see page 225.

COMPREHENSIVE ANALYSIS OF FOREIGN ASSISTANCE

Sec. 722. (a) It is the sense of Congress that at a time when major retrenchments and reappraisals are being made in domestic programs, it is also logical that, while maintaining past international commitments, the magnitude and direction of future foreign assistance programs should also be reviewed. As part of such a review process, the President is requested to provide a comprehensive report to the Congress on his approach to foreign assistance. Such report shall include an analysis and recommendations on the following issues:

(1) the relationship between foreign assistance and defense expenditures as means of conducting foreign policy;

(2) the appropriate mix between military and economic assistance;

(3) the strengths and weaknesses, and appropriate mix, of bilateral and multilateral assistance programs;

(4) the relevance of the basic human needs approach to current aid policy;

(5) the performance of other aid donors, and the benefits they derive from their programs;

(6) criteria for determining the appropriate size and composition of country programs;

(7) the appropriateness of the current mix of grants and loans, and the possibility of combining them with new or existing guarantee, insurance, and export credit programs;

(8) specific means to more actively engage the private sector in assistance programs; and

(9) the usefulness of current functional categories in constructing the development assistance budget.

(b) The Congress requests that the President provide to the Congress a preliminary report by March 31, 1982, and a final report by June 30, 1982, with respect to the issues referred to in subsection (a).

EXTERNAL DEBT BURDENS OF EGYPT, ISRAEL, AND TURKEY

Sec. 723. The Congress finds that the Governments of Egypt, Israel, and Turkey each have an enormous external debt burden which may be made more difficult by virtue of financing provided for those governments under various United States assistance programs. In order to assist the Congress in examining United States assistance for these countries, the President shall report to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate, not later than one hundred and twenty days after the date of enactment of this Act and not later than one year after the date of enactment of this Act, regarding economic conditions prevailing in Egypt, Israel, and Turkey which may affect their respective ability to meet their international debt obligations and to stabilize their economies. These reports shall also analyze the impact on Egypt's economy of Arab sanctions against Egypt.

NICARAGUA

Sec. 724. (a) In furnishing assistance under this Act to the Government of Nicaragua, the President shall take into account the extent to which that Government has engaged in violations of internationally recognized human rights (including the right to organize and operate labor unions free from political oppression, the right to freedom of the press, and the right to freedom of religion) and shall encourage the Government of Nicaragua to respect those rights.

(b) In furnishing assistance under this Act to the Government of Nicaragua, the President shall take into account the extent to which that Government has fulfilled its pledge of July 1979 to the member states of the Organization of American States—

(1) to establish full respect for human rights in Nicaragua in accordance with the United Nations Universal Declaration of the Rights and Duties of Man and the Charter on Human Rights of the Organization of American States;

(2) to allow the free movement in Nicaragua of the Inter-American Commission on Human Rights; and

(3) to establish the framework for free and democratic elections so that the people of Nicaragua may elect their representatives to city councils, to constitutional assembly, and to Nicaragua's highest-ranking authorities, with such framework to include, but not be limited to, the full and complete opportunity for political activity of the Nicaraguan people.

(c) Assistance to the Government of Nicaragua under this Act shall be terminated if the President determines and reports to the Congress that the Government of Nicaragua cooperates with or harbors any international terrorist organization or is aiding, abetting, or supporting acts of violence or terrorism in other countries, or that Soviet, Cuban, or other foreign combat military forces are stationed or situated within the borders of Nicaragua and the presence of such forces constitutes a threat to the national security of the United States or to any Latin American ally of the United States.

(d) Any agreement between the United States and the Government of Nicaragua regarding the use of funds appropriated to carry out this Act, which are to be made available in the form of loans, shall specifically require that to the maximum extent possible such loan funds, and any local currency generated in conjunction therewith, shall be used for assistance to the private sector. Local currency loan programs in Nicaragua shall be monitored and audited in accordance with section 624(g) of the Foreign Assistance Act of 1961.

(e) For each six-month period in which any funds are expended under this Act for Nicaragua, the President shall submit to the Speaker of the House of Representatives, and the chairman of the Committee on Foreign Relations of the Senate, a report accounting fully and in itemized detail for the amounts obligated and actually expended in Nicaragua.

ASSISTANCE AND SALES FOR ARGENTINA

Sec. 725. (a) Section 620B of the Foreign Assistance Act of 1961 is repealed.

(b) [20] Notwithstanding any other provision of law, assistance may be provided to Argentina under chapter 2, 4, 5, or 6 of part II of the Foreign Assistance Act of 1961, credits (including participations in credits) may be extended and loans may be guaranteed with respect to Argentina under the Arms Export Control Act, defense articles and defense services may be sold to Argentina under the Arms Export Control Act, and export licenses may be issued to or for the Government of Argentina under section 38 of the Arms Export Control Act, only if the President has submitted to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a detailed report certifying that—

(1) the Government of Argentina made significant progress in complying with internationally recognized principles of human rights; and

(2) the provision of such assistance, credits, loan guarantees, defense articles, defense services, or export licenses is in the national interests of the United States.

(c) The Congress welcomes the actions of the Government of Argentina to adjudicate numerous cases of those detained under the national executive power of the Argentine Government, and the Congress hopes that progress will continue, especially with regard to providing information on citizens listed as "disappeared" and prisoners remaining at the disposition of the national executive power. In the process of making the determination required in paragraph (1) of subsection (b), among other things, the President shall consider—

(1) efforts by the Government of Argentina to provide information on citizens identified as "disappeared"; and

(2) efforts by the Government of Argentina to release or bring to justice those prisoners held at the disposition of the national executive power (PEN).

REPEAL OF LIMITATIONS ON ASSISTANCE, SALES, AND SALES CREDITS FOR CHILE

Sec. 726. (a) Section 406 of the International Security Assistance and Arms Export Control Act of 1976 (22 U.S.C. 2370 note) is repealed.

(b) [20] Notwithstanding any other provision of law—

(1) no assistance may be furnished under chapter 2, 4, 5, or 6 of part II of the Foreign Assistance Act of 1961 to Chile;

(2) no sale of defense articles or services may be made under the Arms Export Control Act to Chile:

(3) no credits (including participation in credits) may be extended and no loan may be guaranteed under the Arms Export Control Act with respect to Chile; and

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[20] 22 U.S.C. 2370 note.

(4) no export licenses may be issued under section 38 of the Arms Export Control Act to or for the Government of Chile; unless and until the President submits to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a detailed report certifying—

(A) that the Government of Chile has made significant progress in complying with internationally recognized principles of human rights;

(B) that the provision of such assistance, articles or services is in the national interest of the United States; and

(C) that the Government of Chile is not aiding or abetting international terrorism and has taken appropriate steps to cooperate to bring to justice by all legal means available in the United States or Chile those indicted by a United States grand jury in connection with the murders of Orlando Letelier and Ronni Moffitt.

(c) [21] The prohibition contained in subsection (b) does not prohibit the sale, or the licensing for export, of cartridge actuated devices, propellant actuated devices, and technical manuals for aircraft of the F-5E/F or A/T-37 type which were sold to the Chilean Air Force by the United States before January 1, 1976, so long as the items are provided only for purposes of enhancing the safety of the aircraft crew.

ASSISTANCE FOR EL SALVADOR

Sec. 727. (a) It is the sense of the Congress that assistance furnished to the Government of El Salvador, both economic and military, should be used to encourage—

(1) full observance of internationally recognized human rights in accordance with sections 116 and 502B of the Foreign Assistance Act of 1961;

(2) full respect for all other fundamental human rights, including the right of freedom of speech and of the press, the right to organize and operate free labor unions, and the right to freedom of religion;

(3) continued progress in implementing essential economic and political reforms, including land reform and support for the private sector;

(4) a complete and timely investigation of the deaths of all United States citizens killed in El Salvador since October 1979;

(5) an end to extremist violence and the establishment of a unified command and control of all government security forces in this effort;

(6) free, fair, and open elections at the earliest date; and

(7) increased professional capability of the Salvadoran Armed Forces in order to establish a peaceful and secure environment in which economic development and reform and the democratic processes can be fully implemented, thereby permitting a phased withdrawal of United States military training and advisory personnel at the earliest possible date.

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[21] Subsec. (c) was added by sec. 715 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 247).

(b) It is the sense of the Congress that the United States economic assistance to El Salvador should put emphasis on revitalizing the private sector and supporting the free market system. The Congress recognizes that the lack of foreign exchange to buy imported raw materials and intermediate goods is a major impediment to the ability of the Salvadoran economy to provide jobs. The Congress also recognizes that the funds budgeted for economic assistance are only a fraction of the foreign exchange needed, and United States economic aid should be used, wherever possible, to stimulate private sector lending. Therefore, the Congress urges the President to set aside a portion of the economic support funds to provide guarantees to private United States banks willing to give credits to the Salvadoran private sector.

RESTRICTIONS ON MILITARY ASSISTANCE AND SALES TO EL SALVADOR

Sec. 728.[20] (a)(1) The Congress finds that peaceful and democratic development in Central America is in the interest of the United States and of the community of American States generally, that the recent civil strife in El Salvador has caused great human suffering and disruption to the economy of that country, and that substantial assistance to El Salvador is necessary to help alleviate that suffering and to promote economic recovery within a peaceful and democratic process. Moreover, the Congress recognizes that the efforts of the Government of El Salvador to achieve these goals are affected by the activities of forces beyond its control.

(2) Taking note of the substantial progress made by the Government of El Salvador in land and banking reforms, the Congress declares it should be the policy of the United States to encourage and support the Government of El Salvador in the implementation of these reforms.

(3) The United States also welcomes the continuing efforts of President Duarte and his supporters in the Government of El Salvador to establish greater control over the activities of members of the armed forces and government security forces. The Congress finds that it is in the interest of the United States to cooperate with the Duarte government in putting an end to violence in El Salvador by extremist elements among both the insurgents and the security forces, and in establishing a unified command and control of all government forces.

(4) The United States supports the holding of free, fair, and open elections in El Salvador at the earliest date. The Congress notes the progress being made by the Duarte government in this area, as evidenced by the appointment of an electoral commission.

(b) In fiscal years 1982 and 1983, funds may be obligated for assistance for El Salvador under chapter 2 or 5 of part II of the Foreign Assistance Act of 1961, letters of offer may be issued and credits and guarantees may be extended for El Salvador under the Arms Export Control Act, and members of the Armed Forces may be assigned or detailed to El Salvador to carry out functions under the Foreign Assistance Act of 1961 or the Arms Export Control Act, only if not later than thirty days after the date of enactment of this Act and every one hundred and eighty days thereafter, the President makes a certification in accordance with subsection (d).

(c) If the President does not make such a certification at any of the specified times then the President shall immediately—

(1) suspend all expenditures of funds and other deliveries of assistance for El Salvador which were obligated under chapters 2 and 5 of part II of the Foreign Assistance Act of 1961 after the date of enactment of this Act;

(2) withhold all approvals for use of credits and guarantees for El Salvador which were extended under the Arms Export Control Act after the date of enactment of this Act;

(3) suspend all deliveries of defense articles, defense services, and design and construction services to El Salvador which were sold under the Arms Export Control Act after the date of enactment of this Act; and

(4) order the prompt withdrawal from El Salvador of all members of the Armed Forces performing defense services, conducting international military education and training activities, or performing management functions under section 515 of the Foreign Assistance Act of 1961.

Any suspension of assistance pursuant to paragraphs (1) through (4) of this subsection shall remain in effect during fiscal year 1982 and during fiscal year 1983 until such time as the President makes a certification in accordance with subsection (d).

(d) The certification required by subsection (b) is a certification by the President to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate of a determination that the Government of El Salvador—

(1) is making a concerted and significant effort to comply with internationally recognized human rights;

(2) is achieving substantial control over all elements of its own armed forces, so as to bring to an end the indiscriminate torture and murder of Salvadoran citizens by these forces:

(3) is making continued progress in implementing essential economic and political reforms, including the land reform program;

(4) is committed to the holding of free elections at an early date and to that end has demonstrated its good faith efforts to begin discussions with all major political factions in El Salvador which have declared their willingness to find and implement an equitable political solution to the conflict, with such solution to involve a commitment to—

(A) a renouncement of further military or paramilitary activity; and

(B) the electoral process with internationally recognized observers.

Each such certification shall discuss fully and completely the justification for making each of the determinations required by paragraphs (1) through (4).

(e)[22] On making the first certification under subsection (b) of this section, the President shall also certify to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate that he has determined that the

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[22] By memorandum of Aug. 10, 1982, the President delegated the functions conferred upon him under subsec. (e) to the Secretary of State (47 F.R. 38099, Aug. 30, 1982).

Government of El Salvador has made good faith efforts both to investigate the murders of the six United States citizens in El Salvador in December 1980 and January 1981 and to bring to justice those responsible for those murders. The second certification required under this section may be made only if it includes a determination by the President that the Government of El Salvador (1) has made good faith efforts since the first such certification was made to investigate the murders of those six United States citizens and to bring to justice those responsible for those murders, and (2) has taken all reasonable steps to investigate the disappearance of journalist John Sullivan in El Salvador in January 1981.[23] The fourth certification required under this section may be made only if it includes a determination by the President that, since the third such certification was made, the Government of El Salvador (1) has made good faith efforts both to investigate the murders of the seven United States citizens in El Salvador in December 1980 and January 1981 and to bring to justice all those responsible for those murders, and (2) has taken all reasonable steps to investigate the killing of Michael Kline in El Salvador in October 1982.[24]

REPORTING REQUIREMENT RELATING TO EL SALVADOR

Sec. 729. (a) Not later than ninety days after the date of enactment of this section, the President shall prepare and transmit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate a report setting forth—

(1) the viewpoints of all major parties to the conflict in El Salvador and of the influential actors in the Salvadoran political system regarding the potential for and interest in negotiations, elections, and a settlement of the conflict; and

(2) the views of democratic Latin American nations, Canada, the Organization of American States, and European allies of the United States regarding a negotiated settlement to such conflict.

(b) It is the sense of the Congress that the President shall, as soon as possible, send a special envoy or use other appropriate means to consult with and gather information from appropriate representatives of the parties to the Salvadoran conflict, democratic governments of Latin America, Canada, and European allies of the United States regarding the attainment of a negotiated settlement in El Salvador.

RESTRICTIONS ON AID TO EL SALVADOR

Sec. 730. None of the funds authorized to be appropriated by this Act may be made available for the provision of assistance to El Salvador for the purpose of planning for compensation, or for the purpose of compensation, for the confiscation, nationalization, acquisition, or expropriation of any agricultural or banking enterprise, or of the properties or stock shares which may be pertaining thereto.

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[23] This sentence was added by Public Law 97-233 (96 Stat. 260).

[24] This sentence was added by Public Law 98-53 (97 Stat. 287).

EL SALVADORAN REFUGEES

Sec. 731.[25] It is the sense of the Congress that the administration should continue to review, on a case-by-case basis, petitions for extended voluntary departure made by citizens of El Salvador who claim that they are subject to persecution in their homeland, and should take full account of the civil strife in El Salvador in making decisions on such petitions.

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REPEALS

Sec. 734. (a) * * *

(b) * * *

(c) Except as otherwise explicitly provided by their terms, amendments to the Foreign Assistance Act of 1961 and the Arms Export Control Act which are applicable only to a single fiscal or calendar year or which require reports or other actions on a nonrecurring basis shall be deemed to have expired and shall be removed from law upon the expiration of the applicable time periods for the fulfillment of the required actions.

REPORT ON NUCLEAR ACTIVITIES

Sec. 735. Beginning with the fiscal year 1983 and for each fiscal year thereafter, the President shall prepare and transmit to the Congress, as part of the presentation materials for foreign assistance programs proposed for the fiscal year, a classified report describing the nuclear programs and related activities of any country for which a waiver of section 669 or 670 of the Foreign Assistance Act of 1961 is in effect, including an assessment of—

(1) the extent and effectiveness of International Atomic Energy Agency safeguards at that country's nuclear facilities; and

(2) the capability, actions, and intentions of the government of that country with respect to the manufacture or acquisition of a nuclear explosive device.

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PROHIBITIONS RELATING TO NUCLEAR TRANSFERS AND NUCLEAR DETONATIONS

Sec. 737.[26] (a) The Congress finds that any transfer of a nuclear explosive device to a non-nuclear-weapon state or, in the case of a non-nuclear-weapon state, any receipt or detonation of a nuclear explosive device would cause grave damage to bilateral relations between the United States and that country.

(b) * * *

(c) * * *

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[25] 8 U.S.C. 1157 note.

[26] 22 USC 2429a note.

1. International Security and Development Cooperation Act of 1980

Partial text of Public Law 96-533 [H.R. 6942], 94 Stat. 3131, approved December 16, 1980, as amended by Public Law 97-113 [S. 1196], 95 Stat. 1519, approved December 29, 1981; and by Public Law 99-83 [International Security and Development Cooperation Act of 1985; S. 960], 99 Stat. 190 at 264, approved August 8, 1985.

> NOTE.—Except for the provisions noted below, the International Security and Development Cooperation Act of 1980 consists of amendments to the FA Act of 1961, the International Development and Cooperation Act of 1979, the Arms Export Control Act, the International Security Assistance and Arms Export Control Act of 1976, the Export Administration Act of 1979, the Department of State Authorization Act, Fiscal Years 1980/1981, Public Law 480, the Peace Corps Act, and the Domestic Volunteer Service Act. These amendments are incorporated into the texts of these Acts at the appropriate locations.

AN ACT To authorize appropriations for the fiscal year 1980 for international security and development assistance, the Peace Corps, and refugee assistance, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SHORT TITLE

Section 1. This Act may be cited as the "International Security and Development Cooperation Act of 1980".

TITLE I—MILITARY AND RELATED ASSISTANCE AND SALES PROGRAMS

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FOREIGN MILITARY SALES AUTHORIZATION AND AGGREGATE CEILING

Sec. 106. (a) * * *

(b) * * *

(c) * * *

(d) [1] The principal amount of the loans guaranteed under section 24(a) of such Act for the fiscal year 1981 with respect to Egypt, the

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[1] 22 U.S.C. 2764.

Sudan, Greece, and Turkey shall be repaid, and with respect to Somalia may be repaid, in not less than twenty years, following a grace period of ten years on repayment of principal.

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EXPORT CONTROLS ON CERTAIN ITEMS ON THE MUNITIONS LIST

Sec. 108.[2] * * * [Repealed—1981]

LEASING OF DEFENSE PROPERTY

Sec. 109.[3] * * * [Repealed—1981]

EXPORTATION OF URANIUM DEPLETED IN THE ISOTOPE 235

Sec. 110.[4] Upon a finding that an export of uranium depleted in the isotope 235 is incorporated in defense articles or commodities solely to take advantage of high density or pyrophoric characteristics unrelated to its radioactivity, such exports shall be exempt from the provisions of the Atomic Energy Act of 1954 and of the Nuclear Non-Proliferation Act of 1978 when such exports are subject to the controls established under the Arms Export Control Act or the Export Administration Act of 1979.

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MILITARY OR PARAMILITARY OPERATIONS IN ANGOLA

Sec. 118.[5, 6] * * * [Repealed—1985]

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[2] Sec. 108, which had required two reports from the President on which defense articles and defense services, if any, should be removed from the U.S. Munitions List and whether sec. 620B of the Foreign Assistance Act of 1961 (blocking aid and arms sales to Argentina) should be amended, was repealed by sec. 734(a)(2) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560). These reports were submitted to Congress by the President on May 12, 1981.

[3] Sec. 109, which had required the President to report to Congress 30 days prior to leasing defense property to a foreign government for a period of more than 6 months, was repealed by sec. 109(d)(1) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560). See ch. 6 of the Arms Export Control Act (page 274) for current law concerning leases of defense articles.

[4] 22 U.S.C. 2778a.

[5] Sec. 118 was repealed by sec. 811 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 264).

[6] Sec. 118 was formerly titled "Military or Paramilitary Operations in Angola." Subsec. (e) of the former section repealed an earlier law which placed limitations on certain assistance to, and activities in, Angola. Sec. 118 formerly read as follows:

"MILITARY OR PARAMILITARY OPERATIONS IN ANGOLA

"Sec. 118. (a) Notwithstanding any other provision of law, no assistance of any kind may be provided for the purpose, or which would have the effect, of promoting or augmenting, directly or indirectly, the capacity of any nation, group, organization, movement, or individual to conduct military or paramilitary operations in Angola unless and until—

"(1) the President determines that such assistance should be furnished in the national security interests of the United States;

"(2) the President submits to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report containing—

"(A) a description of the amounts and categories of assistance which he recommends be furnished and the identity of the proposed recipients of such assistance; and

"(B) a certification that he has determined that the furnishing of such assistance is important to the national security interests of the United States and a detailed statement of the reasons supporting such determination; and

"(3) the Congress enacts a joint resolution approving the furnishing of such assistance.

Continued

PROHIBITION ON MILITARY ASSISTANCE TO NICARAGUA

Sec. 119.[6a] None of the funds authorized to be appropriated by this title shall be made available for any aid or assistance to Nicaragua.

TITLE II—ECONOMIC SUPPORT FUND

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TITLE III—DEVELOPMENT ASSISTANCE PROGRAMS

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ASSISTANCE TO THE EASTERN CARIBBEAN

Sec. 313. (a) The Congress urges the President to use up to $7,000,000 for the fiscal year 1981 for bilateral development assistance for the countries of the eastern Caribbean.

(b)[7] * * * [Repealed—1981]

ASSISTANCE FOR EQUATORIAL GUINEA

Sec. 314. The President is urged to provide up to $3,000,000 of the funds authorized to be appropriated for the fiscal year 1981 by this title for assistance to Equatorial Guinea if he deems that conditions in that country warrant such assistance.

CARIBBEAN DEVELOPMENT BANK

Sec. 315. Notwithstanding section 620(r) of the Foreign Assistance Act of 1961,[8] the President may, after consultation with the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, make arrangements at his discretion for the assumption by the recipient members of the Caribbean Development Bank of any loans made to the Bank under the authority of that Act.

WORLD HUNGER

Sec. 316. (a) In order to further the purposes of section 103 of the Foreign Assistance Act of 1961, the Director of the United States International Development Cooperation Agency shall encourage

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"(b) If introduced within 30 days after the submission of the report required by paragraph (2) of subsection (a), a resolution under paragraph (3) of subsection (a) shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976 and in the House of Representatives in accordance with the procedures applicable to the consideration of resolutions of disapproval under section 36(b) of the Arms Export Control Act.

"(c) The prohibition contained in subsection (a) does not apply with respect to assistance which is furnished solely for humanitarian purposes.

"(d) The provisions of this section may not be waived under any other provision of law.

"(e) Section 404 of the International Security Assistance and Arms Export Control Act of 1976 is repealed."

[6a] 22 U.S.C. 2151 note.

[7] Subsec. (b), which had required a report from the President by Feb. 1, 1981, regarding the implementation of this section, was repealed by sec. 734(a)(2) of the International Security and Development Cooperation Act of 1981 (Public Law 97–113; 95 Stat. 1560). The President submitted this report on Feb. 6, 1981.

[8] For text, see page 186.

the ongoing work of private and voluntary organizations to deal with world hunger problems abroad. To this end, the Director shall help facilitate widespread public discussion, analysis, and review of the issues raised by the Report of the Presidential Commission on World Hunger of March 1980, especially the issues raised by the Commission's call for increased public awareness of the political, economic, technical, and social factors relating to hunger and poverty.

(b) As a means of carrying out subsection (a), and to ensure the effectiveness of private and voluntary organizations in dealing with world hunger abroad, the Director is urged to provide assistance to private and voluntary organizations engaged in facilitating public discussion of hunger and other related issues.

REDUCTION OF POSTHARVEST LOSSES OF FOOD

Sec. 317.[9] It is the sense of the Congress that—

(1) the President should reaffirm the policy of the United States Government to support the goal established by the United Nations General Assembly of reducing by 50 percent postharvest losses of food in developing countries; and

(2) the President, acting through the Agency for International Development, should increase substantially the proportion of funds made available under the Foreign Assistance Act of 1961 for the purpose of assisting, together with other donor countries and with developing countries, in the reduction of postharvest losses of food in developing countries.

TITLE IV—OTHER ASSISTANCE PROGRAMS

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INTERNATIONAL NARCOTICS CONTROL

Sec. 402. (a) * * *

(b) * * *

(c) Notwithstanding the provisions of section 482(a)(2) of the Foreign Assistance Act of 1961 as in effect immediately prior to the enactment of this Act, funds appropriated for the fiscal year 1980 to carry out the purposes of section 481 of that Act which were obligated for assistance for Colombia may be used for fixed-wing aircraft, communications equipment, and such other equipment and operational support, including aviation services, as are essential to the Colombian anti-narcotics enforcement program.

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EAST TIMOR

Sec. 408. It is the sense of the Congress that the President should take all appropriate measures to—

(1) continue to support and encourage relief operations by the Government of Indonesia and by international relief agencies in East Timor;

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[9] 22 U.S.C. 21 note.

(2) assist the Government of Indonesia to facilitate the reuniting of families separated because of developments in recent years in East Timor; and

(3) encourage the Government of Indonesia to allow access to East Timor by international journalists.

TITLE V—AFRICAN DEVELOPMENT FOUNDATION

SHORT TITLE

Sec. 501.[10] This title may be cited as the "African Development Foundation Act".

FINDINGS

Sec. 502.[11] The Congress finds that—

(1) social and economic development ultimately depends on the active participation of individuals within a society and on the enhancement of opportunities for those individuals;

(2) the development of individuals and institutions in African countries can benefit by the provision of support for community-based self-help activities;

(3) by enacting title IX of chapter 2 of part I of the Foreign Assistance Act of 1961, and recent amendments to that Act, the Congress has sought to enable the poor to participate in the process of development;

(4) the Inter-American foundation, established by Congress in the Foreign Assistance Act of 1969 to support the efforts of the people of Latin America and the Caribbean to solve their development problems, has demonstrated a successful approach to development; and

(5) an African Development Foundation similar in structure to the Inter-American Foundation, but adapted to the specific needs of Africa, can complement current United States development programs in Africa.

ESTABLISHMENT

Sec. 503.[12] (a) There is established a body corporate to be known as the "African Development Foundation" (hereafter in this title referred to as the "Foundation").

(b) The Foundation shall establish a principal office in the United States and may establish such branch offices in Africa as may be necessary to carry out its functions.

PURPOSES

Sec. 504.[13] (a) In order to enable the people of African countries to develop their potential, fulfill their aspirations, and enjoy better, more productive lives the purposes of the Foundation shall be—

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[10] 22 U.S.C. 290h note.
[11] 22 U.S.C. 290h.
[12] 22 U.S.C. 290h-1.
[13] 22 U.S.C. 290h-2.

(1) to strengthen the bonds of friendship and understanding between the people of Africa and the United States;

(2) to support self-help activities at the local level designed to enlarge opportunities for community development;

(3) to stimulate and assist effective and expanding participation process; and

(4) to encourage the establishment and growth of development institutions which are indigenous to particular countries in Africa and which can respond to the requirements of the poor in those countries.

(b) The Foundation shall carry out the purposes specified in subsection (a) in cooperation with, and response to, organizations indigenous to Africa which are representative of the needs and aspirations of the poor in Africa and, in carrying out such purposes, the Foundation shall, to the extent possible, coordinate its development assistance activities with the activities of the United States Government and private, regional, and international organizations.

FUNCTIONS

Sec. 505.[14] (a)(1) In order to carry out the purposes set forth in section 504, the Foundation may make grants, loans, and loan guarantees to any African private or public group, association, or other entity engaged in peaceful activities for—

(A) the fostering of local development institutions and the support of development efforts initiated by communities themselves;

(B) the development of self-evaluation techniques by participants in projects supported under this section, for the purpose of transferring experience gained in such projects to similar development activities;

(C) development research by Africans and the transfer of development resources, expertise, and knowledge within Africa;

(D) the procurement of such technical or other assistance as is deemed appropriate by the recipient of such grant, loan, or guarantee, to carry out the purposes of this title; and

(E) other projects that would carry out the purposes set forth in section 504.

(2) The total amount of grants, loans and loan guarantees that may be made under this section for a project may not exceed $250,000.

(3) The Foundation may disseminate to the American public and to United States and multilateral development institutions insights gained from African development projects assisted under this title.

(b) In making grants, loans, and loan guarantees under subsection (a), the Foundation shall give priority to projects which community groups undertake to foster their own development and in the initiation, design, implementation, and evaluation of which there is the maximum feasible participation of the poor. Where appropriate and in keeping with the purposes of this title, the Foundation may make such grants, loans, and loan guarantees to African entities which are representative and knowledgeable of, and sensitive to, the needs and aspirations of the poor and which would disburse funds acquired under such grants, loans, and loan guarantees to other African entities to carry out the purposes of this title.

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[14] 22 U.S.C. 290h-3.

POWERS

Sec. 506.[15] (a) The Foundation, as a corporation—

(1) shall have perpetual succession unless dissolved by an Act of Congress;

(2) may sue and be sued, complain, and defend, in its corporate name in any court of competent jurisdiction;

(3) may adopt, alter, and use a seal, which shall be judicially noticed;

(4) may prescribe, amend, and repeal such rules and regulations as may be necessary for carrying out the functions of the Foundation;

(5) may make and perform such contracts and other agreements with any individual, corporation, or other private or public entity however designated and wherever situated, as may be necessary for carrying out the functions of the Foundation;

(6) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid, including expenses for representation not exceeding $10,000 in any fiscal year;

(7) may, as necessary for carrying out the functions of the Foundation, employ and fix the compensation of not to exceed the following number of persons at any one time: 25 during the fiscal year 1981, 50 during the fiscal year 1982, and 75 thereafter;

(8) may lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with such property (real, personal, or mixed) or any interest therein, wherever situated, as may be necessary for carrying out the functions of the Foundation;

(9) may accept gifts or donations of services or of property (real, personal, or mixed), tangible or intangible, in furtherance of the purposes of this title;

(10) may use the United States mails in the same manner and on the same conditions as the executive departments of the Government;

(11) may, with the consent of any agency of the United States, use the information, services, facilities, and personnel of that agency in carrying out the purposes of this title; and

(12) shall have such other powers as may be necessary and incident to carrying out this title.

(b) The Foundation shall be a nonprofit corporation and shall have no capital stock. No part of its revenue, earnings, or other income or property shall inure to the benefit of any of its directors, officers, or employees, and such revenue, earnings, or other income or property shall only be used from carrying out the purposes of this title. No director, officer, or employee of the corporation shall in any manner directly or indirectly participate in the deliberation upon or the determination of any question affecting his or her personal interests or the interests of any corporation, partnership, or organization in which he or she is directly or indirectly interested.

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[15] 22 U.S.C. 290h-4.

(c) The Foundation, including its franchise and income, shall be exempt from taxation now or hereafter imposed by the United States, by any territory or possession of the United States, or by any State, county, municipality, or local taxing authority.

(d) Upon termination of the corporate life of the Foundation its assets shall be liquidated and, unless otherwise provided by Congress, shall be transferred to the United States Treasury as the property of the United States.

MANAGEMENT

Sec. 507.[16] (a)(1) The management of the Foundation shall be vested in a board of directors (hereafter in this title referred to as the "Board") composed of seven members appointed by the President, by and with the advice and consent of the Senate. The President shall designate one member of the Board to serve as Chairperson of the Board and one member to serve as Vice Chairperson of the Board. Five members of the Board shall be appointed from private life. Two members of the Board shall be appointed from among officers and employees of agencies of the United States concerned with African affairs. All members of the Board shall be appointed on the basis of their understanding of and sensitivity to community level development processes.

(2) Members of the Board shall be appointed for terms of six years, except that of the members first appointed, as designated by the President at the time of their appointment, two shall be appointed for terms of two years and two shall be appointed for terms of four years. A member of the Board appointed to fill a vacancy occurring before the expiration of the term for which that member's predecessor was appointed shall be appointed only for the remainder of that term. Upon the expiration of his or her term a member shall continue to serve until a successor is appointed and shall have qualified.

(b) Members of the Board shall serve without additional compensation, but may be reimbursed for actual and necessary expenses not exceeding $100 per day, and for transportation expenses, while engaged in their duties on behalf of the Foundation.

(c) A majority of the Board shall constitute a quorum.

(d)(1) The Board of Directors shall appoint a president of the Foundation on such terms as the Board may determine. The president of the Foundation shall receive compensation at a rate not to exceed that provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(2) Experts and consultants may be employed by the Board as authorized by section 3109 of title 5, United States Code.

(e)(1) The Board shall establish an advisory council to be composed of such number of individuals as may be selected by the

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[16] 22 U.S.C. 290h-5.

Board from among individuals knowledgeable about development activities in Africa. The advisory council may include African recipients of grants, loans, or loan guarantees under this title.

(2) The Board shall, at least once each year, consult the advisory council concerning the objectives and activities of the Foundation.

(3) Members of the advisory council shall receive no compensation for their services but may be allowed travel and other expenses in accordance with section 5703 of title 5, United States Code, which are incurred by them in the performance of their functions under this subsection.

GOVERNMENT CORPORATION CONTROL ACT

Sec. 508.[17] The Foundation shall be subject to title I of the Government Corporation Control Act.

LIMITATION ON SPENDING AUTHORITY

Sec. 509.[18] Any authority provided by this title involving the expenditure of funds (other than the funds made available pursuant to section 510) shall be effective for a fiscal year only to such extent or in such amounts as are provided in advance in appropriation Acts.

AUTHORIZATIONS OF APPROPRIATIONS

Sec. 510.[19] There are authorized to be appropriated to carry out this title, in addition to amounts otherwise available for that purpose, $3,872,000 for fiscal year 1986 and $3,872,000 for fiscal year 1987. Funds appropriated under this section are authorized to remain available until expended.

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[17] 22 U.S.C. 290h-6.

[18] 22 U.S.C. 290h-7.

[19] 22 U.S.C. 290h-8. The authorizations for fiscal year 1986 and fiscal year 1987 were provided by sec. 510 of Public Law 99-83; 99 Stat. 264 (the International Security and Development Cooperation Act of 1985). Authorizations for previous years include: fiscal year 1982—$2,000,000; fiscal year 1983—$2,000,000; fiscal year 1984—$3,000,000; fiscal year 1985—no authorization.

Foreign Assistance Appropriations Act, 1986 (sec. 101(i) of the Continuing Appropriations, 1986; Public Law 99-190; 99 Stat. 299) provides the following:

AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out the provisions of title V of the International Security and Development Cooperation Act of 1980, Public Law 96-533, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104, title 31, United States Code, $3,872,000.

In addition, the Supplemental Appropriations Act, 1985 (Public Law 99-88, 99 Stat. 324) provided the following:

"AFRICAN DEVELOPMENT FOUNDATION

"(DISAPPROVAL OF DEFERRAL)

"The Congress disapproves the proposed deferral D85-40 relating to the African Development Foundation, as set forth in the message of February 6, 1985, which was transmitted to the Congress by the President. The disapproval shall be effective upon enactment into law of this bill and the amount of the proposed deferral disapproved herein shall be made available for obligations.".

In addition, title II of the Foreign Assistance and Related Programs Appropriations Act, 1987 (sec. 101(f) of the Continuing Appropriations Act, 1987), Public Law 99-591, 100 Stat. 1341 provides:

AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out the provisions of title V of the International Security and Development Cooperation Act of 1980, Public Law 96-533, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104, title 31, United States Code, $6,500,000, notwithstanding section 10 of Public Law 91-672 and section 15(a) of the State Department Basic Authorities Act of 1956.

EXPIRATION OF AUTHORITIES

Sec. 511.[20] The authority of the Foundation to make grants, loans, and loan guarantees and otherwise to carry out the purposes of this title shall expire on September 30, 1990, except that this section shall not preclude the Foundation from acquiring obligations prior to that date which mature subsequent to that date or from assuming liability prior to that date as a guarantor of obligations which mature subsequent to that date or from continuing as a body corporate and exercising any of its powers subsequent to that date for purposes of the orderly liquidation of its activities.

TITLE VI—PEACE CORPS

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UTILIZATION OF RETURNED PEACE CORPS VOLUNTEERS

Sec. 603.[21] * * * [Repealed—1981]

TITLE VII—MISCELLANEOUS PROVISIONS

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INTERAGENCY GROUP ON HUMAN RIGHTS AND FOREIGN ASSISTANCE

Sec. 710. It is the sense of the Congress that—

(1) the Interagency Group on Human Rights and Foreign Assistance has been an effective mechanism for coordinating and implementing United States human rights policies;

(2) the President should consider establishing the Interagency Group on a more permanent basis;

(3) the Interagency Group should examine proposals for not only economic assistance but also for security assistance; and

(4) the President should report his recommendations for strengthening the Interagency Group to the Congress no later than July 1, 1981.

PEACE IN THE MIDDLE EAST

Sec. 711.[22] (a) It is the sense of the Congress that all parties to the Arab-Israeli conflict need to reaffirm their unequivocal commitment to the peace process in order to achieve further progress toward a comprehensive settlement, to reinforce the principles of the Camp David accords, and to take actions to encourage parties not currently involved in the peace process to become active participants in peace efforts.

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[20] 22 U.S.C. 290h-9. Sec. 811 of the International Security Development and Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 264), changed the expiration date of Sept. 30, 1985 to Sept. 30, 1990.

[21] Sec. 603, which had required a report from the Director of the Peace Corps on a plan for more effective utilization of returned Peace Corps volunteers, was repealed by sec. 734(a)(2) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560). The Director submitted this report to Congress on Jan. 15, 1981.

[22] 22 U.S.C. 3401 note.

(b) It is further the sense of the Congress that to further these goals (1) all parties to the conflict should accept Israel's unequivocal right to exist within secure and recognized borders; (2) the Governments of Israel and Egypt should maintain and strengthen their commitment to the process of normalization of relations and continue actions to support that commitment; (3) the Governments of Israel and Egypt should reaffirm their commitment to United Nations Resolution 242 and its applicability, in all its aspects, to territories under negotiations; and (4) the governments of countries in the Middle East should assure that their policies and actions are consistent with the objectives of achieving peace and of involving other parties in the peace process.

ASSISTANCE FOR JORDAN

Sec. 712. It is the sense of the Congress that for Jordan to receive any funds authorized to be appropriated by this Act, it should be judged by the President that Jordan is acting in good faith to achieve peace in the Middle East and that the expenditure of such funds for Jordan will serve to further peace in the Middle East.

EXTERNAL DEBT BURDENS OF EGYPT, ISRAEL, PORTUGAL, AND TURKEY

Sec. 713.[23] * * * [Repealed—1981]

SOVIET MILITARY PERSONNEL AND ACTIVITIES IN CUBA

Sec. 714.[23] * * * [Repealed—1981]

CUBAN REFUGEES

Sec. 715. (a) The Congress finds that—

(1) the flow of refugees for political, economic, or other compelling reasons is a growing and world-wide phenomenon;

(2) the United States represents freedom of thought and action and economic opportunity and has historically played a major role in providing a home to the refugees of the world;

(3) an orderly and lawful refugee process is necessary for the furtherance of United States domestic well-being;

(4) continuation of the traditional compassionate and humanitarian policy of the United States regarding entry to its shores of refugees and other victims of oppression is threatened by the precipitate influx of large numbers of Cubans fleeing their country;

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[23] Sec. 713, which had required a report from the President regarding the economic conditions prevailing in Egypt, Israel, Portugal, and Turkey which may affect their respective ability to meet their international debt obligations and to stabilize their economies, was repealed by sec. 734(a)(2) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560). The President submitted this report to Congress on Jan. 19, 1981. A similar report concerning Egypt, Israel, and Turkey is required by sec. 723 of Public Law 97-113.

Sec. 714, which had required quarterly and annual reports to Congress regarding the military capabilities and deployment of Soviet military personnel in Cuba and Soviet military assistance to the armed forces of Cuba, was repealed by sec. 734(a)(2) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560).

(5) the United States has sought to negotiate with the Government of Cuba to establish a lawful, safe, and orderly process by which Cubans may be allowed to leave their country; and

(6) the Cuban refugee crisis is a problem of international concern and other nations should contribute to its resolution.

(b)(1) The Congress urges the President to take the necessary steps to encourage and secure greater international cooperation with respect to the large number of Cuban natives who have recently fled or are attempting to flee Cuba. Such steps should include seeking the agreement of other countries to admit some of those persons into their respective countries and to contribute funds and other assistance for the resettlement of those persons.

(2) In order to encourage countries throughout the world which are recipients of United States bilateral and multilateral assistance to permit and to help finance the resettlement of Cuban and other refugees within their borders, the President shall, to the maximum extent feasible, attempt to channel such assistance to countries which have demonstrated a willingness to provide assistance to Cuban and other refugees.

(c) It is the sense of the Congress that, in carrying out subsection (b)(1), the President should seek the discussion, in an appropriate international forum such as the United Nations or the Organization of American States, of the situation involving the flight of large numbers of Cuban natives from Cuba, of the resettlement of Cuban refugees, and of means by which a more orderly process may be established to handle future crises of a similar nature.

INCARCERATION AND DEPORTATION OF CERTAIN CUBANS

Sec. 716.[24] The Congress finds that the United States Government has already incarcerated recently arrived Cubans who are admitted criminals, are security threats, or have incited civil disturbances in Federal processing facilities. The Congress urges the Executive branch, consistent with United States law, to seek the deportation of such individuals.

PROHIBITION ON ASSISTANCE TO THE GOVERNMENTS OF CUBA, VIETNAM, AND CAMBODIA

Sec. 717. None of the funds authorized to be appropriated by this Act may be used to provide assistance to the Governments of Cuba, Vietnam, or Cambodia. Nothing in this section shall be construed to prohibit food assistance or humanitarian assistance which is distributed directly to the people of Cambodia.

COOPERATION OF OTHER GOVERNMENTS IN THE BOYCOTT OF THE 1980 SUMMER OLYMPIC GAMES IN MOSCOW

Sec. 718. In determining the levels of assistance to be provided to a foreign government with funds authorized to be appropriated by this Act, the President shall take into account the position of that government with respect to the United States proposed boycott of the 1980 summer Olympic games in Moscow.

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[24] 8 U.S.C. 1522 note.

ELECTIONS IN UGANDA

Sec. 719. The President shall encourage the holding of free, open elections in Uganda and shall, in considering assistance for Uganda with funds authorized to be appropriated by this Act, take into account whether such elections are held.

REPORT TO CONGRESS ON THE IMPLEMENTATION OF THE LANCASTER HOUSE DECLARATION OF RIGHTS IN ZIMBABWE

Sec. 720.[25] * * * [Repealed—1981]

RESTRICTION ON ASSISTANCE TO EL SALVADOR

Sec. 721.[26] * * * [Repealed—1981]

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[25] Sec. 720, which had required a report from the President every 60 days during fiscal year 1981 (if Zimbabwe received assistance under this Act) regarding the internal situation in Zimbabwe, was repealed by sec. 734(a)(2) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560).

[26] Sec. 721, which had prohibited the use of assistance for El Salvador during fiscal year 1981 for the purpose of planning for compensation, or for the purpose of compensation, for the confiscation, nationalization, acquisition, or expropriation of any agricultural or banking enterprise, or of the properties or stock shares which may be pertaining thereto, was repealed by sec. 734(a)(2) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560).

m. International Development Cooperation Act of 1979

Partial text of Public Law 96-53 [H.R. 3324], 93 Stat. 359, approved August 14, 1979, as amended by Public Law 96-465 [Foreign Service Act of 1980; H.R. 6790], 94 Stat. 2071 at 2162, approved October 17, 1980; Public Law 96-533 [International Security and Development Cooperation Act of 1980; H.R. 6942], 94 Stat. 3131 at 3148, approved December 16, 1980; Public Law 97-113 [S. 1196], 95 Stat. 1519 at 1560, approved December 29, 1981; and by Public Law 98-164 [Department of State Authorization Act, Fiscal Years 1984 and 1985; H.R. 2915], 97 Stat. 1017 at 1061, approved November 22, 1983

NOTE.—Except for the provisions noted below, the International Development Cooperation Act of 1979 consists of amendments to the FA Act of 1961, the International Development and Food Assistance Act of 1978, the International Development and Food Assistance Act of 1977, Public Law 480, Title 5 of the United States Code, and the Peace Corps Act. These amendments are incorporated into the texts of these Acts at the appropriate locations.

AN ACT To authorize appropriations for fiscal year 1980 for international development and economic assistance programs and for the Peace Corps, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "International Development Cooperation Act of 1979".

TITLE I—DEVELOPMENT ASSISTANCE

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INTERNATIONAL ORGANIZATIONS AND PROGRAMS

Sec. 114. (a) * * *

(b) Notwithstanding any other provision of law, funds appropriated for the fiscal year 1979 to meet the annual obligations of membership of the United States in the United Nations and its specialized agencies may be made available for the furnishing of technical assistance by the United Nations and its specialized agencies.

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PROHIBITION ON ASSISTANCE TO PANAMA

Sec. 124.[1] * * * [Repealed—1981]

ASSISTANCE TO LATIN AMERICAN AND CARIBBEAN COUNTRIES

Sec. 125.[2] It is the sense of the Congress that the United States should place greater emphasis on public and private resources for development programs in Latin America and the Caribbean which address problems common to the Western Hemisphere. It is further the sense of the Congress that provision of such assistance to Latin American and Caribbean countries, including transitional developing countries, is consistent with the purposes of part I of the Foreign Assistance Act of 1961.

INCREASED CONTRIBUTIONS FOR DEVELOPMENT ASSISTANCE

Sec. 126.[2] In recognition of the rapidly growing economic strength and ability to contribute to international development and security efforts of other nations, it is the sense of the Congress that the President should take all appropriate steps to negotiate with those nations with adequate financial resources to provide assistance to increase their contributions for development assistance through multilateral programs as well as through bilateral efforts.

TITLE II—FOOD FOR PEACE

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TITLE III—PEACE CORPS

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TITLE IV—INSTITUTE FOR SCIENTIFIC AND TECHNOLOGICAL COOPERATION

STATEMENT OF POLICY

Sec. 401.[3] As declared by Congress in the Foreign Assistance Act of 1961, a principal objective of the foreign policy of the United States is the encouragement and sustained support of the people of developing countries in their efforts to acquire the knowledge and resources essential to development and to build the economic, political, and social institutions which will improve the quality of their lives. The Congress reaffirms the profound humanitarian and foreign policy concerns of the United States in the economic and social progress of the developing countries and in the alleviation of the worst physical manifestations of poverty in these countries.

In furtherance of that objective, the Congress recognizes that developing countries require extensive scientific and technological capacity in order to deal effectively with their development problems, relate to the industrialized nations, and constructively participate in the shaping of a stable world order.

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[1] Sec. 124, which had prohibited assistance for Panama during fiscal year 1980 unless the President determined that such aid was in the national interest, was repealed by sec. 734(a)(3) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560).

[2] 22 U.S.C. 2151 note.

[3] 22 U.S.C. 3501.

It is therefore in the mutual interest of the United States and the developing countries to increase scientific and technological cooperation and jointly to support long-term research on critical problems that impede development and limit the efficient use of the world's human, natural, and capital resources.

PURPOSES AND ESTABLISHMENT OF THE INSTITUTE

Sec. 402.[4] (a) To strengthen the capacity of the people of developing countries to solve their development problems through scientific and technological innovation, to foster research on problems of development, and to facilitate scientific and technological cooperation with developing countries, the President is authorized to establish an Institute for Scientific and Technological Cooperation (hereafter in this title referred to as the "Institute"), which shall be subject to the foreign policy guidance of the Secretary of State.

(b) The Institute shall be guided by the policies set forth in sections 101 and 102 of the Foreign Assistance Act of 1961 and shall direct a substantial share of its resources to those objectives.

FUNCTIONS OF THE INSTITUTE

Sec. 403.[5] (a) In carrying out its purposes, the Institute shall—

(1) assist developing countries to strengthen their own scientific and technological capacity in order for them to undertake the research and experimentation necessary for development;

(2) support research, in the United States and in developing countries, on critical development problems, with emphasis on research relating to technologies which are labor-intensive or which do not generate additional unemployment or underemployment and with emphasis on those problems which are the greatest impediment to improvement in the lives of the majority of the poor;

(3) foster the exchange of scientists and other technological experts with developing countries, and other forms of exchange and communication to promote the joint solution of problems of mutual concern to the United States and developing countries;

(4) advise and assist other agencies of the United States Government in planning and executing policies and programs of scientific and technological cooperation with developing countries;

(5) facilitate the participation of private United States institutions, businesses, and individuals in scientific and technological cooperation with developing countries; and

(6) gather, analyze, and disseminate information relevant to the scientific and technological needs of developing countries.

(b) In carrying out the functions specified in subsection (a), the Institute shall take particular care to review all of its programs, projects, and other activities to ensure that technologies which are developed, utilized, or promoted are assessed with regard to minimizing any new problems and that participants in such programs, projects, and activities are fully aware of the need for such review with respect to any technology-related activities for which they are responsible.

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[4] 22 U.S.C. 3502.

[5] 22 U.S.C. 3503.

(c) For purposes of carrying out the functions of the Institute, the President may utilize, in addition to authorities conferred by this title, such authority contained in the Foreign Assistance Act of 1961, the Foreign Service Act of 1980,[6] title V of the Foreign Relations Authorization Act, Fiscal Year 1979, and title IV of the International Development and Food Assistance Act of 1978, as the President deems necessary.

(d) The Institute shall carry out its functions in consultation and cooperation with the agencies of the United States Government, international organizations, and agencies of other governments engaged in promoting economic, social, and technological development in developing countries.

(e) The President shall prescribe appropriate procedures to assure coordination of the activities of the Institute with other activities of the United States Government in furthering the use of science and technology in the cause of development.

GENERAL AUTHORITIES

Sec. 404.[7] (a) To carry out the purposes and functions of the Institute, the President may—

(1) make and perform contracts and other agreements with any individual, institution, corporation, or other body of persons however designated, within or outside the United States, and with governments or government agencies, domestic or foreign;

(2) make advances, grants, and loans to any individual, institution, corporation, or other body of persons however designated, within or outside the United States, and to governments or government agencies, domestic or foreign;

(3) employ such personnel as necessary and fix their compensation;

(4) make provision for compensation, transportation, housing, subsistence (or per diem in lieu thereof), and health care or health and accident insurance for foreign nationals engaged in activities authorized by this title while they are away from their homes, without regard to the provisions of any other law;

(5) accept and use money, funds, property, and services of any kind by gift, devise, bequest, grant, or otherwise in furtherance of the purposes of the Institute;

(6) acquire by purchase, lease, loan, bequest, or gift and hold and dispose of by sale, lease, loan, or grant, real and personal property of all kinds;

(7) prescribe, amend, and repeal such rules and regulations as may be necessary to the conduct of the business of the Institute;

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[6] This reference to the Foreign Service Act of 1980 was substituted in lieu of a reference to the Foreign Service Act of 1946 by sec. 2206(11) of Public Law 96-465 (94 Stat. 2162).

[7] 22 U.S.C. 3504.

(8) utilize information, services, facilities, officers, and employees of any agency of the United States Government;

(9) establish a principal office in the United States and such other offices within or outside the United States, as may be necessary;

(10) make such expenditures as may be necessary for administering the provisions of this title;

(11) adopt, alter, and use an official seal for the Institute, which shall be judicially noticed; and

(12) take such other actions as may be necessary and incidental to carrying out the functions of the Institute.

(b) Any authority provided by this section involving the expenditures of appropriated funds shall be effective for a fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

DIRECTOR OF THE INSTITUTE

Sec. 405.[8] (a) There shall be a Director of the Institute (hereafter in this title referred to as the "Director") who shall be the chief executive officer of the Institute. The Director shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive compensation at the rate payable for level III of the Executive Schedule under section 5314 of title 5 of the United States Code.

(b) The President may exercise any authorities conferred upon him by this title through the Director or any other agency or officer of the United States Government as he shall direct. The Director or head of any such agency or any such officer may delegate to any of his subordinates authority to perform any of such functions.

DEPUTY DIRECTOR AND OTHER STATUTORY OFFICERS

Sec. 406.[9] (a) A Deputy Director of the Institute shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Director shall receive compensation at the rate payable for level IV of the Executive Schedule under section 5315 of title 5 of the United States Code.

(b) The Deputy Director shall perform such duties and exercise such powers as the Director may prescribe.

(c) The President may establish up to two additional positions in the Institute to be compensated at the rate payable for level V of the Executive Schedule under section 5316 of title 5 of the United States Code.

COUNCIL ON INTERNATIONAL SCIENTIFIC AND TECHNOLOGICAL COOPERATION

Sec. 407.[10] (a) In order to further the purposes of the Institute, the President is authorized to establish a Council on International

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[8] 22 U.S.C. 3505.

[9] 22 U.S.C. 3506.

[10] 22 U.S.C. 3507.

Scientific and Technological Cooperation (hereafter in this title referred to as the "Council").

(b)(1) The Council shall—

(A) advise the Director with respect to the policies, programs, planning, and procedures of the Institute;

(B) make recommendations to the Director on the use of the resources available to the Institute; and

(C) advise the Director on matters involving the activities of the Institute overseas and appropriate relationship with the private sector, within and outside the United States.

(2) The Council shall prepare an annual report setting forth the major recommendations made and advice given pursuant to paragraph (1) of this subsection.

(c) The Director shall seek the advice of the Council before making any decision with respect to the selection or termination of, or any significant change in, the areas and issues in which the Institute conducts its activities, and with respect to the transfer of specific programs and projects from any other Government agency to the Institute. The Council shall have the authority to review all new programs and initiatives before their implementation and to make recommendations with regard to the approval or disapproval of new programs and initiatives having a cost in excess of $500,000 or a duration greater than two years.

(d) The Council shall consist of up to twenty-five members appointed by the President, one of whom the President shall designate as Chairman. The members of the Council shall be appointed for terms of four years, except that the members first appointed shall be appointed for terms of one, two, three, or four years, as designated by the President at the time of their appointment, so that the terms of approximately one-fourth of the members of the Council expire in any year. The members of the Council shall be selected from among—

(1) citizens of the United States who are widely recognized for their broad knowledge of, or expertise in, science and technology, or their interest in the scientific and technological problems of developing countries;

(2) citizens of foreign countries who by their knowledge and expertise are capable of providing advice and guidance to the Institute on the application of science and technology to the problems of developing countries, except that not more than one-third of the membership of the Council shall consist of members who are citizens of foreign countries; and

(3) officials of the United States Government, except that not to exceed five members of the Council may be appointed under this paragraph, one of whom shall be the Secretary of State or his designee.

(e) Members of the Council who are not officials of the United States Government shall be entitled to compensation, not to exceed the daily equivalent of the highest rate which may be paid to an employee under the General Schedule established by section 5332 of title 5 of the United States Code, while in the performance of their duties under this title, and to reimbursement for expenses and per diem in lieu of subsistence while away from their homes or regular places of business in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5 of the United States Code. Members of the Council who are not officials of the United States Government shall not be deemed officers, employees, or otherwise in the service or employment of the United States Government for any purpose, except that members of the Council who are United States citizens shall be deemed Government employees for the purposes of sections 202, 203, 205, 207, 208, and 209 of title 18 of the United States Code.

(f) The Council may appoint from among its members an Executive Committee, and such other committees it deems necessary, to assist it in exercising its powers and functions. The Executive Committee shall consist of seven members, one of whom shall be the Chairman of the Council and not more than three of whom shall be employees of the United States Government. The Executive Committee shall exercise such powers and functions as are delegated to it by the Council.

INSTITUTE FELLOWSHIPS

Sec. 408.[11] (a) The President is authorized to award up to twenty fellowships annually for periods up to two years, such awards to be renewable for an additional period not to exceed two years, to individuals who have demonstrated exceptional competence and ability in the fields of scientific, technological, economic, or social endeavor selected by the Institute for concentration. The awards shall be made so as to encompass a wide diversity of disciplines and backgrounds, and shall be made on the basis of criteria established by the President upon the advice of the Council. Up to ten of the awards in any year may be made to citizens of countries other than the United States. Individuals awarded fellowships shall be designated as Institute Fellows.

(b) The President may assign Institute Fellows to undertake such activities, in the United States or abroad, as will further the purposes of the Institute.

(c) The amount of the awards made pursuant to this section shall be established by the President, but shall not in any case exceed the highest rate which may be paid to an employee under the General Schedule established by section 5332 of title 5 of the United States Code. In addition, where appropriate, the President may make provisions for transportation, housing (when assigned outside country of residence), subsistence (or per diem in lieu thereof), and health care or health or accident insurance for Institute Fellows and their dependents while engaged in activities authorized by this title.

(d) Except as provided otherwise in this section, Institute Fellows shall not be deemed employees or otherwise in the service or employment of the United States Government. Institute Fellows shall be considered employees for purposes of compensation of injuries under chapter 81 of title 5 of the United States Code and the tort claim provisions of chapter 171 of title 28 of the United States Code. In addition, Institute Fellows who are United States citizens shall be considered Government employees for purposes of sections 202, 203, 205, 207, 208, and 209 of title 18 of the United States Code.

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[11] 22 U.S.C. 3508.

(e) Alien participants in any program of the Institute, including Institute Fellows and their dependents, may be admitted to the United States, if otherwise qualified as non-immigrants under section 101(a)(15) of the Immigration and Nationality Act, for such time and under such conditions as may be prescribed by regulations promulgated by the Secretary of State and the Attorney General.

CONFLICT OF INTEREST

Sec. 409.[12] Members of the Council and Institute Fellows shall avoid any action, in their activities with respect to the Institute, which might result in, or create the appearance of, a conflict of interest, including but not limited to—

(1) using their office or position for private gain;

(2) giving preferential treatment to any person;

(3) making recommendations or decisions relating to any activity authorized by this title in other than an impartial and independent manner;

(4) misusing Government property or official information obtained through their office or position which has not been made available to the general public; or

(5) affecting adversely the confidence of the public in the integrity of the Institute.

AUTHORIZATION OF APPROPRIATIONS

Sec. 410.[13] There are authorized to be appropriated to the President to carry out this title, in addition to funds otherwise available for such purpose, $12,000,000 for the fiscal year 1981.[14] Funds appropriated under this section are authorized to remain available until expended.

ANNUAL REPORT

Sec. 411.[15] * * * [Repealed—1983]

CONFORMING AMENDMENTS

Sec. 412. (a) Section 5314 of title 5 of the United States Code, relating to level III of the Executive Schedule, is amended by adding at the end thereof the following:

"(70) Director, Institute for Scientific and Technological Cooperation."

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[12] 22 U.S.C. 3509.

[13] 22 U.S.C. 3510.

[14] The authorization figure for fiscal year 1981 was added by sec. 312 of the International Security and Development Cooperation Act of 1980 (Public Law 96-533, 94 Stat. 3148). The authorization for fiscal year 1980 was $23,750,000. However, these funds were never appropriated.

[15] Sec. 411, which had required an annual report to Congress regarding the operations of the Institute, was repealed by sec. 1011(a)(6) of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (Public Law 98-164; 97 Stat. 1061).

(b) Section 5315 of title 5 of the United States Code, relating to level IV of the Executive Schedule, is amended by adding at the end thereof the following:

"(128) Deputy Director, Institute for Scientific and Technological Cooperation.".

(c) Section 5316 of title 5 of the United States Code, relating to level V of the Executive Schedule, is amended by adding at the end thereof the following:

"(152) Additional officers, Institute for Scientific and Technological Cooperation (2).".

ESTABLISHMENT IN INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Sec. 413.[16] Upon the establishment of the United States International Development Cooperation Agency pursuant to Reorganization Plan Numbered 2 of 1979, the Institute shall be established within such Agency.

EXPIRATION OF AUTHORITIES

Sec. 414.[17] The authorities contained in this title shall expire on September 30, 1984.

TITLE V—MISCELLANEOUS PROVISIONS

EARMARKING FOR LEBANON OF UNOBLIGATED BALANCES IN THE MIDDLE EAST SPECIAL REQUIREMENTS FUND

Sec. 501. Of the funds continued available for the fiscal year 1979 for the Middle East Special Requirements Fund by section 103 of the Foreign Assistance and Related Programs Appropriations Act, 1979, which are unobligated on the date of enactment of this Act, $5,000,000 shall be available only for Lebanon and may hereafter be continued available only for such country.

MILITARY ASSISTANCE TO SUDAN

Sec. 502.[18] In addition to the amount authorized to be appropriated for grant military assistance for the fiscal year 1980 by section 504(a)(1) of the Foreign Assistance Act of 1961, there is authorized to be appropriated to carry out the purposes of chapter 2 of part II of that Act for the fiscal year 1980 $1,700,000. Not more than $1,700,000 of the funds available to carry out that chapter for the fiscal year 1980 may be allocated and made available for assistance for Sudan. For purposes of the last sentence of section 504(a)(1) and for purposes of section 515(b)(1) of the Foreign Assistance Act of 1961, this section shall be deemed to be part of such section 504(a)(1).

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[16] 22 U.S.C. 3512. The International Development Cooperation Agency was established by sec. 1-101 of Executive Order 12163, effective Oct. 1, 1979. See sec. 1-4 of this E.O. for language pertinent to the Institute.

[17] 22 U.S.C. 3513.

[18] 22 U.S.C. 2312 note.

HUMAN RIGHTS REPORTS

Sec. 504. (a) * * *

(b) [19] * * * [Repealed—1981]

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PROHIBITION ON ASSISTANCE TO VIETNAM, CAMBODIA, AND CUBA

Sec. 506. [20] * * * [Repealed—1981]

NONPROLIFERATION OF NUCLEAR WEAPONS

Sec. 507.[21] (a) In accordance with the Nuclear Non-Proliferation Act of 1978, the Congress strongly urges all nations which are not parties to the Treaty on Non-Proliferation of Nuclear Weapons to become parties to that treaty.

(b) [22] * * * [Repealed—1981]

ACCELERATED LOAN REPAYMENTS

Sec. 508. (a) * * *

(b) [23] * * * [Repealed—1981]

REFUGEE CRISIS IN SOUTHEAST ASIA

Sec. 509. (a)(1) The refugee crisis in Indochina is unfolding as one of the great human tragedies of our time.

(2) At least seven hundred and fifty thousand human beings have fled Vietnam, Kampuchea, and Laos since the spring of 1975.

(3) Approximately three hundred thousand human beings currently remain in refugee camps throughout Southeast Asia.

(4) As many as two hundred and fifty thousand human beings may have perished in their attempts to reach freedom and many thousands more face death should the present situation continue.

(5) The international borders are closing to the refugees fleeing from Indochina.

(6) The international community has failed to respond adequately to the crisis, despite the existence of adequate mechanisms to respond.

(b) It is the sense of the Congress that the President should continue to support the efforts of the Secretary General of the United

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[19] Subsec. (b), which had required a report from the Secretary of State on the impact on U.S. foreign relations of the human rights reports required by the Foreign Assistance Act of 1961, was repealed by sec. 734(a)(3) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat.1560). The Secretary of State submitted this report to Congress on Nov. 15, 1979.

[20] Sec. 506, which had prohibited aid to Vietnam, Cambodia, and Cuba during fiscal year 1980, was repealed by sec. 734(a)(3) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560).

[21] 22 U.S.C. 3201 note.

[22] Subsec. (b), which had required a report from the Secretary of State specifying what efforts the Department of State had made to encourage nations which are not parties to the Treaty on Nonproliferation of Nuclear Weapons to become parties to such treaty, was repealed by sec. 734(a)(3) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560). The Secretary of State submitted this report to Congress on Nov. 19, 1979.

[23] Subsec. (b), which had required that the annual reports on foreign assistance submitted to Congress in 1980 and 1981 describe the efforts made to negotiate accelerated loan repayments, was repealed by sec. 734(a)(3) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560).

Nations to use appropriate fora to deal with the refugee crisis in Southeast Asia.

(c)[24] * * * [Repealed—1981]

CERTAIN TRAVEL EXPENSES

Sec. 510. Section 5924(4)(B) of title 5, United States Code,[25] is amended by striking out "one annual trip each way for each dependent of an employee of the Department of State or the United States Information Agency, or" and inserting in lieu thereof "(i) in the case of dependents traveling to obtain secondary education, one annual trip, or in the case of dependents traveling to obtain undergraduate college education, two annual trips, each way for each dependent of an employee of the Department of State, of the International Communication Agency, or of the Agency for International Development, or (ii)".

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EFFECTIVE DATES

Sec. 512. (a) Except as provided in subsection (b) of this section and in section 503(b), this Act shall take effect on October 1, 1979.

(b) Sections 114(b), 123, 501, and 509 of this Act shall take effect on the date of enactment of this Act.

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[24] Subsec. (c), which had required periodic reports from the President on the prospects for permanent resettlement of Indochinese refugees so that no disruption of the economy of a host country would result, was repealed by sec. 734(a)(3) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560).

[25] Sec. 5924 of title 5, U.S.C., provides for certain costs of living allowances for U.S. Government employees living in a foreign area.

n. International Security Assistance Act of 1979

Partial text of Public Law 96-92 [H.R. 3173] 93 Stat. 701, approved October 29, 1979, as amended by Public Law 97-113 [S. 1196], 95 Stat. 1529 at 1560, approved December 29, 1981.

> NOTE.—Except for the provisions noted below, the International Security Assistance Act of 1979 consists of amendments to the Foreign Assistance Act of 1961 and the Arms Export Control Act.

AN ACT To amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to authorize international security assistance programs for fiscal year 1980, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "International Security Assistance Act of 1979".

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STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES

Sec. 6. (a) * * *

(b)[1] * * * [Repealed—1981]

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AUTHORIZATION AND AGGREGATE CEILING FOR FOREIGN MILITARY SALES CREDITS

Sec. 17. (a) * * *

(b)[2] Of the principal amount of loans guaranteed for the fiscal year 1980 under section 24 of the Arms Export Control Act—

(1) with respect to Turkey, not to exceed $50,000,000,
(2) with respect to Greece, not to exceed $42,000,000, and
(3) with respect to Sudan, not to exceed $25,000,000,

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[1] Subsec. (b) which had required a report from the President regarding the stockpiling authorities for the Republic of Korea, was repealed by sec. 734(a)(11) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560). The President submitted this report to Congress on Jan. 2, 1980.

[2] 22 U.S.C. 2271 note.

shall be repaid in not less than 20 years, following a grace period of 10 years on repayment of principal.

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NATIONAL DISCLOSURE POLICY FOR SENSITIVE WEAPONS TECHNOLOGY

Sec. 20. (a)[3] * * * [Repealed—1981]
(b) * * *

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TRANSFER OF WAR RESERVE MATERIEL AND OTHER PROPERTY TO TAIWAN

Sec. 23.[4] (a) Notwithstanding any other provision of law, during the calendar year 1980 the President is authorized to transfer to Taiwan under such terms and conditions as he may deem appropriate, such United States war reserve materiel that was located on Taiwan on January 1, 1979, as he may determine.

(b) Notwithstanding any other provision of law, during the calendar years 1979 and 1980 the President is authorized to transfer to Taiwan, under such terms and conditions as he may deem appropriate, such rights of the United States in property (other than war reserve materiel) that was located on Taiwan on January 1, 1979, as he may determine.

AMMUNITION SOLD TO THAILAND

Sec. 24. The Royal Thai Government shall be released from its contractual obligation to pay to the United States Government such amount as is due on or before October 30, 1979, as a condition precedent under the letter of offer accepted by the Royal Thai Government on April 12, 1977, to the transfer of title to the last increment of United States ammunition stocks sold to the Royal Thai Government under such letter of offer pursuant to the Memorandum of Agreement of March 22, 1977, relating to the storage of ammunition in Thailand.

ASSISTANCE FOR JORDAN

Sec. 25.[5] * * * [Repealed—1981]

SHABA AIRLIFT

Sec. 26. Notwithstanding any other provision of law, the President is authorized to make available the services of the Department of Defense for the purpose of facilitating the removal from Zaire of those foreign armed forces which were transported to Zaire by the United States at the time of the crisis in Shaba Province in 1978.

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[3] Subsec. (a), which had required a report from the President concerning the results of a review of the interagency procedures and disclosure criteria used by the U.S. in determining whether sensitive weapons technology will be transferred to other countries, was repealed by sec. 734(a)(11) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560). The President submitted this report to Congress on Mar. 25, 1980.

[4] 22 U.S.C. 3302 note.

[5] Sec. 25, which had required a determination and report by the President that Jordan was acting in good faith to achieve further progress toward a comprehensive peace settlement in the Middle East before funds could be used for assistance to Jordan during fiscal year 1980, was repealed by sec. 734(a)(11) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560). Such a determination was transmitted to Congress on Jan. 10, 1980.

FISCAL YEAR 1979 SUPPLEMENTAL AUTHORIZATION FOR TURKEY

Sec. 27.[6] (a) It is hereby determined that the national interests of the United States would be served by the furnishing of additional economic support fund assistance to Turkey in order to promote the economic and political stability of that country, and to strengthen its ability to fulfill its responsibilities as a member of the North Atlantic Treaty Organization.

(b) In furtherance of subsection (a) of this section, and in addition to amounts otherwise available for such purposes, there are authorized to be appropriated to the President to carry out the purposes of chapter 4 of part II of the Foreign Assistance Act of 1961 $100,000,000 for the fiscal year 1979, which amount shall be available only for Turkey.[7]

(c) Amounts appropriated under this section may be made available until expended.

(d) Notwithstanding any assistance authorized for Turkey under this Act, it remains the policy of the United States that all foreign troops in Cyprus, except those stationed in Cyprus under the auspices of the United Nations, should be withdrawn from Cyprus.

(e) It is the sense of the Congress that the recent announcement by the leaders of the Greek Cypriots and the Turkish Cypriots to resume intercommunal negotiations is an encouraging recognition by the parties that the human rights and fundamental freedoms of all the citizens of the Republic of Cyprus will be respected. The Congress urges all parties to the negotiations to demonstrate good faith in the negotiations and to move promptly toward a full, just, and lasting settlement.

PROHIBITION ON ASSISTANCE TO PANAMA

Sec. 28.[8] * * * [Repealed—1981]

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[6] 22 U.S.C. 2346c note.

[7] Supplemental Appropriations Act, 1979 (Public Law 96-38; 93 Stat. 102) provided an additional $100,000,000 for the Economic Support Fund for Turkey, "to remain available until expended."

[8] Sec. 28, which had prohibited assistance to Panama during fiscal year 1980 (unless the President determined that such assistance was in the U.S. national interest), was repealed by sec. 734(a)(11) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560). The President transmitted a determination to Congress on Dec. 28, 1979 waiving the prohibition contained in sec. 28.

o. Special International Security Assistance Act of 1979

Public Law 96-35 [S. 1007], 93 Stat. 89, approved July 20, 1979 as amended by Public Law 97-113 [S. 1196], 95 Stat. 1519 at 1560, approved December 29, 1981

AN ACT To authorize supplemental international security assistance for the fiscal year 1979 in support of the peace treaty between Egypt and Israel, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Special International Security Assistance Act of 1979".

STATEMENT OF POLICY AND FINDINGS

Sec. 2.[1] (a) It is the policy of the United States to support the peace treaty concluded between the Government of Egypt and the Government of Israel on March 26, 1979. This treaty is a significant step toward a full and comprehensive peace in the Middle East. The Congress urges the President to continue to exert every effort to bring about a comprehensive peace and to seek an end by all parties to the violence which could jeopardize this peace.

(b) The peace treaty between Egypt and Israel having been ratified, the Congress finds that the national interests of the United States are served—

(1) by authorizing the President to construct air bases in Israel to replace the Israeli air bases on the Sinai peninsula that are to be evacuated;

(2) by authorizing additional funds to finance procurements by Egypt and Israel through the fiscal year 1982 of defense articles and defense services for their respective security requirements; and

(3) by authorizing additional funds for economic assistance for Egypt in order to promote the economic stability and development of that country and to support the peace process in the Middle East.

(c) The authorities contained in this Act to implement certain arrangements in support of the peace treaty between Egypt and Israel do not signify approval by the Congress of any other agreement, understanding, or commitment made by the executive branch.

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[1] 22 U.S.C. 3401.

CONSTRUCTION OF AIR BASES IN ISRAEL

Sec. 3.[2] * * *

SUPPLEMENTAL AUTHORIZATION OF FOREIGN MILITARY SALES LOAN GUARANTIES FOR EGYPT AND ISRAEL

Sec. 4.[3] (a) The Congress finds that the legitimate defense interests of Israel and Egypt require a one time extraordinary assistance package due to Israel's phased withdrawal from the Sinai and Egypt's shift from reliance on Soviet weaponry. The authorizations contained in this section do not, however, constitute Congressional approval of the sale of any particular weapons system to either country. These sales will be reviewed under the normal procedures set forth in section 36(b) of the Arms Export Control Act.

(b) In addition to amounts authorized to be appropriated for the fiscal year 1979 by section 31(a) of the Arms Export Control Act, there is authorized to be appropriated to the President to carry out that Act $370,000,000 for the fiscal year 1979.[4]

(c) Funds made available pursuant to subsection (b) of this section may be used only for guaranties for Egypt and Israel pursuant to section 24(a) of the Arms Export Control Act. The principal amount of loans guaranteed with such funds may not exceed $3,700,000,000 of which $2,200,000,000 shall be available only for Israel and $1,500,000,000 shall be available only for Egypt. The principal amount of such guaranteed loans shall be in addition to the aggregate ceiling authorized for the fiscal year 1979 by section 31(b) of the Arms Export Control Act.

(d) Loans guaranteed with funds made available pursuant to subsection (b) of this section shall be on terms calling for repayment within a period of not less than thirty years, including an initial grace period of ten years on repayment of principal.

(e)(1) The Congress finds that the Governments of Israel and Egypt each have an enormous external debt burden which may be made more difficult by virtue of the financing authorized by this section. The Congress further finds that, as a consequence of the impact of the debt burdens incurred by Israel and Egypt under such financing, it may become necessary in future years to modify the terms of the loans guaranteed with funds made available pursuant to this section.

(2)[5] * * * [Repealed—1981]

SUPPLEMENTAL AUTHORIZATION OF ECONOMIC SUPPORT FOR EGYPT

Sec. 5.[6] There is authorized to be appropriated to the President to carry out chapter 4 of part II of the Foreign Assistance Act of

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[2] Sec. 3 amended the Foreign Assistance Act of 1961 by adding a new ch. 7 ("Air Base Construction in Israel") to part II of that act.

[3] 22 U.S.C. 3402.

[4] Supplemental Appropriations Act, 1979 (Public Law 96-38; 93 Stat. 103) stated: "For an additional amount for 'Foreign military credit sales' for Egypt and Israel, $370,000,000."

[5] Par. (2), which had required an annual report by the President concerning the economic conditions prevailing in Israel and Egypt which may affect their respective ability to meet their obligations to make payments under the financing authorized in this section, was repealed by sec. 734(a)(4) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560). A similar report was required by sec. 723 of Public Law 97-113 (page 389).

[6] 22 U.S.C. 3403.

1961, $300,000,000 for the fiscal year 1979 for Egypt, in addition to amounts otherwise authorized to be appropriated for such chapter for the fiscal year 1979.[7] The amounts appropriated pursuant to this section may be made available until expended.

TRANSFER OF FACILITIES OF THE SINAI FIELD MISSION TO EGYPT

Sec. 6.[8] The President is authorized to transfer to Egypt, on such terms and conditions as he may determine, such of the facilities and related property of the United States Sinai Field Mission as he may determine, upon the termination of the activities of the Sinai Field Mission in accordance with the terms of the peace treaty between Egypt and Israel.

CONTRIBUTIONS BY OTHER COUNTRIES TO SUPPORT PEACE IN THE MIDDLE EAST

Sec. 7.[9] (a) It is the sense of the Congress that other countries should give favorable consideration to providing support for the implementation of the peace treaty between Egypt and Israel. Therefore, the Congress requests that the President consult with other countries in order to (1) promote and develop an agreement for the establishment of a peace development fund whose purpose would be to underwrite the costs of implementing a Middle East peace, and (2) encourage investments in Israel and Egypt and other countries in the region should they join in Middle East peace agreements.

(b)[10] * * * [Repealed—1981]

PLANNING FOR TRILATERAL SCIENTIFIC AND TECHNOLOGICAL COOPERATION BY EGYPT, ISRAEL, AND THE UNITED STATES

Sec. 8.[11] (a) It is the sense of the Congress that, in order to continue to build the structure of peace in the Middle East, the United States should be prepared to participate, at an appropriate time, in trilateral cooperative projects of a scientific and technological nature involving Egypt, Israel, and the United States.

(b) Therefore, the President shall develop a plan to guide the participation of both United States Government agencies and private institutions in such projects. This plan shall identify—

(1) potential projects in a variety of areas appropriate for scientific and technological cooperation by the three countries, including agriculture, health, energy, the environment, education, and water resources;

(2) the resources which are available or which would be needed to implement such projects; and

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[7] Supplemental Appropriations Act, 1979 (Public Law 96-38; 93 Stat. 102) stated: "For an additional amount for the 'Economic support fund' for Egypt, $300,000,000, to remain available until expended."

[8] 22 U.S.C. 3404.

[9] 22 U.S.C. 3405.

[10] Subsec. (b), which had required a report from the President on U.S. efforts to increase economic aid from other donors to Egypt, Israel, and others in the region and the impact on Egypt's economy of Arab sanctions against Egypt, was repealed by sec. 734(a)(4) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560). The President submitted this report to Congress on Jan. 6, 1981.

[11] 22 U.S.C. 3406.

(3) the means by which such projects would be implemented.

(c) [12] * * * [Repealed—1981]

REPORT ON COSTS TO THE UNITED STATES OF IMPLEMENTING THE PEACE TREATY BETWEEN EGYPT AND ISRAEL

Sec. 9.[13] * * * [Repealed—1981]

NON-PROLIFERATION OF NUCLEAR WEAPONS

Sec. 10.[14] In accordance with the Nuclear Non-Proliferation Act of 1978, the Congress strongly encourages all countries in the Middle East which are not parties to the Treaty on the Non-Proliferation of Nuclear Weapons to become parties to that Treaty.

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[12] Subsec. (c), which had required the President to transmit the plan developed pursuant to subsec. (b) to the Congress, was repealed by sec. 734(a)(4) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560). This plan was submitted to Congress on Sept. 29, 1980.

[13] Sec. 9, which has required a report from the President on the costs to the U.S. Government associated with the implementation of the Egyptian-Israeli peace treaty, was repealed by sec. 734(a)(4) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560). The President submitted this report to Congress on Oct. 25, 1979.

[14] 22 U.S.C. 3408.

p. International Development and Food Assistance Act of 1978

Partial text of Public Law 95-424 [H.R. 12222], 92 Stat. 937, approved October 6, 1978, as amended by Public Law 96-53 [International Development Cooperation Act of 1979; H.R. 3324], 93 Stat. 359 at 378, approved August 14, 1979; Public Law 96-67 [S. 1019], 93 Stat. 415, approved September 21, 1979; and by Public Law 97-113 [S. 1196], 95 Stat. 1519 at 1560, approved December 29, 1981

> NOTE.—Except for the provisions noted below, the International Development and Food Assistance Act of 1978 consists of amendments to the FA Act of 1961 and the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480).

AN ACT To amend the Foreign Assistance Act of 1961 to authorize development and economic assistance programs for fiscal year 1979, to make certain changes in the authorities of that Act and the Agricultural Trade Development and Assistance Act of 1954, to improve the coordination and administration of United States development-related policies and programs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "International Development and Food Assistance Act of 1978".

TITLE I—DEVELOPMENT ASSISTANCE

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INTERNATIONAL ORGANIZATIONS AND PROGRAMS

Sec. 117.—(a) * * *

(b)(1) * * *

(2) [1] * * * [Repealed—1981]

(c) * * *

(d) * * *

(e) [2] In addition to amounts otherwise available for such purpose, there are authorized to be appropriated to the President not to exceed $1,000,000 for contributions to the World Assembly on Aging to be convened under the auspices of the United Nations, except that the amount so contributed may not exceed 25 percent of the expenditures of such Assembly. Amounts appropriated under this subsection are authorized to remain available until expended.

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[1] Par. (2), which had required a report from the Secretary of State on the progress made by the UNRWA to improve the ration distribution system for Palestine refugees, was repealed by sec. 734(a)(3) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560). The Secretary of State submitted this report to Congress on Feb. 5, 1979.

[2] 22 U.S.C. 2222 note. See also sec. 302(a)(1) of the FA Act of 1961.

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LOCUST PLAGUES CONTROL IN AFRICA

Sec. 120.[3] In order to assist in attempts to control locust plagues in Africa, especially in the Horn of Africa, there is authorized to be appropriated to the President, in addition to amounts otherwise authorized for disaster relief purposes, $2,000,000, which amount is authorized to remain available until expended.

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AFRICAN DEVELOPMENT FOUNDATION

Sec. 122.[4] (a) The Congress declares that the United States should place higher priority on the formulation and implementation of policies and programs to enable the people of African nations to develop their potential, fulfill their aspirations, and enjoy better, more productive lives. In furtherance of these objectives, the Congress finds that additional support is needed for community-based self-help activities in Africa and that an African Development Foundation, organized to further the purposes set forth in section 123 of the Foreign Assistance Act of 1961, can complement current United States development programs in Africa.

(b) [5] * * * [Repealed—1981]

TITLE II—FOOD FOR PEACE

EFFECTIVENESS OF FOOD ASSISTANCE IN MEETING BASIC FOOD NEEDS

Sec. 201.[6] * * * [Repealed—1981]

TITLE III—COORDINATION AND ADMINISTRATION OF THE DEVELOPMENT-RELATED PROGRAMS AND POLICIES OF THE UNITED STATES

DECLARATION OF OBJECTIVES

Sec. 301.[7] The Congress declares that the United States Government should place higher priority, in the formulation and implementation of governmental policies, on efforts to help meet the legitimate needs of poor countries for improving the quality of the lives of their populations. The Congress also declares that greater effectiveness and efficiency of United States assistance to such countries can be achieved through improved coordination and administrative consolidation.

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[3] 22 U.S.C. 2292d.

[4] 22 U.S.C. 2151u note.

[5] Subsec. (b), which had required a report from the President on proposals for an African Development Foundation, was repealed by sec. 734(a)(3) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560). The President submitted this report to Congress on Feb. 1, 1979.

[6] Sec. 201, which had required a report from the President on the effectiveness of food assistance under Public Law 480 in meeting basic human needs, was repealed by sec. 734(a)(3) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560). The President submitted this report to Congress on Feb. 23, 1979.

[7] 22 U.S.C. 2151 note.

IMPLEMENTATION OF OBJECTIVES

Sec. 302.[7] In furtherance of the objectives set forth in section 301 the Congress directs the President to institute a strengthened system of coordination of all United States economic policies which impact on the developing countries of the world, including but not limited to policies concerning international trade, commodity agreements, investment, debt, international financial institutions, international and multilateral development agencies and programs, and concessional and grant food assistance, in addition to policies concerning United States bilateral economic development assistance.

REPORT

Sec. 303.[8] * * * [Repealed—1981]

TITLE IV—UNIFIED PERSONNEL SYSTEM

ESTABLISHMENT OF A UNIFIED PERSONNEL SYSTEM

Sec. 401.[9] (a) Not later than May 1, 1979,[10] the President shall submit to the Congress, and publish in the Federal Register, regulations establishing a unified personnel system for all employees of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961. In preparing such regulations, the President shall keep the appropriate committees of the Congress fully and currently informed, and shall consult with them on a regular basis, concerning the nature of the unified personnel system to be established.

(b) The regulations submitted to the Congress pursuant to subsection (a)—

(1) may not become effective until after the end of the 90-day period beginning on the date of such submission in order to provide the appropriate committees of the Congress an opportunity to review them; and

(2) shall not become effective then if, during such 90-day period, either House of Congress adopts a resolution stating in substance that it disapproves the personnel system proposed to be established by the regulations.

(c) Regulations which take effect pursuant to this section shall have the force and effect of law and shall apply with respect to the personnel of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961, notwithstanding any inconsistent provision of law unless that provision of law specifically states that it supersedes regulations issued under this section.

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[8] Sec. 303, which had required a report from the President on steps he has taken to implement this title, was repealed by sec. 734(a)(3) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560). The President submitted this report to Congress on Mar. 8. 1979.

[9] 22 U.S.C. 2385a.

[10] The due date for this report was extended from Mar. 15, 1979 by sec. 503 of the International Development Cooperation Act of 1979 (Public Law 96-53; 93 Stat. 378), effective Mar. 15, 1979.

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TITLE VI—MISCELLANEOUS PROVISIONS

REDUCTION OF AUTHORIZATION

Sec. 601.[11] The total funds authorized to be appropriated in this Act (excluding funds authorized to be appropriated to carry out section 214 of the Foreign Assistance Act of 1961) shall be reduced by 5 percent.

PROHIBITION ON ASSISTANCE TO VIETNAM, CAMBODIA, AND CUBA [12]

Sec. 602.[11] Notwithstanding any other provision of law or of this Act, funds authorized to be appropriated in this Act shall not be used for any form of aid, either by monetary payment or by the sale or transfer of any goods of any nature, to the Socialist Republic of Vietnam, Cambodia, or Cuba.

REPORTS TO CONGRESS ON DEBT RELIEF AGREEMENTS

Sec. 603.[13] (a)(1) [14] * * * [Repealed—1981]

(2) The Secretary of State shall transmit to such committees a copy of the text of any agreement with any foreign government which would result in any such debt relief no less than thirty days prior to its entry into force, together with a detailed justification of the interest of the United States in the proposed debt relief. The requirements of this paragraph shall not apply with respect to an agreement if a statutory requirement exists that the amount of the debt relief provided by the agreement may not exceed the amount approved for such purposes in advance in an appropriation Act.

(b) Section 4 of the Foreign Disaster Assistance Act of 1974 is repealed.

MISCELLANEOUS REPEALS

Sec. 604. Sections 302(d), 302(e), 302(f), 302(g), 302(h), 304, 494A, 495A, 618, 619, 637(a), 649, 651, 655, 656, 658, and 665, and chapters 6 and 7 of part I, of the Foreign Assistance Act of 1961 are repealed.

EFFECTIVE DATE

Sec. 605. The amendments made by this Act shall take effect on October 1, 1978.

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[11] 22 U.S.C. 2151 note.

[12] Uganda was struck from the section heading and from the list of countries in sec. 602 by Public Law 96-67 (93 Stat. 415).

[13] 22 U.S.C. 2395a.

[14] Par. (1), which had required that the Secretary of State keep several congressional committees informed of negotiations with foreign governments with respect to any cancellation, renegotiations, rescheduling, compromise, or other form of debt relief for any debt owed to the United States, was repealed by sec. 734(a)(5) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560.).

q. International Security Assistance Act of 1978

Partial text of Public Law 95-384 [S. 3075], 92 Stat. 730, approved September 26, 1978, as amended by Public Law 97-113 [S. 1196], 95 Stat. 1519 at 1560, approved December 29, 1981

NOTE.—Except for the provisions noted below, the International Security Assistance Act of 1978 consists of amendments to the Arms Export Control Act, the FA Act of 1961, the FA Act of 1974, the International Security Assistance Act of 1977, the International Security Assistance and Arms Export Control Act of 1976, the Mutual Security Act of 1954, the Foreign Military Sales Act Amendments, 1971, the Export Administration Act of 1969, and the Emergency Security Assistance Act of 1973.

AN ACT To amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to authorize international security assistance programs for fiscal year 1979, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "International Security Assistance Act of 1978".

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UNITED STATES POLICY REGARDING THE EASTERN MEDITERRANEAN

Sec. 13.[1] (a) Section 620(x) of the Foreign Assistance Act of 1961 shall be of no further force and effect upon the President's determination and certification to the Congress [2] that the resumption of full military cooperation with Turkey is in the national interest of the United States and in the interest of the North Atlantic Treaty Organization and that the Government of Turkey is acting in good faith to achieve a just and peaceful settlement of the Cyprus problem, the early peaceable return of refugees to their homes and properties, and continued removal of Turkish military troops from Cyprus in the context of a solution to the Cyprus problem, and the early serious resumption of inter-communal talks aimed at a just, negotiated settlement.

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[1] 22 U.S.C. 2370 note.

[2] Such determination and certification, dated Sept. 26, 1978, was submitted to the Congress.

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ARMS TRANSFER POLICY

Sec. 15. (a) * * *

(b)[3] * * * [Repealed—1981]

* * * * * * *

SPECIAL SECURITY ASSISTANCE PROGRAM FOR THE MODERNIZATION OF THE ARMED FORCES OF THE REPUBLIC OF KOREA

Sec. 23.[4] (a)(1) The President is authorized until December 31, 1982—

(A) to transfer, without reimbursement, to the Republic of Korea, only in conjunction with the withdrawal of the 2d Infantry Division and support forces from Korea, such United States Government-owned defense articles as he may determine which are located in Korea in the custody of units of the United States Army scheduled to depart from Korea; and

(B) to furnish to the Republic of Korea, without reimbursement, defense services (including technical and operational training) in Korea directly related to the United States Government-owned defense articles transferred to the Republic of Korea under this subsection.

(2) Any transfer under the authority of this section shall be made in accordance with all the terms and conditions of the Foreign Assistance Act of 1961 applicable to the furnishing of defense articles and defense services under chapter 2 of part II of that Act, except that no funds heretofore or hereafter appropriated under that Act shall be available to reimburse any agency of the United States Government for any such transfer or related services.

(b) In order that transfers of defense articles under subsection (a) will not cause significant adverse impact on the readiness of the Armed Forces of the United States, the President is authorized, in lieu of such transfers, to transfer additional defense articles from the stocks of the Department of Defense, wherever located, to the Republic of Korea to compensate for the military capability of defense articles withdrawn from Korea in any case where he determines that—

(1) the transfer of specific defense articles located in Korea would have a significant adverse impact on the readiness of the United States Armed Forces;

(2) the defense capability provided by those defense articles is needed by the Armed Forces of the Republic of Korea in order to maintain the military balance on the Korean peninsula; and

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[3] Subsec. (b), which had required a report from the President concerning multilateral discussions with other arms suppliers on the issue of restraining the flow of conventional arms to developing countries, was repealed by sec. 734(a)(12) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560). The President submitted this report to Congress on Dec. 28, 1979.

[4] 22 U.S.C. 2428b.

(3) a comparable defense capability could be provided by less advance defense articles in the stocks of the Department of Defense which could be transferred without significant adverse impact on the readiness of the United States Armed Forces.

The President shall report to the Congress each determination made under this subsection prior to the transfer of the defense articles described in such determination.

(c) The President shall transmit to the Congress, together with the presentation materials for security assistance programs proposed for each fiscal year through and including the fiscal year 1983, a report describing the types, quantities, and value of defense articles furnished or intended to be furnished to the Republic of Korea under this section.

(d)[5] * * * [Repealed—1981]

(e)(1) It is the sense of the Congress that further withdrawal of ground forces of the United States from the Republic of Korea may seriously risk upsetting the military balance in that region and requires full advance consultation with the Congress.

(2)[6] * * * [Repealed—1981]

UNITED STATES RELATIONS WITH THE SOVIET UNION

Sec. 24.[7] (a) The Congress finds and declares that a sound and stable relationship with the Soviet Union will help achieve the objectives of the Foreign Assistance Act of 1961 and the Arms Export Control Act, strengthen the security of the United States, and improve the prospects for world peace.

(b) Therefore, it is the sense of the Congress that the President, in cooperation with the Congress and knowledgeable members of the public, should make a full review of United States policy toward the Soviet Union. This review should cover, but not be limited to—

(1) an overall reevaluation of the objectives and priorities of the United States in its relations with the Soviet Union;

(2) the evolution of and sources of all bargaining power of the United States with respect to the Soviet Union and how that bargaining power might be enhanced;

(3) what linkages do exist and what linkages should or should not exist between various elements of United States-Soviet relations such as arms control negotiations, human rights issues, and economic and cultural exchanges;

(4) the policies of the United States toward human rights conditions in the Soviet Union and how improved Soviet respect for human rights might be more effectively achieved;

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[5] Subsec. (d), which had required a report from the President 120 days prior to each phase of troop withdrawal from Korea regarding the viability of such withdrawal, was repealed by sec. 734(a)(12) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560).

[6] Par. (2), which had required a report from the President prior to any future withdrawals of U.S. ground forces from Korea concerning a number of issues which might be affected by the withdrawal, was repealed by sec. 734(a)(12) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560).

[7] 22 U.S.C. 2151 note.

(5) the current status of strategic arms limitations talks and whether such talks should be continued in their present framework or terminated and renewed in some other forum;

(6) the current status of other arms control negotiations between the United States and the Soviet Union;

(7) the challenges posed by Soviet and Cuban involvement in developing countries and a study of appropriate policy responses and instruments to meet those challenges more effectively;

(8) the impact of our relations with the People's Republic of China on our relations with the Soviet Union;

(9) the impact of strategic parity on relations between the United States and the Soviet Union and on the ability of the United States to meet its obligation under the North Atlantic Treaty;

(10) United States economic, technological, scientific, and cultural relations with the Soviet Union and whether those relations are desirable and should be continued, expanded, restricted, or linked to other aspects of relations between the United States and the Soviet Union;

(11) the evolution of Soviet domestic politics and the relationship between Soviet domestic politics and its foreign policy behavior, expecially towards the United States; and

(12) what improvements should be made in the institutions and procedures of United States foreign policy in order to ensure a coherent and effective policy towards the Soviet Union.

(c)[8] * * * [Repealed—1981]

REPORT ON REVIEW OF ARMS SALES CONTROLS ON NON-LETHAL ITEMS

Sec. 25.[9] * * * [Repealed—1981]

UNITED STATES-REPUBLIC OF CHINA MUTUAL DEFENSE TREATY

Sec. 26.[7] (a) The Congress finds that—

(1) the continued security and stability of East Asia is a matter of major strategic interest to the United States;

(2) the United States and the Republic of China have for a period of twenty-four years been linked together by the Mutual Defense Treaty of 1954;

(3) the Republic of China has during that twenty-four-year period faithfully and continually carried out its duties and obligations under that treaty; and

(4) it is the responsibility of the Senate to give its advice and consent to treaties entered into by the United States.

(b) It is the sense of the Congress that there should be prior consultation between the Congress and the executive branch on any proposed policy changes affecting the continuation in force of the Mutual Defense Treaty of 1954.[10]

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[8] Subsec. (c), which had required a report from the President concerning his review of U.S. policy toward the Soviet Union as outlined in subsec. (b), was repealed by sec. 734(a)(12) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560). The President submitted this report on Jan. 4, 1979.

[9] Sec. 25, which had required a report from the President on a review of arms sales control on non-lethal items, was repealed by sec. 734(a)(12) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560). The President submitted this report to Congress on Jan. 26, 1979.

RHODESIA EMBARGO

Sec. 27.[11] * * * [Repealed—1981]

NEGOTIATIONS BETWEEN ISRAEL AND EGYPT

Sec. 28.[12] (a) The Congress finds that—

(1) a lasting settlement of the Arab-Israel conflict is vital to United States national interests as well as to the interests of the countries of the region;

(2) support for a strong and secure Israel and the maintenance for this purpose of Israel's effective defense capabilities as essential to peace remains a fundamental tenet of United States foreign policy;

(3) direct, face-to-face negotiations between Israel and Egypt without preconditions is a historic opening for peace, and the support of such negotiations by other moderate Arab countries, can best promote a peace settlement based on mutual concessions and accommodations;

(4) the establishment of secure, recognized, and defensible borders between Israel and its neighbors will discourage hostilities; and

(5) full, normalized relations between Israel and its Arab neighbors, including trade, travel, tourism, communications, and diplomatic relations are vital for peace.

(b) It is the sense of the Congress that the Government of the United States should continue to promote direct negotiations between Israel and Egypt and to encourage other Arab countries to enter into negotiations leading to peace treaties with Israel.

(c) It is further the sense of the Congress that the United States should be responsive to Israel's economic needs and defense requirements, including the provision of additional advanced aircraft, in order to maintain Israel's defense capability which is essential to peace.

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[10] Pursuant to article X of the treaty, the State Department on Dec. 23, 1978, delivered notice, effective Jan. 1, 1979, that the United States was terminating the treaty. Under article X, the treaty remained in force until Jan. 1, 1980.

[11] Sec. 27 was repealed by sec. 734(a)(12) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560). It formerly read as follows:

"Sec. 27. In furtherance of the foreign policy interests of the United States, the Government of the United States shall not enforce sanctions against Rhodesia after December 31, 1978, provided that the President determines that—

"(1) the Government of Rhodesia has demonstrated its willingness to negotiate in good faith at an all-parties conference, held under international auspices, on all relevant issues; and

"(2) a government has been installed, chosen by free elections in which all political and population groups have been allowed to participate freely, with observation by impartial, internationally-recognized observers."

[12] 22 U.S.C. 234a note.

SAVINGS PROVISION

Sec. 30.[13] Enactment of this Act shall not affect the authorizations of appropriations and limitations of authority applicable to the fiscal year 1978 which are contained in provisions of law amended by this Act (other than sections 31 (a), (b), and (d) of the Arms Export Control Act).

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[13] 22 U.S.C. 1754 note.

r. International Development and Food Assistance Act of 1977

Partial text of Public Law 95-88 [H.R. 6714], 91 Stat. 533, approved August 3, 1977, as amended by Public Law 96-53 [International Development Cooperation Act of 1979; H.R. 3324], 93 Stat. 359 at 366, approved August 14, 1979; Public Law 96-465 [Foreign Service Act of 1980; H.R. 6790], 94 Stat. 2071 at 2160, approved October 17, 1980; and by Public Law 97-113 [S. 1196], 95 Stat. 1519 at 1560, approved December 29, 1981

NOTE.—Except for the provisions noted below, the International Development and Food Assistance Act of 1977 consists of amendments to the FA Act of 1961 and the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480). For texts, see pages 14 and 701.

AN ACT To amend the Foreign Assistance Act of 1961 to authorize development assistance programs for fiscal year 1978, to amend the Agricultural Trade Development and Assistance Act of 1954 to make certain changes in the authorities of that Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "International Development and Food Assistance Act of 1977."

TITLE I—INTERNATIONAL DEVELOPMENT ASSISTANCE

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INSPECTOR GENERAL, FOREIGN ASSISTANCE

Sec. 124. (a)(1) * * *

(2)[1] * * * [Repealed—1981]

(b) Section 5315 of title 5, United States Code, is amended by repealing paragraphs (52) and (53).

(c) The amendments made by this section shall take effect on July 1, 1978.

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FUTURE UNITED STATES DEVELOPMENT ASSISTANCE

Sec. 131.[2] It is the sense of the Congress that the United States should increase substantially its assistance for self-help development among the world's poorest people. Such assistance should be provided in accordance with the general policies and principles of chapter 1 of part I of the Foreign Assistance Act of 1961, with particular emphasis on encouraging and supporting more equitable patterns of economic growth, especially in the poorest countries, and should be coordinated with similar expanded efforts by international organizations, donor nations, and the recipient countries themselves.

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[1] Par. (2), which concerned the duties and responsibilities of the Inspector General, Foreign Service, was repealed by sec. 2205(11) of the Foreign Service Act of 1980 (Public Law 96-465; 94 Stat. 2162).

[2] 22 U.S.C. 2151 note.

LIMITATION ON USE OF FUNDS; MISSING IN ACTION IN VIETNAM

Sec. 132.[3] * * * [Repealed—1981]

(b) The President shall continue to take all possible steps to obtain a final accounting of all Americans missing in action in Vietnam.

PLAN FOR INCREASED MINORITY BUSINESS PARTICIPATION IN FOREIGN ASSISTANCE ACTIVITIES

Sec. 133.[2] (a) The Administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 shall prepare and transmit to the Congress, not later than 30 days after the date of enactment of this Act, a detailed plan for the establishment of a section on minority business within such agency.

(b) Such plan shall include, but shall not be limited to—

(1) a description of where the section on minority business will be located in such agency's organizational structure and what relevant lines of authority will be established;

(2) a listing of the specific responsibilities that will be assigned to the section on minority business to enable it to increase, in a rational and effective manner, participation of minority business enterprises in activities funded by such agency;

(3) a design for a time-phase system for bringing about expanded minority business enterprise participation, including specific recommendations for percentage allocations of contracts by such agency to minority business enterprises;

(4) a proposed reporting system that will permit objective measuring of the degree of participation of minority business enterprises in comparison to the total activities funded by such agency;

(5) a detailed projection of the administrative budgetary impact of the establishment of the section on minority business; and

(6) a detailed set of objective criteria upon which determinations will be made as to the qualifications of minority business enterprises to receive contracts funded by such agency.

(c)[4] (1) Upon the enactment of the International Development Cooperation Act of 1979, the section on minority business established pursuant to subsection (a) shall be redesignated as the Minority Resource Center (hereafter in this section referred to as the "Center") which shall be responsible for increasing the participation of economically and socially disadvantaged business enterprises in contract, procurement, grant, and research and development activities funded by the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 (hereafter in this section referred to as the "agency").

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[3] Subsec. (a), which had prohibited assistance to or reparations for Cambodia, Vietnam, Laos, or Cuba for fiscal year 1978, was repealed by sec. 734(a)(6) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560).

[4] Subsec. (c) was added by sec. 123 of the International Development Cooperation Act of 1979 (Public Law 95-53; 93 Stat. 366). This amendment made by Public Law 96-53 became effective Aug. 16, 1979.

(2) The Center shall—

(A) establish, maintain, and disseminate information to, and otherwise serve as an information clearinghouse for, economically and socially disadvantaged business enterprises regarding business opportunities in development assistance programs funded by the agency;

(B) design and conduct programs to encourage, promote, and assist economically and socially disadvantaged business enterprises to secure direct contracts, host country contracts, operation expatriate contracts, indefinite quantity contracts, subcontracts, projects, grants, and research and development contracts in order for such enterprises to participate in such development assistance programs;

(C) conduct market research, planning, economic and business analyses, and feasibility studies to identify business opportunities in such development assistance programs;

(D) develop support mechanisms which will enable socially and economically disadvantaged businesses to take advantage of business opportunities in such development assistance programs; and

(E) enter into such contracts (to such extent or in such amounts as are provided in appropriation Acts), cooperative agreements, or other transactions as may be necessary in the conduct of its functions under this section.

(3) The Administrator of the agency and the Secretary of State shall provide the Center with such relevant information, including procurement schedules, bids, and specifications with respect to development assistance programs funded by the agency, as may be requested by the Center in connection with the performance of its functions under this section.

(4) There shall be a Director of the Center who shall be the chief executive officer of the Center. The Director shall be appointed by the Administrator of the agency.

(5)(A) For the purposes of this section, the term "economically and socially disadvantaged enterprise" means a business—

(i) which is at least 51 percent owned by one or more socially and economically disadvantaged individuals or, in the case of a publicly owned business, at least 51 percent of the stock of which is owned by one or more socially and economically disadvantaged individuals; and

(ii) whose management and daily business operations are controlled by one or more such individuals.

(B) Socially disadvantaged individuals are those who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities.

(C) Economically disadvantaged individuals are those socially disadvantaged individuals whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same business area who are not socially disadvantaged. In determining the degree of diminished credit and capital opportunities, the Administrator of the agency shall consider, but not be limited to, the assets and net worth of the socially disadvantaged individual.

(6)[5] * * * [Repealed—1981]

(7) Of the funds available to the agency for operating expenses, up to $950,000 for fiscal year 1980 may be allocated to the Center to carry out its functions under this section.

(8) If the Administrator of the agency determines that such a consolidation would significantly further the purposes of this section and would eliminate unnecessary duplication of activity, the Administrator may consolidate the Center with the Office of Small and Disadvantaged Business Utilization established in the agency by section 15(k) of the Small Business Act. Any such consolidation shall ensure that all the functions specified in paragraph (2) of this subsection continue to be carried out. Before implementing any such consolidation, the Administrator shall submit to the Congress a detailed report setting forth the reasons for the proposed consolidation.

TITLE II—FOOD FOR PEACE

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STUDY OF PAYMENTS OF OCEAN FREIGHT DIFFERENTIALS

Sec. 214.[6] * * * [Repealed—1981]

EFFECTIVE DATE

Sec. 215. The provisions of this title shall become effective October 1, 1977.

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[5] Par. (6), which had required an annual report concerning the activities of the Minority Resource Center, was repealed by sec. 734(a)(6) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560). This same information is now required by sec. 634(a)(11) of the Foreign Assistance Act of 1961.

[6] Sec. 214, which had required a report from the President on the payments of ocean freight differentials, was repealed by sec. 734(a)(6) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560).

s. International Security Assistance Act of 1977

Partial text of Public Law 95-92 [H.R. 6684], 91 Stat. 614, approved August 4, 1977, as amended by Public Law 95-384 [International Security Assistance Act of 1978; S. 3075], 92 Stat. 730 at 747, approved September 26, 1978; and by Public Law 97-113 [International Security and Development Cooperation Act of 1981; S. 1196], 95 Stat. 1519 at 1560, approved December 29, 1981

> NOTE.—Except for the provisions noted below, the International Security Assistance Act of 1977 consists of amendments to the Arms Export Control Act and the FA Act of 1961.

AN ACT To amend the Foreign Assistance Act of 1961 to authorize international security assistance programs for fiscal year 1978, to amend the Arms Export Control Act to make certain changes in the authorities of that Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1.[1] This Act may be cited as the "International Security Assistance Act of 1977".

* * * * * * *

SECURITY SUPPORTING ASSISTANCE PROGRAM FOR EGYPT

Sec. 9.[2] It is the sense of the Congress that the security supporting assistance program for Egypt plays an important role in the Middle East peace effort and that the Executive branch should concentrate its efforts in order to make the program a success.

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PROHIBITION ON ASSISTANCE FOR NUCLEAR POWERPLANTS

Sec. 14.[3] * * *

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[1] 22 U.S.C. 2151 note.

[2] 22 U.S.C. 2346 note. Sec. 29(c)(2) of the International Security Assistance Act of 1978 (92 Stat. 747) repealed subsecs. (b) through (e) of sec. 9. These subsections concerned the creation and activities of a Special Interagency Task Force to review the U.S. security supporting assistance program for Egypt.

[3] Sec. 14, which had prohibited the use of funds made available under the Foreign Assistance Act of 1961 during fiscal year 1978 to finance the construction of, the operation or maintenance of, or the supply of fuel for, any nuclear powerplant under an agreement for cooperation between the U.S. and any other country, was repealed by Sec. 734(a)(13) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560).

FISCAL YEAR 1977 AUTHORIZATIONS AND LIMITATIONS

Sec. 21.[4] Authorizations of appropriations and limitations of authority applicable to the fiscal year 1977 contained in provisions of law amended by this Act shall not be affected by enactment of this Act.

ASSISTANCE AND SALES TO GREECE AND TURKEY

Sec. 22.[5] * * * [Repealed—1981]

ARMS SALES AND UNITED STATES DEFENSE READINESS

Sec. 23.[6] * * * [Repealed—1978]

STUDY OF TECHNOLOGY TRANSFERS

Sec. 24.[7] (a) The President shall conduct a comprehensive study of the policies and practices of the United States Government with respect to the national security and military implications of international transfers of technology in order to determine whether such policies and practices should be changed. Such study shall examine—

(1) the nature of technology transfer;

(2) the effect of technology transfers on United States technological superiority;

(3) the rationale for transfers of technology from the United States to foreign countries;

(4) the benefits and risks of such transfers;

(5) trends in technology transfers by the United States and other countries;

(6) the need for controls on transfers of technology, including controls on the use of transferred technology, the effectiveness of existing end-use controls, and possible unilateral sanctions if end-use restrictions are violated;

(7) the effectiveness of existing organizational arrangements in the Executive branch in regulating technology transfers from the United States;

(8) the adequacy of existing legislation and regulations with respect to transfers of technology from the United States; and

(9) the possibilities for international agreements with respect to transfers of technology.

(b) In conducting the study required by subsection (a), the President shall utilize the resources and expertise of the Arms Control and Disarmament Agency, the Department of State, the Department of Defense, the Department of Commerce, the National Science Foundation, the Office of Science and Technology Policy, and such other entities within the Executive branch as he deems necessary.

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[4] 22 U.S.C. 2151 note.

[5] Sec. 22, which set out certain conditions for assistance and sales to Greece and Turkey during fiscal year 1978, was repealed by sec. 734(a)(13) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560).

[6] Sec. 23, which had required a report to Congress on the impact of U.S. foreign arms sales and transfers on U.S. defense readiness and national security, was repealed by sec. 29(c)(2) of the International Security Assistance Act of 1978 (92 Stat. 747).

[7] 22 U.S.C. 2751 note.

(c)[8] * * * [Repealed—1981]

POLICY ON ZAIRE

Sec. 25.[9] * * * [Repealed—1981]

POLICY STATEMENT ON UNITED STATES ARMS SALES TO ISRAEL

Sec. 26.[7] In accordance with the historic special relationship between the United States and Israel and previous agreements and continuing understandings, the Congress joins with the President in reaffirming that a policy of restraint in United States arms transfers, including arms sales ceilings, shall not impair Israel's deterrent strength or undermine the military balance in the Middle East.

REVIEW OF ARMS SALES CONTROLS ON NON-LETHAL ITEMS

Sec. 27.[7] The President shall undertake a review of all regulations relating to arms control for the purpose of defining and categorizing lethal and non-lethal products and establishing the appropriate level of control for each category.

REPUBLIC OF KOREA

Sec. 28. (a)(1) It is the sense of the Congress that the President should take all effective measures to assure that the Republic of Korea is cooperating fully with the investigation (including any resulting prosecutions) being conducted by the Department of Justice with respect to allegations of improper activity in the United States by agents of the Republic of Korea.

(2)[10] * * * [Repealed—1981]

(b) It is the further sense of the Congress that the President should take all effective measures to assure that the Republic of Korea is cooperating fully with the investigations being conducted by committees of Congress.

PIASTER CONVERSION

Sec. 29.[11] No provision of law shall be construed to prevent payment of claims of former and present Vietnamese employees of the Agency for International Development, who presently reside in the United States, for the conversion of Vietnamese piasters to dollars because such conversion cannot take place in the territory of the former Republic of Vietnam or because the official with whom such piasters were deposited was not a United States disbursing officer.

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[8] Subsec. (c), which had required a report from the President regarding the findings made and conclusions reached as a result of the study conducted pursuant to subsec. (a), was repealed by sec. 734(a)(13) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560). The President submitted this report to Congress on Aug. 21, 1978.

[9] Sec. 25, which had prohibited U.S. aid for Zaire during fiscal year 1978 supporting any military or paramilitary operations in Zaire (unless the President determined that such assistance would be in the U.S. national security interests), was repealed by sec. 734(a)(13) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560).

[10] Par. (2), which required a report every 90 days from the President regarding the extent to which Korea was cooperating with the investigation being conducted by the Department of Justice, was repealed by sec. 734(a)(13) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560).

[11] 22 U.S.C. 2431 note.

t. International Security Assistance and Arms Export Control Act of 1976

Partial text of Public Law 94-329 [H.R. 13680], 90 Stat. 729, approved June 30, 1976, as amended by Public Law 95-384 [International Security Assistance Act of 1978; S. 3075], 92 Stat. 730 at 735, 737, and 747, approved September 26, 1978; Public Law 96-533 [International Security and Development Cooperation Act of 1980; H.R. 6942], 94 Stat. 3131 at 3141, approved December 16, 1980; and by Public Law 97-113 [International Security and Development Cooperation Act of 1981; S. 1196], 95 Stat. 1519 at 1554 and 1560, approved December 29, 1981

NOTE.—Except for the provisions noted below, the International Security Assistance and Arms Export Control Act of 1976 consists of amendments to the FA Act of 1961, FA Act of 1973, the Foreign Military Sales Act, the Foreign Military Sales Act Amendments, 1971, and the Mutual Security Act of 1954.

AN ACT To amend the Foreign Assistance Act of 1961 and the Foreign Military Sales Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "International Security Assistance and Arms Export Control Act of 1976".

* * * * * * *

INTERNATIONAL MILITARY EDUCATION AND TRAINING

Sec. 106. (a) * * *

(b) * * *

(c) [1] Except as may be expressly provided to the contrary in this Act, all determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken, or entered into under authority of any provision of law amended or repealed by this section shall continue in full force and effect until modified, revoked, or superseded by appropriate authority.

(d) [2] Funds made available pursuant to other provisions of law for foreign military educational and training activities shall remain available for obligation and expenditure for their original purposes in accordance with the provisions of law originally applicable to those purposes or in accordance with the provisions of law currently applicable to those purposes.

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[1] 22 U.S.C. 2321a note.

[2] 22 U.S.C. 2347 note.

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ARMS SALES POLICY

Sec. 201. (a) * * *

(b) Any reference to the Foreign Military Sales Act shall be deemed to be a reference to the Arms Export Control Act.

Sec. 202. (a) * * *

(b) [3] * * * [Repealed—1978]

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CONTROL OF LICENSES WITH RESPECT TO ARMS EXPORTS AND IMPORTS

Sec. 212. (a) * * *

(b)(1) Section 414 of the Mutual Security Act of 1954 is repealed. Any reference to such section shall be deemed to be a reference to section 38 of the Arms Export Control Act [4] and any reference to licenses issued under section 38 of the Arms Export Control Act 4 shall be deemed to include a reference to licenses issued under section 414 of the Mutual Security Act of 1954.

(2) All determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken, or entered into under section 414 of the Mutual Security Act of 1954 shall continue in full force and effect until modified, revoked, or superseded by appropriate authority.

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REPORT ON SALES OF EXCESS DEFENSE ARTICLES

Sec. 217.[5] * * * [Repealed—1978]

STUDY OF THE EFFECTS OF ARMS EXPORT CONTROL PROVISIONS

Sec. 218.[5] * * * [Repealed—1978]

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LIMITATION ON CERTAIN ASSISTANCE TO AND ACTIVITIES IN ANGOLA

Sec. 404.[6] * * * [Repealed—1980]

SOVIET INTERVENTION IN ANGOLA

Sec. 405.[6] The Congress views the large-scale and continuing Soviet intervention in Angola, including active sponsorship and support of Cuban armed forces in Angola, as being completely inconsistent with any reasonably defined policy of détente, as well as with Articles 1 and 2 of the United Nations Charter, the principle of noninterference in the affairs of other countries agreed to at Helsinki in 1975, and with the spirit of recent bilateral agreements between the United States and the Union of Soviet Socialist Republics. Such intervention should be taken explicitly into account in United States foreign policy planning and negotiations.

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[3] Sec. 202. (b), which had required a study by the President regarding U.S. arms sales policies and practices, was repealed by sec. 29(c)(1)(A) of the International Security Assistance Act of 1978 (92 Stat. 747).

[4] For text, see page 277.

[5] Secs. 217 and 218 were repealed by sec. 29(c)(1) of the International Security Assistance Act of 1978 (92 Stat. 747).

[6] Sec. 404 was repealed by sec. 118(e) of the International Security and Development Cooperation Act of 1980 (Public Law 96–533; 94 Stat. 3141). See sec. 118 of Public Law 96–533 for current text of restrictions concerning U.S. assistance to Angola.

LIMITATIONS ON ECONOMIC ASSISTANCE, MILITARY ASSISTANCE, SALES, AND SALES CREDITS FOR CHILE

Sec. 406.[7] * * * [Repealed—1981]

CONTROL OF MILITARY FORCES IN THE INDIAN OCEAN

Sec. 407.[8] It is the sense of Congress that the President should undertake to enter into negotiations with the Soviet Union intended to achieve an agreement limiting the deployment of naval, air, and land forces of the Soviet Union and the United States in the Indian Ocean and littoral countries. Such negotiations should be convened as soon as possible and should consider, among other things, limitations with respect to—

(1) the establishment or use of facilities for naval, air, or land forces in the Indian Ocean and littoral countries;

(2) the number of naval vessels which may be deployed in the Indian Ocean, or the number of "shipdays" allowed therein; and

(3) the type and number of military forces and facilities allowed therein.

(b)[9] * * * [Repealed—1978]

UNITED STATES CITIZENS IMPRISONED IN MEXICO

Sec. 408.[10] (a) The Congress, while sharing the concern of the President over the urgent need for international cooperation to restrict traffic in dangerous drugs, is convinced that such efforts must be consistent with respect for fundamental human rights. The Congress, therefore, calls upon the President to take steps to insure that United States efforts to secure stringent international law enforcement measures are combined with efforts to secure fair and humane treatment for citizens of all countries.

(b) The Congress requests that the President communicate directly to the President and Government of the Republic of Mexico, a nation with which we have friendly and cooperative relations, the continuing desire of the United States for such relations between our two countries and the concern of the United States over treatment of United States citizens arrested in Mexico.

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[7] Sec. 406, which had prohibited military assistance, sales, the issuance of export licenses under the Arms Export Control Act, Economic Support Fund aid, and peacekeeping programs for Chile and had placed conditions and limitations on economic assistance for Chile during the transition quarter and fiscal year 1977, was repealed by sec. 726(a) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1554). While sec. 726 lifted this prohibition, it also imposed certain conditions and restrictions on future U.S. aid to Chile. See text of sec. 726.

[8] 22 U.S.C. 2151 note.

[9] Subsec. (b), which had required a report from the President concerning the steps he had taken to carry out the provisions of section 407, was repealed by sec. 29(c)(1)(D) of the International Security Assistance Act of 1978 (92 Stat. 747).

[10] 22 U.S.C. 2291 note.

(2) [11] * * * [Repealed—1978]

EMERGENCY FOOD NEEDS OF PORTUGAL

Sec. 409.[12] It is the sense of the Congress that the President should undertake immediately an evaluation of the emergency food needs of Portugal. It is further the sense of the Congress that the President should take timely action to alleviate such emergency by providing Portugal with food commodities under the provisions of pertinent statutes.

STRIFE IN LEBANON

Sec. 410.[13] It is the sense of the Congress that the situation in Labanon, a nation traditionally friendly to the United States, poses a danger to peace in the Middle East. The Congress deplores the armed civil strife and continuing erosion of national institutions which threaten to destroy the political and economic fabric of Lebanon with such tragic impact on all its people. The Congress views with grave concern any outside efforts to exploit the current strife with the purpose of transforming Lebanon into a radical state in confrontation with Israel. The Congress requests that the President use his good offices to secure an end to the civil strife and national discord in Lebanon and to preserve the traditional friendly attitude of Lebanon toward the United States.

* * * * * * *

KOREA

Sec. 412.[14] The Congress views with distress the erosion of important civil liberties in the Republic of Korea and requests that the President communicate this concern in forceful terms to the Government of the Republic of Korea within sixty days after enactment.

REPEAL OF INDOCHINA ASSISTANCE

Sec. 413. (a) Part V of the Foreign Assistance Act of 1961 and sections 34, 35, 36, 37, 38, 39, and 40 of the Foreign Assistance Act of 1974 are repealed. All determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken, or entered into under authority of any provision of law repealed by this section shall continue in full force and effect until modified, revoked, or superseded by appropriate authority.

(b) Subject to the availability of appropriations therefore, the President is authorized to adopt as a contract of the United States Government, and assume any liabilities arising thereunder (in whole or in part), any contract which had been funded or approved for funding by the Agency for International Development prior to June 30, 1975, for financing with funds made available under the Foreign Assistance Act of 1961 or the Foreign Assistance Act of 1974, or any equitable claim based upon a letter of intent issued prior to April 30, 1975, in which the Agency had expressed its intention to finance a transaction subject to the availability of funds, between the former Governments of Vietnam or Cambodia (including any of their agencies) or the Government of Laos (or any of its agencies) and any person and to apply with respect to any such contract the authorities of the Foreign Assistance Act of 1961.

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[11] Par. (2), which had required periodic reports from the Secretary of State concerning progress toward full respect for human and legal rights of U.S. citizens detained in Mexico, was repealed by sec. 29(b) of the International Security Assistance Act of 1978 (92 Stat. 747).

[12] 22 U.S.C. 2293 note.

[13] 22 U.S.C. 2441 note.

[14] 22 U.S.C. 2428 note.

(c) Funds made available for the purposes of part V of the Foreign Assistance Act of 1961 and of section 36 of the Foreign Assistance Act of 1974 (including amounts certified pursuant to section 1311 of the Supplemental Appropriation Act, 1955 (31 U.S.C. 200), as having been obligated against appropriations heretofore made) are authorized to be appropriated, and thereafter, to remain available until expended, to meet necessary expenses arising from the actions authorized by subsection (b) of this section and such funds are authorized to remain available until expended to meet necessary expenses arising from the termination of assistance programs authorized by such part and such section 36, which expenses may include but need not be limited to the settlement of claims and associated personnel costs

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INTERIM QUARTER AUTHORIZATIONS

Sec. 506.[15] (a) Any authorization of appropriations in this Act, or in any amendment to any other law made by this Act, for the fiscal year 1976, shall be deemed to include an additional authorization of appropriations for the period beginning July 1, 1976, and ending September 30, 1976, in amounts which equal one-fourth of any amount authorized for the fiscal year 1976 and in accordance with the authorities applicable to operations and activities authorized under this Act or such other law, unless appropriations for the same purpose are specifically authorized in a law hereinafter enacted.

(b) The aggregate total of credits, including participations in credits, extended pursuant to the Arms Export Control Act and of the principal amount of loans guaranteed pursuant to section 24(a) of such Act during the period beginning July 1, 1976, and ending September 30, 1976, may not exceed an amount equal to one-fourth of the amount authorized by section 31(b) of such Act to be extended and guaranteed for the fiscal year 1976.

BASE AGREEMENTS WITH SPAIN, GREECE, AND TURKEY

Sec. 507.[16] * * * [Repealed—1981]

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[15] 22 U.S.C. 2162 note.

[16] Sec. 507, which had authorized the appropriation of "such sums as may be necessary for the fiscal year 1977" to carry out base agreements with Spain, Greece, and Turkey, was repealed by sec. 734(a)(14) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560).

TITLE VI—MISCELLANEOUS PROVISIONS

EXPEDITED PROCEDURE IN THE SENATE

Sec. 601. (a)(1) The provisions of subsection (b) of this section shall apply with respect to the consideration in the Senate of any resolution required by law to be considered in accordance with such provisions.

(2) Any such law shall—

(A) state whether the term "resolution" as used in subsection (b) of this section, means, for the purposes of such law—

(i) a joint resolution; or

(ii) a resolution of either House of Congress;

(iii) a concurrent resolution; and

(B) specify the certification to which such resolution shall apply.

(b)(1) For purposes of any such law, the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the period indicated.

(2) Paragraphs (3) and (4) of this subsection are enacted—

(A) as an exercise of the rulemaking power of the Senate and as such they are deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of resolutions described by subsection (a)(1) of this section; and they supersede other rules of the Senate only to the extent that they are inconsistent therewith; and

(B) with full recognition of the constitutional right of the Senate to change such rules at any time, in the same manner and to the same extent as in the case of any other rule of the Senate.

(3)(A) If the committee of the Senate to which has been referred a resolution relating to a certification has not reported such resolution at the end of ten calendar days after its introduction, not counting any day which is excluded under paragraph (1) of this subsection, it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution introduced with respect to the same certification which has been referred to the committee, except that no motion to discharge shall be in order after the committee has reported a resolution with respect to the same certification.

(B) A motion to discharge under subparagraph (A) of this paragraph may be made only by a Senator favoring the resolution, is privileged, and debate thereon shall be limited to not more than 1 hour, to be divided equally between those favoring and those opposing the resolution, the time to be divided equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(4)(A) A motion in the Senate to proceed to the consideration of a resolution shall be privileged. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(B) Debate in the Senate on a resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(C) Debate in the Senate on any debatable motion or appeal in connection with a resolution shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the resolution, except that in the event the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(D) A motion in the Senate to further limit debate on a resolution, debatable motion, or appeal is not debatable. No amendment to, or motion to recommit, a resolution is in order in the Senate.

PROCUREMENTS FROM SMALL BUSINESSES

Sec. 602. In order to encourage procurements from small business concerns under chapter 4 of the Foreign Assistance Act of 1961, the Administrator of the Agency for International Development shall report to the Congress every six months on the extent to which small businesses have participated in procurements under such chapter and on what efforts the Agency has made to foster such procurements from small business concerns. The Small Business Administration shall lend all available assistance to the Agency for the purpose of carrying out this section.[17]

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USE OF PERSONNEL

Sec. 605.[18] (a) Nothing in this Act is intended to authorize any additional military or civilian personnel for the Department of Defense for the purposes of this Act, the Foreign Assistance Act of 1961, or the Arms Export Control Act. Personnel levels authorized in statutes authorizing appropriations for military and civilian personnel of the Department of Defense shall be controlling over all military and civilian personnel of the Department of Defense assigned to carry out functions under the Arms Export Control Act and the Foreign Assistance Act of 1961.

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[17] The responsibilities vested to the Administrator of AID under this section were transferred to the Director of IDCA, pursuant to sec. 6 of Reorganization Plan No. 2 of 1979 (establishing IDCA).

[18] 22 U.S.C. 2751 note.

EXTORTION AND ILLEGAL PAYMENTS

Sec. 607.[19] Within 60 days after receiving information which substantiates that officials of a foreign country receiving international security assistance have (1) received illegal or otherwise improper payments from a United States corporation in return for a contract to purchase defense articles or services from such corporation, or (2) extorted, or attempted to extort, money or other things of value in return for actions by officials of that country that permit a United States citizen or corporation to conduct business in that country, the President shall submit to Congress a report outlining the circumstances of such payment or extortion. The report shall contain a recommendation from the President as to whether the United States should continue a security assistance program for that country.

EXTENSION OF AIRPORT AT PINECREEK, MINNESOTA

Sec. 608. The consent of Congress is hereby granted for the State of Minnesota or a subdivision or instrumentality thereof to enter into an agreement with the Government of Canada, a Canadian Province, or a subdivision or instrumentality of either, providing for the extension of the Pinecreek Airport at Pinecreek, Minnesota, into the Province of Manitoba, Canada, and the operation of the airport by a joint Canadian-American airport authority. The effectiveness of such agreement shall be conditioned on its approval by the Secretary of State.

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[19] 22 U.S.C. 2394a.

u. International Development and Food Assistance Act of 1975

Partial Text of Public Law 94-161 [H.R. 9005], 89 Stat. 849, approved December 20, 1975 as amended by Public Law 97-113 [S. 1196], 95 Stat. 1519 at 1560, approved December 29, 1981

NOTE.—Except for the provisions noted below, the International Development and Food Assistance Act of 1975 consists of amendments to the FA Act of 1961, the FA Act of 1974, and the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480).

AN ACT To authorize assistance for disaster relief and rehabilitation, to provide for overseas distribution and production of agricultural commodities, to amend the Foreign Assistance Act of 1961, and other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "International Development and Food Assistance Act of 1975".

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REPORT REGARDING IMPLEMENTATION OF RECOMMENDATIONS OF WORLD FOOD CONFERENCE

Sec. 213.[1] * * * [Repealed—1981]

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LIMITATION ON ASSISTANCE TO CHILE

Sec. 320. Notwithstanding any other provision of law, the total amount of economic assistance (including but not limited to housing guaranties and sales under title I of the Agricultural Trade Development and Assistance Act of 1954) that may be made available to Chile may not exceed $90,000,000 during the fiscal year 1976.

SETTLEMENT OF DEBT OWED THE UNITED STATES

Sec. 321.[2] No debt owed to the United States by any foreign country with respect to the payment of any loan made under any program funded under this Act may be settled in an amount less than the full amount of such debt unless the Congress by concurrent resolution approves of such settlement.

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[1] Sec. 213, which had required a report from the President on steps he had taken to carry out the recommendations of the World Food Conference, was repealed by sec. 734(a)(7) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560). The President submitted this report to Congress on Nov. 1, 1976.

[2] 22 U.S.C. 2220a note.

PARTICIPATION BY OTHER COUNTRIES IN PROVIDING ASSISTANCE TO ISRAEL OR EGYPT

Sec. 322. It is the sense of the Senate that the President should attempt to negotiate an equitable share of participation by the countries of Western Europe, Japan, and the United Nations in providing assistance to Israel or Egypt.

v. Foreign Assistance Act of 1974

Partial text of Public Law 93-559 [S. 3394], 88 Stat. 1795, approved December 30, 1974, as amended by Public Law 94-329 [International Security Assistance and Arms Export Control Act of 1976; H.R. 13680], 90 Stat. 729 at 761, approved June 30, 1976; and by Public Law 97-113 [S. 1196], 95 Stat. 1519 at 1560, approved December 29, 1981

> NOTE.—Except for the provisions noted below, the FA Act of 1974 consists of amendments to the FA Act of 1961, the Foreign Military Sales Act, and the 1971 Act to amend the FMS Act.

AN ACT To amend the Foreign Assistance Act of 1961, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Foreign Assistance Act of 1974".

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CEILING ON FERTILIZERS TO SOUTH VIETNAM

Sec. 3.[1] * * * [Repealed—1981]

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REVIEW OF MILITARY ASSISTANCE PROGRAM

Sec. 17.[2] * * * [Repealed—1978]

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LIMITATION UPON ASSISTANCE TO OR FOR CHILE

Sec. 25.[3] * * * [Repealed—1981]

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[1] Sec. 3, which had prohibited the use of funds during fiscal year 1975 to procure agricultural fertilizers for South Vietnam and set a ceiling for the procurement of such fertilizers in future years for South Vietnam, was repealed by sec. 734(a)(8) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560).

[2] Sec. 17 was repealed by sec. 29(c)(4) of the International Security Assistance Act of 1978 (Public Law 95-384; 92 Stat. 747).

[3] Sec. 25, which had limited assistance to Chile during fiscal year 1975 to $25,000,000 (which could not include military aid or security supporting assistance), was repealed by sec. 734(a)(8) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560).

LIMITATION ON MILITARY ASSISTANCE AND EXCESS DEFENSE ARTICLES TO KOREA

Sec. 26.[4] * * * [Repealed—1981]

LIMITATION ON ASSISTANCE FOR INDIA

Sec. 27.[5] * * * [Repealed—1981]

FAMINE OR DISASTER RELIEF

Sec. 28.[6] (a) * * *

(b) Of the funds appropriated to carry out section 639 of the Foreign Assistance Act of 1961, during fiscal year 1975 not less than $25,000,000 shall be made available to Cyprus for the purposes of such section 639.

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Sec. 34.[7] * * * [Repealed—1976]
Sec. 35.[7] * * * [Repealed—1976]
Sec. 36.[7] * * * [Repealed—1976]
Sec. 37.[7] * * * [Repealed—1976]
Sec. 38.[7] * * * [Repealed—1976]
Sec. 39.[7] * * * [Repealed—1976]
Sec. 40.[7] * * * [Repealed—1976]

NUCLEAR POWERPLANTS

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Sec. 43.[8] * * * [Repealed—1981]

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GORGAS MEMORIAL INSTITUTE

Sec. 47.[9] The first section of the Act entitled "An Act to authorize a permanent annual appropriation for the maintenance and operation of the Gorgas Memorial", approved May 7, 1928, is amended by striking out "$500,000" and inserting "$2,000,000" in lieu thereof.

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[4] Sec. 26, which had set a ceiling of $145,000,000 in military assistance and $165,000,000 in excess defense articles for Korea during fiscal year 1975, was repealed by sec. 734(a)(8) of the International Security and Development Cooperation Act of 1981 (Public Law 97-118; 95 Stat. 1560).

[5] Sec. 27, which had set a limit of $50,000,000 in economic and military assistance for India during fiscal year 1975, was repealed by sec. 734(a)(8) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560).

[6] 22 U.S.C. 2399 note.

[7] Secs. 34, 35, 36, 37, 38, 39, and 40, all relating to U.S. Policy in Indochina, were repealed by sec. 413(a) of the International Security Assistance and Arms Export Control Act of 1976. For complete text of sec. 413.

[8] Sec. 43, which had prohibited the use of funds authorized by this Act from supporting the construction, operation, maintenance, or the supply of fuel for any nuclear powerplant in Israel or Egypt, was repealed by sec. 734(a)(8) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560).

[9] 22 U.S.C. 278.

INTERNATIONAL COMMISSION OF CONTROL AND SUPERVISION IN VIETNAM

Sec. 48.[10] (a) There are authorized to be appropriated to the Department of State for fiscal year 1975 not to exceed $16,526,000 for payments by the United States to help meet expenses of the International Commission of Control and Supervision in Vietnam. Funds appropriated under this subsection are authorized to be made available for reimbursement to the Agency for International Development of amounts expended by the Agency during fiscal year 1975 as interim United States payments to help meet expenses of the International Commission of Control and Supervision.

(b) There are authorized to be appropriated to the Department of State not to exceed $11,200,000 for reimbursement to the Agency for International Development of amounts expended by the Agency for International Development to help meet expenses of the International Commission on Control and Supervision in fiscal year 1974.

(c) Reimbursements received by the Agency for International Development under this section may be credited to applicable appropriations of the Agency and shall be available for the purposes for which such appropriations are authorized to be used during fiscal year 1975.

POLICY ON ASSISTANCE TO AFRICA

Sec. 49.[11] * * * [Repealed—1981]

POLICY ON THE INDEPENDENCE OF ANGOLA, MOZAMBIQUE, AND GUINEA-BISSAU

Sec. 50.[12] (a)(1) Congress finds that the Government of Portugal's recognition of the right to independence of the African territories of Angola, Mozambique, and Guinea-Bissau marks a significant advance toward the goal of self-determination for all the peoples of Africa, without which peace on the continent is not secure.

(2) Congress finds that progress toward independence for the Portuguese African territories will have a significant impact on the international organizations and the community of nations.

(3) Congress commends the Portuguese Government's initiatives on these fronts as evidence of a reaffirmation of that Government's support for her obligations under both the United Nations Charter and the North Atlantic Treaty Organizations.

(b) Therefore, Congress calls upon the President and the Secretary of State to take the following actions designed to make clear United States support for a peaceful and orderly transition to independence in the Portuguese African territories:

(1) An official statement should be issued of United States support for the independence of Angola, Mozambique, and

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[10] 22 U.S.C. 2431 note.

[11] Sec. 49, which had required a report from the President on action taken to provide the developing countries of Africa with an equitable share of U.S. economic assistance, was repealed by sec. 734(a)(8) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560).

[12] 22 U.S.C. 2166 note.

Guinea-Bissau, and of our desire to have good relations with the future governments of the countries.

(2) It should be made clear to the Government of Portugal that we view the efforts toward a peaceful and just settlement of the conflict in the African territories as consistent with Portugal's obligations under the North Atlantic Treaty Organization partnership.

(3) The United States should encourage United Nations support for a peaceful transition to independence, negotiated settlement of all differences, and the protection of human rights of all citizens of the three territories.

(4) The United States should open a dialog with potential leaders of Angola, Mozambique, and Guinea-Bissau and assure them of our commitment to their genuine political and economic independence.

(5) The economic development needs of the three territories will be immense when independence is achieved. Therefore, it is urged that the United States Agency for International Development devote attention to assessing the economic situation in Angola, Mozambique, and Guinea-Bissau and be ready to cooperate with the future governments in providing the kind of assistance that will help make their independence viable. In addition, the United States Government should take the initiative among other donors, both bilaterial and multilateral, in seeking significant contribution of development assistance for the three territories.

(6) In light of the need of Angola, Mozambique, and Guinea-Bissau for skilled and educated manpower, a priority consideration should be given to expanding current United States programs of educational assistance to the territories as a timely and substantive contribution to their independence.

(c)[13] * * * [Repealed—1981]

CONVENTIONAL ARMS TRADE

Sec. 51.[14] (a) It is the sense of the Congress that the recent growth in international transfers of conventional arms to developing nations—

(1) is a cause for grave concern for the United States and other nations in that in particular areas of the world it increases the danger of potential violence among nations, and diverts scarce world resources from more peaceful uses; and

(2) could be controlled progressively through negotiations and agreements among supplier and recipient nations.

(b) Therefore, the President is urged to propose to the Geneva Conference of the Committee on Disarmament that it consider as a high priority agenda item discussions among participating nations of that Conference for the purposes of—

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[13] Subsec. (c), which had required a report from the President on the implementation of the proposals outlined in subsec. (b), was repealed by sec. 734(a)(8) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560). The President submitted this report to Congress on June 4, 1975.

[14] 22 U.S.C. 2551 note.

(1) agreeing to workable limitations on conventional arms transfers; and

(2) establishing a mechanism through which such limitations could be effectively monitored.

(c)[15] * * * [Repealed—1981]

INVOLVEMENT OF PUERTO RICO IN THE CARIBBEAN DEVELOPMENT BANK

Sec. 52. (a) The President may transmit to the Caribbean Development Bank an instrument stating that the Commonwealth of Puerto Rico has the authority to conclude an agreement of accession with such Bank and to assume rights and obligations pursuant to such agreement. However, such agreement may only be concluded after it has been approved by the United States Secretary of State.

(b) The instrument transmitted by the President to the Caribbean Development Bank under subsection (a) shall state that the United States shall not assume any financial or other responsibility for the performance of any obligation incurred by the Commonwealth of Puerto Rico pursuant to such agreement of accession or pursuant to any other aspect of its membership or participation in such Bank.

(c) Such agreement of accession shall provide that the Commonwealth of Puerto Rico may not receive from the Caribbean Development Bank any funds provided to the Bank by the United States.

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POLICY WITH RESPECT TO COUNTRIES MOST SERIOUSLY AFFECTED BY FOOD SHORTAGES

Sec. 55.[16] (a) The United Nations has designated thirty-two countries as "Most Seriously Affected" by the current economics crisis. These are countries without the internal food production capability or the foreign exchange availability to secure food to meet their immediate food requirements. The Congress calls upon the President and Secretary of State to take the following actions designed to mobilize appropriate resources to meet the food emergency:

(1) Review and make appropriate adjustments in the level of programming of our food and fertilizer assistance programs with the aim of increasing to the maximum extent feasible the volume of food and fertilizer available to those countries most seriously affected by current food shortages.

(2) Call upon all traditional and potential new donors of food, fertilizer, or the means financing these commodities to immediately increase their participation in efforts to address the emergency food needs of the developing world.

(3) Make available to these most seriously affected countries the maximum feasible volume of food commodities, with appro-

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[15] Subsec. (c), which had required a report from the President on steps he has taken to carry out this section, was repealed by sec. 734(a)(8) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560). The President submitted this report on June 30, 1975.

[16] 22 U.S.C. 2175 note.

priate regard to the current domestic price and supply situations.

(4) Maintain regular and full consultation with the appropriate committees of the Congress and report to the Congress and the Nation on steps which are being taken to help meet this food emergency. In accordance with this provision, the President shall report to the Congress on a global assessment of food needs for fiscal year 1975, specifying expected food grain deficits and currently planned programming of food assistance, and steps which are being taken to encourage other countries to increase their participation in food assistance or the financing of food assistance. Such report should reach the Congress promptly and should be supplemented quarterly for the remainder of fiscal year 1975.

(5) The Congress directs that during the fiscal year ending June 30, 1975, not more than 30 percent of concessional food aid should be allocated to countries other than those which are most seriously affected by current food shortages, unless the President demonstrates to the appropriate Committees of the Congress that use of such food assistance is solely for humanitarian food purposes.

(6) The Congress calls upon the President to proceed with the implementation of resolutions and recommendations adopted by the World Food Conference. The Congress believes that it is incumbent upon the United States to take a leading role in assisting in the development of a viable and coherent world food policy which would begin the task of alleviating widespread hunger and suffering prevalent in famine-stricken nations. The President shall report to the Congress within 120 days of enactment of this Act on the implementation of the resolutions and the extent to which the United States is participating in the implementation of resolutions adopted at the World Food Conference.

REPAYMENT OF LOANS IN DEFAULT

Sec. 56.[17] It is the sense of the Congress that any country receiving assistance under the Foreign Assistance Act of 1961 which is in default, at least 90 days prior to the date of enactment of this Act, of any payment of principal or interest due on any loan or credit received from the United States shall promptly pay all such principal and interest. It is further the sense of the Congress that the President shall promptly enter into negotiations with each such country to help effectuate the payment of such principal and interest, or to effectuate the transfer by such country to the United States of goods, services, concessions, or actions beneficial to the United States, in lieu of the payment of such principal and interest.

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[17] 22 U.S.C. 2379 note.

w. Foreign Assistance Act of 1973

Partial text of Public Law 93-189 [S. 1443], 87 Stat. 714, approved December 17, 1973, as amended by Public Law 97-113 [S. 1196], 95 Stat. 1519 at 1560, approved December 29, 1981

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NOTE.—Except for the provisions noted below, the FA Act of 1973 consists of amendments to the FA Act of 1961, the Foreign Military Sales Act, the 1971 Act to amend the FMS Act, and Sec. 414 of the Mutual Security Act of 1954.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Foreign Assistance Act of 1973".

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ASIAN DEVELOPMENT BANK [1]

Sec. 28.[2] Section 17 of the Asian Development Bank Act is amended by striking out "$60,000,000 for fiscal year 1972 and $40,000,000 for fiscal year 1973" and inserting in lieu thereof "$100,000,000".

Sec. 29.[3] * * * [Repealed—1974]

TERMINATION OF INDOCHINA WAR

Sec. 30.[2] No funds authorized or appropriated under this or any other law may be expended to finance military or paramilitary operations by the United States in or over Vietnam, Laos, or Cambodia.

LIMITATION ON USE OF FUNDS

Sec. 31.[2] No funds authorized or appropriated under any provision of law shall be made available for the purpose of financing directly or indirectly any military or paramilitary combat operations by foreign forces in Laos, Cambodia, North Vietnam, South Vietnam, or Thailand unless (1) such operations are conducted by the forces of that government receiving such funds within the borders of that country, or (2) specifically authorized by law enacted after the date of enactment of this Act.

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[1] For text of Act, see vol. II, sec. H.

[2] 22 U.S.C. 2151 note.

[3] Former sec. 29 regarding access to certain military bases abroad was repealed by sec. 29(b) of the FA Act of 1974.

POLITICAL PRISONERS

Sec. 32.[4] It is the sense of Congress that the President should deny any economic or military assistance to the government of any foreign country which practices the internment or imprisonment of that country's citizens for political purposes.

ALBERT SCHWEITZER HOSPITAL

Sec. 33.[4] There is authorized to be appropriated to the President for fiscal year 1974 $1,000,000[5] to make grants, on such terms and conditions as he may specify, to the Albert Schweitzer Hospital in Gabon.

PRISONERS OF WAR AND INDIVIDUALS MISSING IN ACTION

Sec. 34.[4] (a) The Congress declares that—

(1) the families of those one thousand three hundred individuals missing in action during the Indochina conflict have suffered extraordinary torment in ascertaining the full and complete information about their loved ones who are formally classified as missing in action;

(2) United States involvement in the Indochina conflict has come to a negotiated end with the signing of the Vietnam Agreement in Paris on January 27, 1973, and section 307 of the Second Supplemental Appropriations Act, 1973, requires that "None of the funds herein appropriated under this Act may be expended to support directly or indirectly combat activities in or over Cambodia, Laos, North Vietnam and South Vietnam or off the shores of Cambodia, Laos, North Vietnam and South Vietnam by United States forces, and after August 15, 1973, no other funds heretofore appropriated under any other Act may be expended for such purpose.";

(3) the question of the return of prisoners of war and accounting for individuals missing in action and dead in Laos is covered by article 18 of the Protocol signed by representatives of the Lao Patriotic Front (Pathet Lao) and the Royal Laotian Government in Vientiane on September 14, 1973 (which implements article 5 of the Agreement signed by the Pathet Lao and that government in Vientiane on February 21, 1973, requiring the release of all prisoners "regardless of nationality" captured and held in Laos), and paragraph C of such article 18 provides that, within "15 to 30 days" from the date of the signing of the Protocol, each side is to report the number of those prisoners and individuals still held, with an indication of their nationality and status, together with a list of names and any who died in captivity; and

(4) few of the United States men lost in Laos during the military engagements in Indochina have been returned, and with knowledge about many of these men not yet being fully disclosed, and the North Vietnam cease-fire provisions calling for

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[4] 22 U.S.C. 2151 note.

[5] FA Appropriations Act, 1974: $1,000,000.

inspection of crash and grave sites and for other forms of cooperation have not been fully complied with.

(b) It is, therefore, the sense of the Congress that—

(1) the provisions for the release of prisoners and an accounting of individuals missing and dead, as provided for in article 18 of the Protocol signed on September 14, 1973, by the Pathet Lao and the Royal Laotian Government, be adhered to in spirit and in deed; and

(2) the faithful compliance with the spirit of the Laotian Agreement and Protocol on the question of individuals missing in action will encourage all parties in Indochina to cooperate in providing complete information on all nationals of any nation who may be captured or missing at any place in Indochina.

RIGHTS IN CHILE

Sec. 35.[6] It is the sense of the Congress that (1) the President should request the Government of Chile to protect the human rights of all individuals, Chilean and foreign, as provided in the Universal Declaration of Human Rights, the Convention and Protocol Relating the Status of Refugees, and other relevant international legal instruments guaranteeing the granting of asylum, safe conduct, and the humane treatment or release of prisoners; (2) the President should support international humanitarian initiatives by the United Nations High Commissioner for Refugees and the International Committee of the Red Cross to insure the protection and safe conduct and resettlement of political refugees, the humane treatment of political prisoners, and the full inspection of detention facilities under international auspices; (3) the President should support and facilitate efforts by voluntary agencies to meet emergency relief needs; and (4) the President should request of the Inter-American Commission on Human Rights to undertake an immediate inquiry into recent events occurring in Chile.

REVISION OF SOCIAL PROGRESS TRUST FUND AGREEMENT

Sec. 36.[6] (a) The President or his delegate shall seek, as soon as possible, a revision of the Social Progress Trust Fund Agreement (dated June 19, 1961) between the United States and the Inter-American Development Bank. Such revision should provide for the—

(1) periodic transfer of unencumbered capital resources of such trust fund, and of any future repayments or other accruals otherwise payable to such trust fund, to the Inter-American Foundation, to be administered by the Foundation for purposes of part IV of the Foreign Assistance Act of 1969[7] (22 U.S.C. 290f and following);

(2) utilization of such unencumbered capital resources, future repayments, and other accruals by the Inter-American Development Bank for purposes of sections 1 and 2 of the Latin American Development Act[8] (22 U.S.C. 1942 and 1943) in such

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[6] 22 U.S.C. 2151 note.

[7] For text, see page 473.

[8] For text, see page 531.

a way that the resources received in the currencies of the more developed member countries are utilized to the extent possible for the benefit of the lesser developed member countries; or

(3) both the transfer described in paragraph (1) and the utilization described in paragraph (2).

(b) Any transfer or utilization under this section shall be in such proportions as may be agreed to between the United States and the Inter-American Development Bank.

(c) Any transfer under subsection (a)(1) shall be in the amounts, and in available currencies, determined in consultation with the Inter-American Foundation, to be required for its program purposes.

(d) The revision of the Social Progress Trust Fund Agreement pursuant to this section shall provide that the President or his delegate shall specify, from time to time, after consultation with the Inter-American Development Bank, the particular currencies to be used in making the transfer or utilization described in the section.

(e)[9] * * * [Repealed—1981]

PROHIBITION ON ASSISTANCE TO NORTH VIETNAM

Sec. 37.[10] * * * [Repealed—1981]

REPORT CONCERNING CERTAIN USE OF MILITARY ASSISTANCE IN AFRICA

Sec. 38.[11] * * * [Repealed—1981]

WORLD FOOD SHORTAGES

Sec. 39.[12] (a) It is the sense of the Congress that the United States should participate fully in efforts to alleviate current and future food shortages which threaten the world. To this end, the President shall—

(1) encourage, support, and expedite studies relating to the long-range implications of the world food situation (including studies of national and world production, distribution, and utilization of agricultural commodities and other foodstuffs) and support the organizing of a world food conference under United Nations auspices in 1974;

(2) request the member nations of the General Agreement on Tariffs and Trade to explore the means of assuring equitable access by all nations to national markets and mineral and agricultural resources;

(3) Consult and cooperate with appropriate international agencies, such as the Food and Agricultural Organization of

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[9] Subsec. (e), which had required a report from the President on his action taken pursuant to this section, was repealed by sec. 734(a)(9) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560). The President submitted this report on Jan. 3, 1974.

[10] Sec. 37, which had prohibited the use of funds authorized in this Act (fiscal year 1974) for assistance to North Vietnam, was repealed by sec. 734(a)(9) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560).

[11] Sec. 38, which had required the President to make a determination with respect to the use, if any, by any non-African country in support of its military activities in its African territories of U.S. economic military, or food assistance, was repealed by sec. 734(a)(9) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560). The President submitted this determination to Congress on May 3, 1974.

[12] 22 U.S.C. 2220 note.

the United Nations, in determining the need for, the feasibility of, and cost of an equitably-shared basis of, establishing an international system of strategic food reserves; and

(4) report his findings and recommendations to the Congress on the implementation of this section no later than December 31, 1974.

(b) It is further the sense of the Congress that—

(1) in making assessments which would affect or relate to the level of domestic production, the Executive Branch should include in the estimates of overall utilization the expected demands for humanitarian food assistance through such programs as are carried out under the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480); and

(2) legislation providing increased flexibility for responding to emergency and humanitarian requirements for food assistance should be considered as promptly as possible to the end that the last sentence of section 401 of the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480), may be amended by striking the period and inserting in lieu thereof a comma and the following: "unless the Secretary determines that some part of the exportable supply should be used to carry out the national interest and humanitarian objectives of this Act."

USE OF LOCAL CURRENCIES [13]

Sec. 40.[14] Effective July 1, 1974, no amount of any foreign currency (including principal and interest from loan repayments) which accrues in connection with any sale for foreign currency under any provision of law may be used under any agreement entered into after the date of the enactment of this Act, or any revision or extension entered into after such date of any prior or subsequent agreement, to provide any assistance to any foreign country to procure equipment, materials, facilities, or services for the common defense, including internal security unless such agreement is specifically authorized by legislation enacted after such date.

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[13] See Use of Foreign Currencies section on page 540 for additional information.

[14] 22 U.S.C. 2151 note.

x. Foreign Assistance Act of 1971

Partial text of Public Law 92-226 [S. 2819], 86 Stat. 20, approved February 7, 1972

AN ACT To amend the Foreign Assistance Act of 1961, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Foreign Assistance Act of 1971".

FOOD-FOR-PEACE PROGRAM

Sec. 2.[1] It is the sense of the Congress that funds to administer the food-for-peace program should not be reduced as the result of any reduction in the authorizations provided to carry out the Foreign Assistance Act of 1961.

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NOTE.—Except for the provisions quoted here, the FA Act of 1971 consists of amendments to the FA Act of 1961, the Foreign Military Sales Act, the 1971 Act to amend the FMS Act, the Act to authorize participation by the United States in the Interparliamentary Union, the Joint Resolution to authorize participation by the United States in parliamentary conferences of the North Atlantic Treaty Organization, Part IV of the FA Act of 1969, the Act to provide certain basic authority for the Department of State, the United States Information and Educational Exchange Act of 1948, the Special FA Act of 1971, and Public Law 89-367 (Armed Forces Appropriation Authorization, 1966).

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Sec. 304. * * *

(c) * * *

(3) The provisions of this subsection [2] and section 657 of such Act, as added by subsection (b) of this Act, shall apply with respect to each fiscal year commencing on or after July 1, 1971.

PART IV—MISCELLANEOUS PROVISIONS

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Sec. 403. Paragraph (9) of section 5314 of title 5, United States Code, relating to level III of the Executive Schedule, is amended by inserting before the period at the end thereof the following: "and an Under Secretary of State for Coordinating Security Assistance Programs".

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[1] 22 U.S.C. 2151 note. For text of Food for Peace Act of 1966, see page 801.

[2] This subsection provided that the definition of "Value" appearing in sec. 644(m) is not applicable when the word "Value" is used in sec. 657.

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Sec. 407.[3] (a) It is the purpose of this section to enable the Congress generally, and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives in particular, to carry out the purposes and intent of the Legislative Reorganization Acts of 1946 and 1970, with respect to—

(1) the analysis, appraisal, and evaluation of the application, administration, and execution of the laws relating to the Department of State and the United States Information Agency and of matters relating to the foreign relations of the United States; and

(2) providing periodic authorizations of appropriations for that Department and Agency.

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Sec. 410.[4] The Congress strongly urges the President to undertake such negotiations as may be necessary to implement that portion of the recommendations of the Report of the President's Commission for the Observance of the Twenty-fifth Anniversary of the United Nations (known as the "Lodge Commission") which proposes that the portion of the regular assessed costs to be paid by the United States to the United Nations be reduced so that the United States is assessed in each year not more than 25 per centum of such costs assessed all members of the United Nations for that year.

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[3] See sec. 15 of the State Department Basic Authorities Act of 1956 and sec. 701 of the United States Information and Education Exchange Act of 1948.

[4] See vol. II, sec. J of text for appropriations limitation on contributions to international organizations.

y. Special Foreign Assistance Act of 1971, as amended

Partial text of Public Law 91-652 [H.R. 19911), 84 Stat. 1942, approved January 5, 1971, as amended by Public Law 92-226 [Foreign Assistance Act of 1971; S. 2819], 86 Stat. 27, 35, approved February 7, 1972

> NOTE.—Except for the provisions noted below, the Special Foreign Assistance Act of 1971 consists of amendments to the FA Act of 1961.

AN ACT To provide additional foreign assistance authorizations, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Special Foreign Assistance Act of 1971".

Sec. 2. There are authorized to be appropriated to the President for the fiscal year 1971 not to exceed—

(1) $85,000,000 for additional military assistance and $70,000,000 for special economic assistance for Cambodia;

(2) $100,000,000 for economic and military assistance programs to replace funds which were transferred by the President for use in Cambodia;

(3) $150,000,000 for additional military assistance for the Republic of Korea;

(4) $30,000,000 for additional military assistance for Jordan;

(5) $3,000,000 for additional military assistance for Indonesia and $10,000,000 to replace funds transferred from other programs for use in Indonesia;

(6) $5,000,000 for additional military assistance for Lebanon;

(7) $65,000,000 for additional supporting assistance for Vietnam; and

(8) $17,000,000 for additional general military assistance to compensate for a shortage in anticipated recovery of funds from past years' programs.

Sec. 3.[1] The President is authorized, until June 30, 1972, to transfer to the Republic of Korea such defense articles located in Korea and belonging to the Armed Forces of the United States on July 1, 1970, as he may determine, except that no funds heretofore or hereafter appropriated under this Act or the Foreign Assistance Act of 1961 shall be available for reimbursement to any agency of the United States Government for any transfer made pursuant to this section.

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[1] 22 U.S.C. 2302 note.

Sec. 4. Except as otherwise provided in this Act, any assistance furnished out of funds appropriated under section 2 of this Act and any transfer made under section 3 of this Act shall be furnished or transferred, as the case may be, in accordance with all of the purposes and limitations applicable by statute to that type of assistance or transfer under the Foreign Assistance Act of 1961 (including the provisions of section 652 [2] of such Act, as added by section 8 of this Act).

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Sec. 6. (a) * * *

(b) [3] Excess foreign currencies held in Pakistan not allocated on the date of enactment of this section are authorized to be appropriated for a period of one year from such date of enactment to help Pakistan withstand the disaster which has occurred.

Sec. 7.[4] (a) In line with the expressed intention of the President of the United States, none of the funds authorized or appropriated pursuant to this or any other Act may be used to finance the introduction of United States ground combat troops into Cambodia, or to provide United States advisers to or for military, paramilitary, police, or other security or intelligence forces [5] in Cambodia.

(b) Military and economic assistance provided by the United States to Cambodia and authorized or appropriated pursuant to this or any other Act shall not be construed as a commitment by the United States to Cambodia for its defense.

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[2] For text of sec. 652 as added to the FA Act of 1961 by sec. 8 of this Act, see page 223.

[3] 22 U.S.C. § 2261 note.

[4] 22 U.S.C. § 2411 note.

[5] The words "military, paramilitary, police, or other security or intelligence forces" were substituted in lieu of "Cambodian military forces" by sec. 408 of the Foreign Assistance Act of 1971.

z. Foreign Military Sales Act Amendments, 1971, as amended

Partial text of Public Law 91-672 [H.R. 15628], 84 Stat. 2053, approved January 12, 1971, as amended by Public Law 92-226 [Foreign Assistance Act of 1971; S. 2819], 86 Stat. 20, 33, approved February 7, 1972; Public Law 93-189 [Foreign Assistance Act of 1973; S. 1443], 87 Stat. 714, 729, approved December 17, 1973; Public Law 93-559 [Foreign Assistance Act of 1974; S. 3394], 88 Stat. 1795, 1799, approved December 31, 1974; and Public Law 94-329 [International Security Assistance and Arms Export Control Act of 1976; H.R. 13680], 90 Stat. 740, approved December 31, 1974; Public Law 94-329 [International Security Assistance and Arms Export Control Act of 1976; H.R. 13680], 90 Stat. 740, approved June 30, 1976; Public Law 95-384 [International Security Assistance Act of 1978; S. 3075], 92 Stat. 730 at 747, approved September 26, 1978; and by Public Law 97-113 [International Security and Development Cooperation Act of 1981; S. 1196], 95 Stat. 1579 at 1560, approved December 29, 1981

AN ACT To amend the Foreign Military Sales Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled * * *

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NOTE.—Sections 1-4 of this Act amended the Foreign Military Sales Act (Arms Export Control Act), Public Law 90-629, October 22, 1968.

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Sec. 5.[1] It is the sense of Congress that (1) the President should continue to press forward urgently with his efforts to negotiate with the Soviet Union and other powers a limitation on arms shipments to the Middle East, (2) the President should be supported in his position that arms will be made available and credits provided to Israel and other friendly states, to the extent that the President determines such assistance to be needed in order to meet threats to the security and independence of such states, and (3) if the authorization provided in the Foreign Military Sales Act, as amended, should prove to be insufficient to effectuate this stated policy, the President should promptly submit to the Congress requests for an appropriate supplementary authorization and appropriation.

Sec. 6.[1] It is the sense of the Congress that—

(1) the President should immediately institute a thorough and comprehensive review of the military aid programs of the United States, particularly with respect to the military assistance and sales operations of the Department of Defense, and

(2) the President should take such actions as may be appropriate—

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[1] 22 U.S.C. 2751 note.

(A) to initiate multilateral discussions among the United States, the Union of Soviet Socialist Republics, Great Britain, France, West Germany, Italy and other countries on the control of the worldwide trade in armaments,

(B) to commence a general debate in the United Nations with respect to the control of the conventional arms trade, and

(C) to use the power and prestige of his office to signify the intention of the United States to work actively with all nations to check and control the international sales and distribution of conventional weapons of death and destruction.

Sec. 7.[2] * * *

Sec. 8.[3] (a)[4] * * * [Repealed—1976]

(b)[4] * * * [Repealed—1976]

(c)[4] * * * [Repealed—1976]

(d) The President shall promptly and fully inform the Speaker of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate of each decision to furnish on a grant basis to any country excess defense articles which are major weapons systems to the extent such major weapons system was not included in the presentation material previously submitted to the Congress. The annual presentation materials for security assistance programs shall include a table listing by country the total value of all deliveries of excess defense articles, disclosing both the aggregate original acquisition cost and the aggregate value at the time of delivery.[5]

(e)[4] * * * [Repealed—1976]

Sec. 9.[6] * * * [Repealed—1973]

Sec. 10.[7] (a) Notwithstanding any provision of law enacted before the date of enactment of this section, no money appropriated for foreign assistance (including foreign military sales) shall be available for obligation or expenditure—

(1) unless the appropriation thereof has been previously authorized by law; or

(2) in excess of an amount previously prescribed by law.

(b) To the extent that legislation enacted after the making of an appropriation for foreign assistance (including foreign military sales) authorizes the obligation or expenditure thereof, the limitation contained in subsection (a) shall have no effect.

(c) The provisions of this section shall not be superseded except by a provision of law enacted after the date of enactment of this section which specifically repeals or modifies the provisions of this section.

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[2] Sec. 7, which had prohibited the sale, grant, loan, or transfer of any international fighter aircraft by the United States to any foreign country other than South Vietnam without specific authorization made in accordance with the Foreign Assistance Act of 1961 or the Foreign Military Sales Act, was repealed by sec. 734(a)(15) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560).

[3] 22 U.S.C. 2321b.

[4] Subsecs. (a), (b), (c), and (e) of Sec. 8, which related to excess defense articles, were repealed by sec. 210(c)(2) of the International Security Assistance and Arms Export Control Act of 1976. Sec. 210(c)(2) further stated, "All funds in the suspense account referred to in subsection (a) of such section on July 1, 1976, shall be transferred to the general fund of the Treasury."

[5] This report, which was originally required on a quarterly basis, was changed to an annual report by sec. 29(a) of the International Security Assistance Act of 1978 (92 Stat. 747).

[6] Sec. 9, which related to any transfer of a defense article to another country, was repealed by sec. 26(4) of the FA Act of 1973.

[7] 22 U.S.C. 2412.

Sec. 11.[8] For purposes of sections 8 and 9—

(1) "defense article" and "excess defense articles" have the same meanings as given them in section 644 (d) and (g), respectively, of the Foreign Assistance Act of 1961; and

(2) "foreign country" includes any department, agency, or independent establishment of the foreign country.

Sec. 12. The joint resolution entitled "Joint resolution to promote the maintenance of international peace and security in Southeast Asia" approved August 10, 1964 (78 Stat. 384; Public Law 88-408), is terminated effective upon the day that the second session of the Ninety-first Congress is last adjourned.

Sec. 13.[9] No funds authorized or appropriated pursuant to this or any other law may be used to transport chemical munitions from the Island of Okinawa to the United States. Such funds as are necessary for the detoxification or destruction of the above described chemical munitions are hereby authorized and shall be used for the detoxification or destruction of chemical munitions only outside the United States. For purposes of this section, the term "United States" means the several States and the District of Columbia.

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[8] 22 U.S.C. 2321c.

[9] 50 U.S.C. 1512 note.

aa. Foreign Assistance Act of 1969, as amended

Partial text of Public Law 91-175 [H.R. 14480], 83 Stat. 805, approved December 30, 1969, as amended by Public Law 92-226 [Foreign Assistance Act of 1971; S. 2819], 86 Stat. 20, 34, approved February 7, 1972; Public Law 95-105 [H.R. 6689], 91 Stat. 844 at 859, approved August 17, 1977; Public Law 97-241 [S. 1193], 96 Stat. 273 at 297, approved August 24, 1982; by Public Law 98-164 [Department of State Authorization Act, Fiscal Years 1984 and 1985; H.R. 2915], 97 Stat. 1017 at 1051, approved November 22, 1983; by Public Law 99-83 [International Security and Development Cooperation Act of 1985; S. 960], 99 Stat. 190 at 247, approved August 8, 1985; and by Public Law 99-529 [Special Foreign Assistance Act of 1986; S. 1917], 100 Stat. 3010, approved October 24, 1986

NOTE.—Except for Part IV, which relates to the Inter-American Social Development Institute (title changed to The Inter-American Foundation Act by Sec. 406(1) of the FA Act of 1971) and Part V, which relates to amendments to other acts, the Foreign Assistance Act of 1969 consists of amendments to the Foreign Assistance Act of 1961, as amended.

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PART IV—THE INTER-AMERICAN FOUNDATION ACT [1]

Sec. 401.[2] Inter-American Foundation.—(a) There is created as an agency of the United States of America a body corporate to be known as the Inter-American Foundation (hereinafter in this section referred to as the "Foundation").[3]

(b) The future of freedom, security, and economic development in the Western Hemisphere rests on the realization that man is the foundation of all human progress. It is the purpose of this section to provide support for developmental activities designed to achieve conditions in the Western Hemisphere under which the dignity and the worth of each human person will be respected and under which all men will be afforded the opportunity to develop their potential, to seek through gainful and productive work the fulfillment of their aspirations for a better life, and to live in justice and peace. To this end, it shall be the purpose of the Foundation,[4] primarily in cooperation with private, regional, and international organizations, to—

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[1] Sec. 406(1) of the Foreign Assistance Act of 1971 substituted the title "Part IV—The Inter-American Foundation Act" in lieu of "Part IV—Inter-American Social Development Institute".

[2] 22 U.S.C. 290f.

[3] The caption of sec. 401 and subsec. (a) thereof, which were amended by sec. 406(2) of the Foreign Assistance Act of 1971, formerly read as follows: "Inter-American Social Development Institute.—(a) There is created as an agency of the United States of America a body corporate to be known as the 'Inter-American Social Development Institute' (hereafter in this section referred to as 'Institute')."

[4] Sec. 406(3) of the Foreign Assistance Act of 1971 amended sec. 401 by substituting "Foundation" in lieu of "Institute" wherever it appears.

(1) strengthen the bonds of friendship and understanding among the peoples of this hemisphere;

(2) support self-help efforts designed to enlarge the opportunities for individual development;

(3) stimulate and assist effective and ever wider participation of the people in the development process;

(4) encourage the establishment and growth of democratic institutions, private and governmental, appropriate to the requirements of the individual sovereign nations of this hemisphere.

In pursuing these purposes, the Foundation shall place primary emphasis on the enlargement of educational opportunities at all levels, the production of food and the development of agriculture, and the improvement of environmental conditions relating to health, maternal and child care, family planning, housing, free trade union development, and other social and economic needs of the people.

(c) The Foundation shall carry out the purposes set forth in subsection (b) of this section primarily through and with private organizations, individuals, and international organizations by undertaking or sponsoring appropriate research and by planning, initiating, assisting, financing, administering, and executing programs and projects designed to promote the achievement of such purposes.

(d) In carrying out its functions under this section, the Foundation shall, to the maximum extent possible, coordinate its undertakings with the developmental activities in the Western Hemisphere of the various organs of the Organization of American States, the United States Government, international organizations, and other entities engaged in promoting social and economic development of Latin America.

(e) The Foundation, as a corporation—

(1) shall have perpetual succession unless sooner dissolved by an Act of Congress;

(2) may adopt, alter, and use a corporate seal, which shall be judicially noticed;

(3) may make and perform contracts and other agreements with any individual, corporation, or other body of persons however designated whether within or without the United States of America, and with any government or governmental agency, domestic or foreign;

(4)[5] shall determine and prescribe the manner in which its obligations shall be incurred and its expenses, including expenses for representation (not to exceed $10,000 in any fiscal year), allowed and paid;

(5) may, as necessary for the transaction of the business of the Foundation, employ, and fix the compensation of not to exceed one hundred persons at any one time;

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[5] Sec. 401(e)(4) was amended by sec. 406(4) of the Foreign Assistance Act of 1971. It formerly read as follows: "(4) shall determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid;".

(6) may acquire by purchase, devise, bequest, or gift, or otherwise lease, hold, and improve, such real and personal property as it finds to be necessary to its purposes, whether within or without the United States, and in any manner dispose of all such real and personal property held by it and use as general funds all receipts arising from the disposition of such property;

(7) shall be entitled to the use of the United States mails in the same manner and on the same conditions as the executive departments of the Government;

(8) may, with the consent of any board, corporation, commission, independent establishment, or executive department of the Government, including any field service thereof, avail itself of the use of information, services, facilities, officers, and employees thereof in carrying out the provisions of this section;

(9) may accept money, funds, property, and services of every kind by gift, devise, bequest, grant, or otherwise, and make advances, grants, and loans to any individual, corporation, or other body of persons, whether within or without the United States of America, or to any government or governmental agency, domestic or foreign, when deemed advisable by the Foundation in furtherance of its purposes;

(10) may sue and be sued, complain, and defend, in its corporate name in any court of competent jurisdiction; and

(11) shall have such other powers as may be necessary and incident to carrying out its powers and duties under this section.

(f) Upon termination of the corporate life of the Foundation all of its assets shall be liquidated and, unless otherwise provided by Congress, shall be transferred to the United States Treasury as the property of the United States.

(g) The management of the Foundation shall be vested in a board of directors (hereafter in this section referred to as the "Board") composed of nine [5a] members appointed by the President, by and with the advice and consent of the Senate, one of whom he shall designate to serve as Chairman of the Board and one of whom he shall designate to serve as Vice Chairman of the Board. Six members of the Board shall be appointed from private life. Three members of the Board shall be appointed from among officers or employees of agencies of the United States concerned with inter-American affairs. Members of the Board shall be appointed for terms of six years, except that of the members first appointed two shall be appointed for terms of two years and two shall be appointed for terms of four years, as designated by the President at the time of their appointment. A member of the Board appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term; but upon the expiration of his term of office a member shall continue to serve until his successor is appointed and shall have qualified. Members of the Board shall be eligible for reappointment.

[5a] Sec. 403(a) of Public Law 99-529, 100 Stat. 3010, added the numbers "nine" and "six", respectively in lieu of "seven" and "four".

(h) Members of the Board shall serve without additional compensation, but shall be reimbursed for travel expenses, including per diem, in lieu of subsistence, in accordance with section 5703 of title 5, United States Code,[6] while engaged in their duties on behalf of the corporation.

(i) The Board shall direct the exercise of all the powers of the Foundation.

(j) The Board may prescribe, amend, and repeal bylaws, rules, and regulations governing the manner in which the business of the Foundation may be conducted and in which the powers granted to it by law may be exercised and enjoyed. A majority of the Board shall be required as a quorum.

(k) In furtherance and not in limitation of the powers conferred upon it, the Board may appoint such committees for the carrying out of the work of the Foundation as the Board finds to be for the best interests of the Foundation, each committee to consist of two or more members of the Board, which committees, together with officers and agents duly authorized by the Board and to the extent provided by the Board, shall have and may exercise the powers of the Board in the management of the business and affairs of the Foundation.

(l)[7] (1) The chief executive officer of the Foundation shall be a President who shall be appointed by the Board of Directors on such terms as the Board may determine. The President shall receive compensation at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(2) Experts and consultants, or organizations thereof, may be employed as authorized by section 3109 of title 5, United States Code.

(m) In order to further the purposes of the Foundation there shall be established a Council to be composed of such number of individuals as may be selected by the Board from among individuals knowledgeable concerning developmental activities in the Western Hemisphere. The Board shall, from time to time, consult with the Council concerning the objectives of the Foundation. Members of the Council shall receive no compensation for their services but shall be entitled to reimbursement in accordance with section 5703 of title 5, United States Code, for travel and other expenses incurred by them in the performance of their functions under this subsection.

(n) The Foundation shall be a nonprofit corporation and shall have no capital stock. No part of its revenue, earnings, or other income or property shall inure to the benefit of its directors, officers, and employees and such revenue, earnings, or other income, or property shall be used for the carrying out of the corporate purposes set forth in this section. No director, officer, or employee of the corporation shall in any manner directly or indirectly participate in the deliberation upon or the determination of any question affecting his personal interests or the interest of any corporation, partnership, or organization in which he is directly or indirectly interested.

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[6] The words "travel expenses, including per diem in lieu of subsistence, in accordance with section 5703 of title 5, United States Code" were inserted in lieu of "actual and necessary expenses not in excess of $50 per day, and for transportation expenses" by sec. 501(b) of Public Law 97-241 (96 Stat. 297).

[7] Sec. 406(5) of the Foreign Assistance Act of 1971 amended sec. 401(1), which formerly read as follows: "(1) The chief executive officer of the Institute shall be an Executive Director who shall be appointed by the Board of Directors on such terms as the Board may determine. The Executive Director shall receive compensation at the rate provided for level IV of the Executive Schedule under section 5315 of title V, United States Code."

(o) When approved by the Foundation, in furtherance of its purpose, the officers and employees of the Foundation may accept and hold offices or positions to which no compensation is attached with governments or governmental agencies of foreign countries.

(p) The Secretary of State shall have authority to detail employees of any agency under his jurisdiction to the Foundation under such circumstances and upon such conditions as he may determine. Any such employee so detailed shall not lose any privileges, rights, or seniority as an employee of any such agency by virtue of such detail.

(q) The Foundation shall establish a principal office. The Foundation is authorized to establish agencies, branch offices, or other offices in any place or places within the United States or elsewhere in any of which locations the Foundation may carry on all or any of its operations and business.

(r) The Foundation, including its franchise and income, shall be exempt from taxation now or hereafter imposed by the United States, or any territory or possession thereof, or by any State, county, municipality, or local taxing authority.

(s)(1) Notwithstanding any other provision of law, not to exceed an aggregate amount of $50,000,000 of the funds made available for the fiscal years 1970 and 1971 to carry out part I of the Foreign Assistance Act of 1961 shall be available to carry out the purposes of this section. Funds made available to carry out the purposes of this section under the preceding sentence are authorized to remain available until expended.

(2)[8] There are authorized to be appropriated $11,969,000 for fiscal year 1986 and $11,969,000 for the fiscal year 1987 to carry out the purposes of this section.[9] Amounts appropriated under this paragraph are authorized to remain available until expended.

(t) The Foundation shall be subject to the provisions of the Government Corporation Control Act.

(u)[10] When, with the permission of the Foundation, funds made available to a grantee under this section are invested pending disbursement, the resulting interest is not required to be deposited in the United States Treasury if the grantee uses the resulting interest for the purposes for which the grant was made. This subsection applies with respect to both interest earned before and interest earned after the enactment of this subsection.

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[8] Par. (2) was added by sec. 508 of the Foreign Relations Authorization Act, Fiscal Year 1978 (Public Law 95–426, 91 Stat. 859).

[9] The authorization figures for fiscal years 1986 and 1987 were added by sec. 708 of the International Security and Development Cooperation Act of 1985 (Public Law 99–93; 99 Stat. 243).

Authorizations provided in recent years under this section include the following: Fiscal year 1982—$12,000,000; fiscal year 1983—$12,800,000; fiscal year 1984—$16,000,000; fiscal year 1985—$16,000,000.

The Foreign Assistance and Related Programs Appropriations Act, 1987 (sec. 101(f) of the Continuing Appropriations act, 1987; Public Law 99–591; 100 Stat. 3341), provides the following:

"For expenses necessary to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104, title 31, United States Code, $11,800,000."

[10] Subsec. (u) was added by sec. 501(c) of Public Law 97–241 (96 Stat. 297).

PART V—AMENDMENTS TO OTHER ACTS

Sec. 501. Section 101 of the Government Corporation Control Act (31 U.S.C. 846) is amended by striking out "Development Loan Fund;" and inserting in lieu thereof "Overseas Private Investment Corporation;".

Sec. 502. (a) Section 3343(b) of title 5 United States Code, relating to details of personnel to international organizations, as amended—

(1) by striking out "3" and inserting in lieu thereof "5"; and

(2) by striking out the period at the end of such section and inserting in lieu thereof a comma and the following: "except that under special circumstances, where the President determines it to be in the national interest, he may extend the 5-year period for up to an additional 3 years."

(b) Section 3581(5) of such title, relating to reemployment rights of personnel who transfer to international organizations, is amended by striking out "the first 3 consecutive years after entering the employ of the international organization" and inserting in lieu thereof the following: "the first 5 consecutive years, or any extension thereof, after entering the employ of the international organization".

(c) Section 3582(a) of such title, relating to rights of personnel who transfer to international organizations, is amended—

(1) by inserting in clause (1), before the semicolon at the end thereof, a comma and the following: "except that such service shall not be considered creditable service for the purpose of any retirement system for transferring personnel, if such service forms the basis, in whole or in part, for an annuity or pension under the retirement system of the international organization"; and

(2) by striking out clause (2) and inserting in lieu thereof the following:

"(2) to retain coverage, rights, and benefits under chapters 87 and 89 of this title, if necessary employee deductions and agency contributions in payment for the coverage, rights, and benefits for the period of employment with the international organization are currently deposited in the Employees' Life Insurance Fund and the Employees' Health Benefits Fund, as applicable, and the period during which coverage, rights, and benefits are retained under this paragraph is deemed service as an employee under chapters 87 and 89 of this title,".

(d) Section 3582(b) of such title, relating to rights of employees transferring to international organizations, is amended—

(1) by striking out, ", except a Congressional employee," in the first sentence;

(2) by striking out clause (1) "3 years" and inserting in lieu thereof "5 years, or any extension thereof,"; and

(3) by inserting at the end thereof the following new sentences: "On reemployment, he is entitled to be paid, under such regulations as the President may prescribe and from appropriations or funds of the agency from which transferred, an

amount equal to the difference between the pay, allowances, post differential, and other monetary benefits paid by the international organization and the pay, allowances, post differential, and other monetary benefits that would have been paid by the agency had he been detailed to the international organization under section 3343 of this title. Such a payment shall be made to an employee who is unable to exercise his reemployment right because of disability incurred while on transfer to an international organization under this subchapter and, in the case of an employee who dies while on such a transfer or during the period after separation from the international organization in which he is properly exercising or could exercise his reemployment right, in accordance with subchapter VIII of chapter 55 of this title. This subsection does not apply to a congressional employee nor may any payment provided for in the preceding two sentences of this subsection be based on a period of employment with an international organization occurring before the first day of the first pay period which begins on or after the date of enactment of the Foreign Assistance Act of 1969."

(e) Section 3582(c) of such title, relating to rights of employees transferring to international organizations, is amended by striking out "3 years" and inserting in lieu thereof the following: "5 years, or any extension thereof,".

(f) Section 3582(d) of such title, relating to agency contributions to retirement and insurance programs for personnel who transfer to international organizations, is amended to read as follows:

"(d) During an employee's period of service with the international organization, the agency from which the employee is transferred shall make contributions for retirement and insurance purposes from the appropriations or funds of that agency so long as contributions are made by the employee."

Sec. 503. Subchapter II of chapter 53 of title 5, United States Code, is amended—

(1) by inserting at the end of section 5314, relating to level III of the Executive Schedule, the following:

"(54) President, Overseas Private Investment Corporation."

(2) by inserting at the end of section 5315, relating to level IV of the Executive Schedule, the following:

"(92) Executive Vice President, Overseas Private Investment Corporation."; and

(3) by inserting at the end of section 5316, relating to level V of the Executive Schedule, the following:

"(128) Auditor-General of the Agency for International Development.

"(129) Vice Presidents, Overseas Private Investment Corporation (3)."

bb. Foreign Assistance Act of 1968

Public Law 90-554 [H.R. 15263], 82 Stat. 960, approved October 8, 1968

> NOTE.—Except for Part IV, which related to amendments to other acts, and Part V, which related to reappraisal of foreign assistance programs, the Foreign Assistance Act of 1968 consisted of amendments to the Foreign Assistance Act of 1961, as amended.

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PART V—REAPPRAISAL OF FOREIGN ASSISTANCE PROGRAMS

DECLARATION OF POLICY

Sec. 501. The Congress declares that, in view of changing world conditions and the continued need to make United States foreign assistance programs an effective implememt of United States foreign policy, there should be a comprehensive review and reorganization of all United States foreign assistance programs, including economic development and technical assistance programs, military assistance and sales programs, and programs involving contributions and payments by the United States to international lending institutions and other international organizations concerned with the development of friendly foreign countries and areas.

REAPPRAISAL BY THE PRESIDENT

Sec. 502. (a) In furtherance of the policy of this part, the President is requested to make a thorough and comprehensive reappraisal of United States foreign assistance programs, as described in section 501, and to submit to the Congress, on or before March 31, 1970, his recommendations for achieving such reforms in any reorganization of future foreign assistance programs as he determines to be necessary and appropriate in the national interest in the light of such reappraisal. The President is requested to submit to the Congress, on or before July 1, 1969, an interim report presenting any preliminary recommendations formulated by him pursuant to this section.

(b) It is the sense of the Congress that the reappraisal provided for in subsection (a) should include, but not be limited to, an analysis and consideration of proposals concerning the establishment of a Government corporation or a federally chartered private corporation designed to mobilize and facilitate the use of United States private capital and skills in less developed friendly countries and areas, including whether such corporation should be authorized to—

(1) utilize Government guarantees and funds as well as private funds;

(2) seek, develop, promote, and underwrite new investment projects;

(3) assist in transferring skills and technology to less developed friendly countries and areas; and

(4) invest in the securities of development financing institutions and assist in the formation and expansion of local capital markets.

cc. Foreign Assistance Act of 1967

Public Law 90-137 [S. 1872], 81 Stat. 445, approved November 14, 1967

NOTE.—The Foreign Assistance Act of 1967 consists of amendments to the Foreign Assistance Act of 1961, the Joint Resolution to authorize participation by the United States in parliamentary conferences of the North Atlantic Treaty Organization, the Act to authorize participation by the United States in the Interparliamentary Union, and the Mutual Security Act of 1954.

dd. Foreign Assistance Act of 1966

Public Law 89-583 [H.R. 15750], 80 Stat. 795, approved September 19, 1966

NOTE.—The Foreign Assistance Act of 1966 consists wholly of amendments to the Foreign Assistance Act of 1961, as amended.

ee. Foreign Assistance Act of 1965

Public Law 89-171 [H.R. 7750], 79 Stat. 653, approved September 6, 1965

NOTE.—Except for Chapter 4, which relates to an amendment to section 107 of the Agricultural Trade Development and Assistance Act of 1954, the Foreign Assistance Act of 1965 consists of amendments to the Foreign Assistance Act of 1961, as amended.

ff. Foreign Assistance Act of 1964

Partial text of Public Law 88-633 [H.R. 11380], 78 Stat. 1009, approved October 7, 1964

> NOTE.—Except for the provision quoted here, the Foreign Assistance Act of 1964 consists of amendments to the Foreign Assistance Act of 1964, the Act to authorize participation by the United States in the Interparliamentary Union, and the Mutual Security Act of 1954.

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PART V—RELIGIOUS PERSECUTION

Sec. 501.[1] It is the sense of the Congress that the United States deeply believes in the freedom of religion for all people and is opposed to infringement of this freedom anywhere in the world. The Congress condemns the persecution of any persons because of their religion. It is further the sense of Congress that all persons should be permitted the free exercise of religion and the pursuit of their culture.

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[1] 22 U.S.C. 2151 note.

gg. Foreign Assistance Act of 1963

Public Law 88-205 [H.R. 7885], 77 Stat. 379, approved December 16, 1963

NOTE.—The Foreign Assistance Act of 1963 consists of amendments to the Foreign Assistance Act of 1961, the Latin American Development Act, the Trade Expansion Act of 1962, the Agricultural Trade Development and Assistance Act of 1954, the Foreign Service Act of 1946; the Act to provide certain basic authority for the Department of State, and the Act to authorize participation by the United States in parliamentary conferences of the North Atlantic Treaty Organization.

hh. Foreign Assistance Act of 1962

Public Law 87-565 [S. 2996], 76 Stat. 255, approved August 1, 1962

NOTE.—The Foreign Assistance Act of 1962 consists of amendments to the Foreign Assistance Act of 1961, the Act to provide certain basic authority for the Department of State, the Mutual Educational and Cultural Exchange Act of 1961, and the Act authorizing participation by the United States in the Interparliamentary Union.

2. Foreign Assistance Appropriations

a. Foreign Assistance Appropriations, 1987

NOTE.—Appropriations for foreign assistance and related programs for fiscal year 1987 were included in the Foreign Assistance and Related Programs Appropriations Act, 1987 [Sec. 101(f) of the Continuing Appropriations Act, 1987] and the Omnibus Drug Supplemental Appropriations Act of 1987 [Sec. 101(m), Title II, Chapter II, of the Continuing Appropriations Act, 1987], H.J. Res. 738 (Public Law 99-591; 100 Stat. 3341). Other prior appropriations for fiscal year 1987 were enacted in Public Law 99-349 [Urgent Supplemental Appropriations Act, 1986 H.R. 4515], 100 Stat. 710 at 725.

Partial text of Public Law 99-591 [Sec. 101(f) of the Continuing Appropriations Act, 1987; H.J. Res. 738], 100 Stat. 3341, approved October 30, 1986.

JOINT RESOLUTION Making continuing appropriations for the fiscal year 1987, and for other purposes

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1987, and for other purposes, namely:

SEC. 101. (a) * * *

* * * * * * *

(f) such amounts as may be necessary for projects or activities provided for in the Foreign Assistance and Related Programs Appropriations Act, 1987, at a rate for operations and to the extent and in the manner provided for in the following Act; this subsection shall be effective as if it had been enacted into law as the regular appropriations Act:

AN ACT Making appropriations for foreign assistance and related programs for the fiscal year ending September 30, 1987, and for other purposes, namely:

TITLE I—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States share of the paid-in share portion of the increase in capital stock, $55,805,000 for the General and Selective Capital Increase, to remain available until expended: *Provided,* That no such payment may be made while the United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while the alternate United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the International Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of increases in capital stock in an amount not to exceed $688,261,667.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $622,623,251, for the United States contribution to the seventh replenishment, to remain available until expended: *Provided,* That no such payment may be made while the United States Executive Director to the International Bank for Reconstruction and Development is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while the alternate United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

CONTRIBUTION TO THE SPECIAL FACILITY FOR SUB-SAHARAN AFRICA

For payment to the Special Facility for Sub-Saharan Africa by the Secretary of the Treasury, $64,805,000, to remain available until expended: *Provided,* That funds made available under this heading shall be obligated to the Special Facility for Sub-Saharan Africa no later than March 1, 1987.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury for the United States share of the increase in the resources of the Fund for Special Operations, $17,263,000, to remain available until expended; and $16,417,000, for the United States share of the increase in paid-in capital stock to remain available until expended: *Provided,* That no such payment may be made while the United States Executive Director for the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while the alternate United States Executive Director for the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Inter-American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such increase in capital stock in an amount not to exceed $1,111,561,128.

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

For payment to the Asian Development Bank by the Secretary of the Treasury, for the paid-in share portion of the United States share of the increase in capital stock, $13,232,676 to remain available until expended; and for the United States contribution to the increases in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended (Public Law 89-369), $91,406,000 to remain available until expended: *Provided,* That no such payment may be made while the United States Director of the Bank is compensated by the Bank at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to the Bank is compensated by the Bank in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Asian Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such increase in capital stock in an amount not to exceed $251,367,220.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For payment to the African Development Fund by the Secretary of the Treasury, $53,788,000, for the United States contribution to the fourth replenishment of the African Development Fund, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, for the paid-in share portion of the United States share of the increase in capital stock, $13,988,000, to remain available until expended: *Provided,* That no such payment may be made while the United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while the alternate United States Executive Director to the Bank is compensated by the Bank at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $41,980,980.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of sections 301 and 103(g) of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1983, $237,264,000: *Provided,* That no funds shall be available for the United Nations Fund for Science and Technology: *Provided further,* That the total amount of funds made available by this paragraph shall be available only as follows: $107,500,000 for the United Nations Development Program; $51,080,000 for the United Nations Children's Fund; $1,818,000 for the World Food Program; $861,000 for the United Nations Capital Development Fund; $219,000 for the United Nations Voluntary Fund for the Decade for Women; $2,000,000 for the International Convention and Scientific Organization Contributions; $2,000,000 for the World Meteorological Organization Voluntary Cooperation Program; $20,500,000 for the International Atomic Energy Agency; $6,800,000 for the United Nations Environment Program; $789,000 for the United Nations Educational and Training Program for Southern Africa; $250,000 for the United Nations Trust Fund for South Africa; $110,000 for the United Nations Institute for Namibia; $172,000 for the Convention on International Trade in Endangered Species; $219,000 for the World Heritage Fund; $86,000 for the United Nations Voluntary Fund for Victims of Torture; $100,000 for the United Nations Fellowship Program; $150,000 for the UNIDO Investment Promotion Service; $400,000 for the Center on Human Settlements; $13,500,000 for the Organization of American States; and $28,710,000 for the International Fund for Agricultural Development, of which $10,000,000 shall be made available for the Special Program for Sub-Saharan African Countries Affected by Drought and Desertification.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 1987, unless otherwise specified herein, as follows:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Agriculture, rural development and nutrition, Development Assistance: For necessary expenses to carry out the provisions of section 103, $639,613,000: *Provided,* That up to $5,000,000 shall be provided for new development projects of private entities and cooperatives utilizing surplus dairy products: *Provided further,* That not less than $6,000,000 shall be provided for the Vitamin A Deficiency Program: *Provided further,* That, notwithstanding any other provision of law, up to $10,000,000 of the funds appropriated under this paragraph may be available for agricultural activities in Poland which are managed by the Polish Catholic Church or other nongovernmental organizations.

Population, Development Assistance: For necessary expenses to carry out the provisions of section 104(b), $234,625,000: *Provided,* That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further,* That none of the funds made available under this heading may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services: *Provided further,* That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: *Provided further,* That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act.

Health, Development Assistance: For necessary expenses to carry out the provisions of section 104(c), $166,762,500.

Child Survival Fund: For necessary expenses to carry out the provisions of section 104(c)(2), $75,000,000, notwithstanding section 10 of Public Law 91-672 and section 15(a) of the State Department Basic Authorities Act of 1956.

Education and human resources development, Development Assistance: For necessary expenses to carry out the provisions of section 105, $155,000,000: *Provided,* That of this amount not less than

$6,000,000 shall be made available only for the International Student Exchange Program.

Energy and selected development activities, Development Assistance: For necessary expenses to carry out the provisions of section 106, $140,328,500: *Provided,* That not less than $5,000,000 shall be made available only for cooperative projects among the United States, Israel and developing countries: *Provided further,* That not less than $5,000,000 shall be made available only for the Central American Rural Electrification Support project.

Science and technology, Development Assistance: For necessary expenses to carry out the provisions of section 106, $9,661,500.

Limitation on Development Assistance: None of the funds made available by this Act in order to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, as amended, may be expended to provide an amount which would result in the percentage of funds expended for centrally funded, country, or regional programs for areas other than sub-Saharan Africa exceeding the percentage of total funds designated for centrally funded, country, or regional programs for areas other than sub-Saharan Africa in fiscal year 1986, as shown in the fiscal year 1987 congressional presentation materials.

Limitation on Development Assistance: None of the funds made available by this Act in order to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, as amended, may be expended to provide an amount which would result in the percentage of funds expended for centrally funded, country, or regional programs for areas other than Central America exceeding the percentage of total funds designated for centrally funded, country, or regional programs for areas other than Central America in fiscal year 1986, as shown in the fiscal year 1987 congressional presentation materials.

Haiti, Development Assistance: Of the funds made available to carry out sections 103 through 106 of the Foreign Assistance Act of 1961, as amended, not less than $37,000,000 shall be available to support a transition to democracy through activities emphasizing job creation, rural development, health care, sanitation, small scale irrigation projects, reforestation, land conservation, and literacy education projects: *Provided,* That funds made available pursuant to this paragraph for Haiti shall be used to provide assistance, to the maximum extent practicable, equitably among the various regions of Haiti.

Private and Voluntary Organizations: None of the funds appropriated or otherwise made available in this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 per centum of its total annual funding for international activities from sources other than the United States Government: *Provided,* That the requirements of the provisions of section 123(g) of the Foreign Assistance Act of 1961 and the provisions on private and voluntary organizations in title II of the "Foreign Assistance and Related Programs Appropriations Act, 1985" (as enacted in Public Law 98-473) shall be superseded by the provisions of this section.

Private sector revolving fund: For necessary expenses to carry out the provisions of section 108 of the Foreign Assistance Act of

1961, as amended, not to exceed $15,553,000 to be derived by transfer from funds appropriated to carry out the provisions of chapter 1 of part I of such Act, to remain available until expended. During fiscal year 1987, obligations for assistance from amounts in the revolving fund account under section 108 shall not exceed $15,553,000.

Loan allocation, Development Assistance: In order to carry out the provisions of part I, the Administrator of the agency responsible for administering such part may furnish loan assistance pursuant to existing law and on such terms and conditions as he may determine: *Provided,* That to the maximum extent practicable, loans to private sector institutions, from funds made available to carry out the provisions of sections 103 through 106, shall be provided at or near the prevailing interest rate paid on Treasury obligations of similar maturity at the time of obligating such funds: *Provided further,* That amounts appropriated to carry out the provisions of chapter 1 of part I which are provided in the form of loans shall remain available until September 30, 1988.

American schools and hospitals abroad: For necessary expenses to carry out the provisions of section 214, $35,000,000.

International disaster assistance: For necessary expenses to carry out the provisions of section 491, $70,000,000, to remain available until expended: *Provided,* That not less than $50,000,000 shall be available only for earthquake relief, reconstruction, and rehabilitation in El Salvador, notwithstanding section 10 of Public Law 91-672 and section 15(a) of the State Department Basic Authorities Act of 1956.

Sahel development program: For necessary expenses to carry out the provisions of section 121, $70,000,000, to remain available until expended: *Provided,* That no part of such appropriation may be available to make any contribution of the United States to the Sahel development program in excess of 10 percent of the total contributions to such program.

Payment to the Foreign Service Retirement and Disability Fund: For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, $45,492,000.

Operating expenses of the Agency for International Development: For necessary expenses to carry out the provisions of section 667, $340,600,000: *Provided,* That not more than $15,000,000 of this amount shall be for Foreign Affairs Administrative Support: *Provided further,* That the Agency for International Development may use amounts appropriated to carry out the provisions of chapter 1 of part I (with the exception of the "Child Survival Fund") and chapter 4 of part II of the Foreign Assistance Act of 1961, for the overseas local support costs of its economic assistance programs and for the operating expenses of the Agency for International Development Office of Inspector General: *Provided further,* That except to the extent that the Administrator of the Agency for International Development determines otherwise, not less than 10 per centum of the aggregate of the funds made available for the fiscal year 1987 to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be made available only for activities of economically and socially disadvantaged enterprises (within the meaning of section 133(c)(5) of the International Development and Food Assistance Act of 1977), historically black colleges and universities, and private and voluntary organizations which are controlled by individuals who are black Americans, Hispanic Americans, or Native Americans, or who are economically and socially disadvantaged (within the meaning of section 133(c)(5) (B) and (C) of the International Development and Food Assistance Act of 1977). For purposes of this proviso, economically and socially disadvantaged individuals shall be deemed to include women.

Operating expenses of the Agency for International Development Office of Inspector General: For necessary expenses to carry out the provisions of section 667, $21,000,000, which sum shall be available only for the operating expenses of the Office of the Inspector General notwithstanding sections 451 or 614 of the Foreign Assistance Act of 1961 or any other provision of law: *Provided,* That up to three percent of the amount made available under the paragraph "Operating expenses of the Agency for International Development" may be transferred to and merged and consolidated with amounts made available under this paragraph: *Provided further,* That the full-time equivalent staff years for the Office of the Inspector General for the fiscal year 1987 shall not be less than one hundred and ninety-three: *Provided further,* That except as may be required by an emergency evacuation affecting the United States diplomatic missions of which they are a component element, none of the funds in this Act, or any other Act, may be used to relocate the overseas Regional Offices of the Inspector General to another country.

Housing and other credit guaranty programs: During the fiscal year 1987, total commitments to guarantee loans shall not exceed $145,464,000 of contingent liability for loan principal: *Provided,* That the President shall enter into commitments to guarantee such loans in the full amount provided by this paragraph, subject only to the availability of qualified applicants for such guarantees: *Provided further,* That pursuant to section 223(e)(2) of the Foreign Assistance Act of 1961, as amended, borrowing authority provided therein may be exercised in such amounts as may be necessary to retain an adequate level of contingency reserves for the fiscal year 1987.

Economic support fund: For necessary expenses to carry out the provisions of chapter 4 of part II, $3,550,000,000 including such funds as may be made available in fiscal year 1987 for Economic support funds for Central American countries through final enactment of section 205 of H.R. 5052: *Provided,* That of the funds appropriated under this paragraph, not less than $1,200,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within 30 days of enactment of this Act or by October 31, 1986, whichever is later: *Provided further,* That not less than $815,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, of which not less than $115,000,000 shall be provided as a cash transfer in accordance with the provisions of section 202(b) of Public Law 99-83, and not less than $200,000,000 shall be provided as a Commodity Import Program: *Provided further,* That notwithstanding any other provision of law, the Agency for International Development is authorized to obligate such funds as it deems necessary in excess of $115,000,000 from the funds appropriated for assistance to Egypt for the fiscal year 1987 as direct cash transfer for Egypt: *Provided further,* That such obligations in excess of $115,000,000 shall only be made in support of the implementation of a comprehensive structural economic reform program by the Government of Egypt: *Provided further,* That all such cash transfers in excess of $115,000,000 shall be subject to the regular notification procedures of the Committee on Foreign Affairs of the House of Representatives, the Committee on Foreign Relations of the Senate, and the Appropriations Committees of the House and Senate: *Provided further,* That such notifications for the provision of cash transfers in excess of $115,000,000 shall include detailed descriptions of the comprehensive structural economic reform program of the Government of Egypt: *Provided further,* That if the Agency for International Development obligates cash transfer assistance for Egypt exceeding $115,000,000, as permitted above, then such increased funding shall be derived through proportionate reductions in both the Commodity Import Program and project assistance: *Provided further,* That it is the sense of the Congress that the recommended levels of assistance for Egypt and Israel are based in great measure upon their continued participation in the Camp David Accords and upon the Egyptian-Israeli peace treaty; and that Egypt and Israel are urged to continue their efforts to restore a full diplomatic relationship, including ambassadors, and achieve realization of the Camp David Accords: *Provided further,* That not less than $250,000,000 of the funds appropriated under this paragraph shall be available only for Pakistan: *Provided further,* That not less than $35,000,000 of the funds appropriated under this paragraph shall be available for a United States contribution to the International Fund for Northern Ireland and Ireland: *Provided further,* That not less than an additional sum of $200,000,000 shall be available only for the Philippines: *Provided further,* That not less than $15,000,000 of the funds appropriated under this paragraph shall be available for Cyprus: *Provided further,* That up to $15,000,000 shall be made available for Jordan in addition to funds otherwise made available by this paragraph and allocated to Jordan: *Provided further,* That any of the funds appropriated under this paragraph for El Salvador which are placed in the Central Reserve Bank of El Salvador shall be maintained in a separate account and not commingled with any other funds, except that such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the cash transfer nature of this assistance or which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (H. Rept. No. 98-1159): *Provided further,* That pursuant to section 660(d) of the Foreign Assistance Act of 1961 up to $1,000,000 of the funds appropriated under this paragraph shall be made available to assist the Government of El Salvador's Special Investigative Unit for the purpose of bringing to justice those responsible for the murders of United States citizens in El Salvador: *Provided further,* That a report of the investigation shall be provided to the Congress: *Provided further,* That up to $20,000,000 of the funds appropriated under this paragraph may be made available to carry out the Administration of Justice program pursuant to section 534 of the Foreign Assistance Act of 1961: *Provided further,* That up to $20,000,000 of the funds made available by this paragraph may be provided to countries that are receiving "International Narcotics Control" assistance and that have made substantial progress in illicit drug control efforts: *Provided further,* That all funds made available pursuant to the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations and that such notifications shall contain an explanation of the progress in illicit drug control that has been made by the recipient country: *Provided further,* That all of the funds provided under this paragraph which are made available for disadvantaged persons in South Africa shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further,* That after February 1, 1987, any country which receives in excess of a total of $5,000,000 as cash transfer assistance shall maintain such funds in a separate account and shall not commingle such funds with any other funds, except that such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the cash transfer nature of this assistance or which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (H. Rept. No. 98-1159): *Provided further,* That all local currencies that may be generated with funds provided as a cash transfer in accordance with the previous proviso shall be deposited in a special account to be used in accordance with section 609 of the Foreign Assistance Act of 1961: *Provided further,* That not more than $5,000,000 of the funds made available under this paragraph may be available to finance tied aid credits, unless the President determines it is in the national interest to provide in excess of $5,000,000 and so notifies the Committees on Appropriations through the regular notification procedures: *Provided further,* That funds made available under this paragraph shall remain available until September 30, 1988.

INDEPENDENT AGENCIES

AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out the provisions of title V of the International Security and Development Cooperation Act of 1980, Public Law 96-533, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104, title 31, United States Code, $6,500,000, notwithstanding section 10 of Public Law 91-672 and section 15(a) of the State Department Basic Authorities Act of 1956.

INTER-AMERICAN FOUNDATION

For expenses necessary to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104, title 31, United States Code, $11,800,000.

OVERSEAS PRIVATE INVESTMENT CORPORATION

The Overseas Private Investment Corporation is authorized to make such expenditures within the limits of funds available to it and in accordance with law (including not to exceed $35,000 for official reception and representation expenses), and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year.

During the fiscal year 1987 and within the resources and authority available, gross obligations for the amount of direct loans shall not exceed $23,000,000.

During the fiscal year 1987, total commitments to guarantee loans shall not exceed $200,000,000 of contingent liability for loan principal.

PEACE CORPS

For expenses necessary to carry out the provisions of the Peace Corps Act (75 Stat. 612), $130,000,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: *Provided,* That none of the funds appropriated in this paragraph shall be used to pay for abortions.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL

For necessary expenses to carry out the provisions of section 481, $65,445,000, notwithstanding section 10 of Public Law 91–672 and section 15(a) of the State Department Basic Authorities Act of 1956.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross and assistance to refugees, including contributions to the Intergovernmental Committee for Migration and the United Nations High Commissioner for Refugees; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980, allowances as authorized by sections 5921 through 5925 of title 5, United States Code; hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code; $346,856,000: *Provided,* That not less than $25,000,000 shall be available for Soviet, Eastern European and other refugees resettling in Israel: *Provided further,* That these funds shall be administered in a manner that ensures equity in the treatment of all refugees receiving Federal assistance: *Provided further,* That no funds herein appropriated shall be used to assist directly in the migration to any nation in the Western Hemisphere of any person not having a security clearance based on reasonable standards to ensure against Communist infiltration in the Western Hemisphere: *Provided further,* That not more than $8,500,000 of the funds appropriated under this heading shall be available for the administrative expenses of the Office of

Refugee Programs of the Department of State: *Provided further,* That amounts appropriated under this heading shall be available notwithstanding section 10 of Public Law 91-672 and section 15(a) of the State Department Basic Authorities Act of 1956.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 260(c)), $14,000,000, to remain available until expended.

ANTI-TERRORISM ASSISTANCE

For necessary expenses to carry out the provisions of chapter 8 of part II, $9,840,000.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551, $31,689,000: *Provided,* That, notwithstanding sections 451, 492(b), or 614 of the Foreign Assistance Act of 1961, or any other provision of law, these funds may be used only as justified in the Congressional Presentation Document for fiscal year 1987: *Provided further,* That, to the extent that these funds cannot be used to provide for such assistance, they shall revert to the Treasury as miscellaneous receipts: *Provided further,* That not more than half of the funds which are appropriated under this paragraph and which are allocated for the United Nations Force in Cyprus may be obligated for the United States contribution to that Force until the Secretary of State submits a report to the Congress detailing how the United States and other contributing countries plan to eliminate the financial deficit of that Force.

TITLE III—MILITARY ASSISTANCE

Funds Appropriated to the President

MILITARY ASSISTANCE

For necessary expenses to carry out the provisions of section 503 of the Foreign Assistance Act of 1961, including administrative expenses and purchase of passenger motor vehicles for replacement only for use outside of the United States, $900,000,000: *Provided,* That none of the funds under this heading shall be obligated for law enforcement agencies in El Salvador and Honduras until the notification required under Section 660(d) of the Foreign Assistance Act of 1961, as amended, is provided to the Committees on Appropriations: *Provided further,* That of the funds provided under this paragraph not more than $37,000,000 shall be used for "Overseas Military Program Management": *Provided further,* That the reports required by section 702 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83) shall also be provided to the Committees on Appropriations: *Provided further,* That funds appropriated under this paragraph shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further,* That amounts appropriated under this heading shall be available notwithstanding section 10 of Public Law 91-672 and section 15(a) of the State Department Basic Authorities Act of 1956.

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541, $56,000,000.

FOREIGN MILITARY CREDIT SALES

For expenses necessary to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $4,040,441,284 of which not less than $1,800,000,000 shall be available only for Israel, not less than $1,300,000,000 shall be available only for Egypt, and not less than $312,500,000 shall be available only for Pakistan: *Provided,* That if the Government of Israel requests that funds be used for such purposes, up to $150,000,000 of the amount of credits made available for Israel pursuant to this paragraph shall be available for research and development in the United States for the Lavi program, and not less than $300,000,000 shall be for the procurement in Israel of defense articles and services, including research and development, for the Lavi program and other activities if requested by Israel: *Provided further,* That funds for the Lavi program shall be expended upon the Department of Defense's determination that the proposed contracts meet applicable technical standards: *Provided further,* That during fiscal year 1987, gross obligations for the principal amount of direct loans, exclusive of loan guarantee defaults, shall not exceed $4,040,441,284: *Provided further,* That any funds made available by this paragraph, other than funds made available for Israel and Egypt, may be made available at concessional rates of interest, notwithstanding section 31(b)(2) of the Arms Export Control Act: *Provided further,* That the concessional rate of interest on foreign military credit sales loans for countries other than Israel and Egypt shall be not less than 5 percent per year: *Provided further,* That all country and funding level changes in requested concessional financing allocations shall be submitted through the regular notification procedures of the Committees on Appropriations: *Provided further,* That funds appropriated under this paragraph shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further,* That of the funds made available by this Act to carry out the provisions of section 503 of the Foreign Assistance Act of 1961 and section 23 of the Arms Export Control Act, a total of $490,000,000 shall be available only for Turkey and, of the funds made available by this paragraph, only $343,000,000 shall be available for Greece, notwithstanding sections 101 (e)(1) and (f) of Public Law 99-83.

SPECIAL DEFENSE ACQUISITION FUND

(LIMITATION ON OBLIGATIONS)

Not to exceed $315,820,000 may be obligated pursuant to section 51(c)(2) of the Arms Export Control Act for the purposes of the Special Defense Acquisition Fund during fiscal year 1987.

TITLE IV—EXPORT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided,* That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country other than a nuclear-weapon State as defined in article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act that has detonated a nuclear explosive after the date of enactment of this Act.

LIMITATION ON PROGRAM ACTIVITY

During the fiscal year 1987 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $900,000,000, including such resources and authority as are made available in Public Law 99–349 for fiscal year 1987: *Provided,* That, if the Chairman of the Export-Import Bank certifies that such budget authority will not be fully utilized during the fiscal year 1987, up to $100,000,000 of that amount may be available, subject to the regular notification procedures of the Appropriations Committees of the Senate and House of Representatives, as tied aid credits in accordance with the provisions of the Export-Import Bank Act Amendments of 1986: *Provided further,* That there is appropriated to the Export-Import Bank of the United States an amount equal to the grant amount of tied aid credits which are made available from time to time, but not to exceed $100,000,000, which shall be subject to the limitation on gross obligations for the principal amount of direct loans specified under this heading: *Provided further,* That during the fiscal year 1987, total commitments to guarantee loans shall not exceed $11,355,000,000 of contingent liability for loan principal: *Provided further,* That the direct loan and guaranty authority provided in this paragraph shall remain available until September 30, 1988.

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $18,371,500 (to be computed on an accrual basis) shall be available during fiscal year 1987 for administrative expenses, including hire of passenger motor vehicles and services as authorized by section 3109 of title 5, United States Code, and not to exceed $16,000 for official reception and representation expenses for members of the Board of Directors: *Provided,* That (1) fees or dues to international organizations of credit institutions engaged in financing foreign trade, (2) necessary expenses (including special services performed on a contract or a fee basis, but not including other personal services) in connection with the acquisition, operation, maintenance, improvement, or disposition of any real or personal property belonging to the Export-Import Bank or in which it has an interest, including expenses of collections of pledged collateral, or the investigation or appraisal of any property in respect to which an application for a loan has been made, and (3) expenses (other than internal expenses of the Export-Import Bank) incurred in connection with the issuance and servicing of guarantees, insurance, and reinsurance, shall be considered as nonadministrative expenses for the purposes of this heading.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT PROGRAM

For necessary expenses to carry out the provisions of section 661, $20,000,000.

AGENCY FOR INTERNATIONAL DEVELOPMENT

TRADE CREDIT INSURANCE PROGRAM

During fiscal year 1987, total commitments to guarantee or insure loans for the "Trade Credit Insurance Program" shall not exceed $275,000,000 of contingent liability for loan principal.

TITLE V—GENERAL PROVISIONS

SEC. 501. None of the funds appropriated in this Act (other than funds appropriated for "International organizations and programs") shall be used to finance the construction of any new flood control, reclamation, or other water or related land resource project or program which has not met the standards and criteria used in determining the feasibility of flood control, reclamation, and other water and related land resource programs and projects proposed for construction within the United States of America under the principles, standards and procedures established pursuant to the Water Resources Planning Act (42 U.S.C. 1962, et seq.) or Acts amendatory or supplementary thereto.

SEC. 502. Except for the appropriations entitled "International disaster assistance", and "United States emergency refugee and migration assistance fund" not more than 15 per centum of any appropriation item made available by this Act shall be obligated during the last month of availability.

SEC. 503. None of the funds appropriated in this Act nor any of the counterpart funds generated as a result of assistance hereunder or any prior Act shall be used to pay pensions, annuities, retirement pay, or adjusted service compensation for any person heretofore or hereafter serving in the armed forces of any recipient country.

SEC. 504. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used for making payments on any contract for procurement to which the United States is a party entered into after the date of enactment of this Act which does not contain a provision authorizing the termination of such contract for the convenience of the United States.

SEC. 505. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations.

SEC. 506. None of the funds contained in title II of this Act may be used to carry out the provisions of section 209(d) of the Foreign Assistance Act of 1961.

SEC. 507. Of the funds appropriated or made available pursuant to this Act, not to exceed $110,000 shall be for official residence expenses of the Agency for International Development during the current fiscal year: *Provided,* That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

SEC. 508. Of the funds appropriated or made available pursuant to this Act, not to exceed $10,000 shall be for entertainment expenses of the Agency for International Development during the current fiscal year.

SEC. 509. Of the funds appropriated or made available pursuant to this Act, not to exceed $100,000 shall be for representation allowances for the Agency for International Development during the current fiscal year: *Provided,* That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: *Provided further,* That of the total funds made available by this Act under the headings "Military assistance" and "Foreign military credit sales", not to exceed $2,500 shall be available for entertainment expenses and not to exceed $70,000 shall be available for representation allowances: *Provided further,* That of the funds made available by this Act under the heading "International military education and training", not to exceed $125,000 shall be available for entertainment allowances: *Provided further,* That of the funds made available by this Act for the Inter-American Foundation, not to exceed $2,500 shall be available for entertainment and representation allowances: *Provided further,* That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: *Provided further,* That of the funds made available by this Act under the heading "Trade and Development Program", not to exceed $2,000 shall be available for representation and entertainment allowances.

SEC. 510. None of the funds appropriated or made available (other than funds for "International organizations and programs") pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used to finance the export of nuclear equipment, fuel, or technology.

SEC. 511. Funds appropriated by this Act may not be obligated or expended to provide assistance to any country for the purpose of aiding the efforts of the government of such country to repress the legitimate rights of the population of such country contrary to the Universal Declaration of Human Rights.

SEC. 512.[1] None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Angola, Cambodia, Cuba, Iraq, Libya, the Socialist Republic of Vietnam, South Yemen, or Syria.

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[1] Note similarity to sec. 560 and possible inconsistency.

SEC. 513. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to any country whose duly elected Head of Government is deposed by military coup or decree.

SEC. 514. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated without the written prior approval of the Appropriations Committees of both Houses of the Congress.

SEC. 515. Amounts certified pursuant to section 1311 of the Supplemental Appropriations Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961 for the same general purpose as any of the paragraphs under the heading "Agency for International Development" are, if deobligated, hereby continued available for the same period as the respective appropriations in such paragraphs or until September 30, 1987 whichever is later, and for the same general purpose, and for countries within the same region as originally obligated: *Provided*, That the Appropriations Committees of both Houses of the Congress are notified fifteen days in advance of the deobligation and reobligation of such funds.

SEC. 516. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of enactment of this Act by the Congress.

SEC. 517. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: *Provided*, That funds appropriated for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, shall remain available until expended if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act.

SEC. 518. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to such country by the United States pursuant to a program for which funds are appropriated under this Act.

SEC. 519. None of the funds appropriated or made available pursuant to this Act shall be available to any international financial institution whose United States governor or representative cannot upon request obtain the amounts and the names of borrowers for all loans of the international financial institution, including loans to employees of the institution, or the compensation and related benefits of employees of the institution.

SEC. 520. None of the funds appropriated or made available pursuant to this Act shall be available to any international financial institution whose United States governor or representative cannot upon request obtain any document developed by the management of the international financial institution.

SEC. 521. None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: *Provided*, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity.

SEC. 522. The Secretary of the Treasury shall instruct the United States executive directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production of any commodity for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

SEC. 523. None of the funds made available under this Act for "Agriculture, rural development and nutrition, Development Assistance", "Population, Development Assistance", "Child Survival Fund", "Health, Development Assistance", "Education and human resources development, Development Assistance", "Energy and selected development activities, Development Assistance", "Science and technology, Development Assistance", "International organizations and programs", "American schools and hospitals abroad", "Sahel development program", "Trade and development program", "International narcotics control", "Economic support fund", "Peacekeeping operations", "Operating expenses of the Agency for International Development", "Operating expenses of the Agency for International Development Office of Inspector General", "Antiterrorism assistance", "Military assistance", "International military education and training", "Foreign military credit sales", "Inter-American Foundation", "African Development Foundation", "Peace Corps", or "Migration and refugee assistance", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operation not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings for the current fiscal year unless the Appropriations Committees of both Houses of Congress are previously notified fifteen days in advance.

SEC. 524. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order pursuant to existing law.

SEC. 525. None of the funds appropriated under this Act may be used to lobby for abortion.

SEC. 526. None of the funds appropriated or otherwise made available under this Act may be available for any country during any three-month period beginning on or after October 1, 1986, immediately following a certification by the President to the Congress that the government of such country is failing to take adequate measures to prevent narcotic drugs or other controlled substances (as listed in the schedules in section 202 of the Comprehensive Drug Abuse and Prevention Control Act of 1971 (21 U.S.C. 812)) which are cultivated, produced, or processed illicitly, in whole or in part, in such country, or transported through such country from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents or from entering the United States unlawfully.

SEC. 527. Notwithstanding any other provision of law or this Act, none of the funds provided for "International organizations and programs" shall be available for the United States proportionate share for any programs for the Palestine Liberation Organization, the Southwest African Peoples Organization, Libya, Iran, or, at the discretion of the President, Communist countries listed in section 620(f) of the Foreign Assistance Act of 1961, as amended.

SEC. 528. (a) Not later than January 31 of each year, or at the time of the transmittal by the President to the Congress of the annual presentation materials on foreign assistance, whichever is earlier, the President shall transmit to the Speaker of the House of Representatives and the President of the Senate a full and complete report which assesses, with respect to each foreign country, the degree of support by the government of each such country during the preceding twelve-month period for the foreign policy of the United States. Such report shall include, with respect to each such country which is a member of the United Nations, information to be compiled and supplied by the Permanent Representative of the United States to the United Nations, consisting of a comparison of the overall voting practices in the principal bodies of the United Nations during the preceding twelve-month period of such country and the United States, with special note of the voting and speaking records of such country on issues of major importance to the United States in the General Assembly and the Security Council, and shall also include a report on actions with regard to the United States in important related documents such as the Non-Aligned Communique. A full compilation of the information supplied by the Permanent Representative of the United States to the United Nations for inclusion in such report shall be provided as an addendum to such report.

(b) None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to a country which the President finds, based on the contents of the report required to be transmitted under subsection (a), is engaged in a consistent pattern of opposition to the foreign policy of the United States.

(c) The report required by subsection (a) of this section shall be in the identical format as the "Report to Congress on Voting Practices in the United Nations" which was submitted pursuant to Public Law 99-190 and Public Law 98-164 on June 6, 1986.

SEC. 529. Notwithstanding any other provision of law, Israel may utilize any loan which is or was made available under the Arms Export Control Act and for which repayment is or was forgiven before utilizing any other loan made available under the Arms Export Control Act.

SEC. 530. In reaffirmation of the 1975 memorandum of agreement between the United States and Israel, and in accordance with section 1302 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83), no employee of or individual acting on behalf of the United States Government shall recognize or negotiate with the Palestine Liberation Organization or representatives thereof, so long as the Palestine Liberation Organization does not recognize Israel's right to exist, does not accept Security Council Resolutions 242 and 338, and does not renounce the use of terrorism.

SEC. 531. The Congress finds that progress on the peace process in the Middle East is vitally important to United States security interests in the region. The Congress recognizes that, in fulfilling its obligations under the Treaty of Peace Between the Arab Republic of Egypt and the State of Israel, done at Washington on March 26, 1979, Israel incurred severe economic burdens. Furthermore, the Congress recognizes that an economically and militarily secure Israel serves the security interests of the United States, for a secure Israel is an Israel which has the incentive and confidence to continue pursuing the peace process. Therefore, the Congress declares that it is the policy and the intention of the United States that the funds provided in annual appropriations for the Economic support fund which are allocated to Israel shall not be less than the annual debt repayment (interest and principal) from Israel to the United States Government in recognition that such a principle serves United States interests in the region.

SEC. 532. None of the funds made available in this Act shall be restricted for obligation or disbursement solely as a result of the policies of any multilateral institution.

SEC. 533. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent act unless such act specifically so directs.

SEC. 534. The Secretary of the Treasury and the Secretary of State are directed to submit to the Committees on Appropriations by February 1, 1987, a report on the domestic economic policies of those nations receiving economic assistance, either directly or indirectly from the United States including, where appropriate, an analysis of the foreign assistance programs conducted by these recipient nations.

SEC. 535. None of the funds appropriated or otherwise made available pursuant to this Act for "Economic support fund" or for "Foreign military credit sales" shall be obligated or expended for

Lebanon except as provided through the regular notification procedures of the Committees on Appropriations.

Sec. 536. Of the funds made available by this Act for Jamaica and Peru, not more than 50 per centum of the funds made available for each country shall be obligated unless the President determines and reports to the Congress that the Governments of these countries are sufficiently responsive to the United States Government concerns on drug control and that the added expenditures of the funds for that country are in the national interest of the United States: *Provided,* That this provision shall not be applicable to funds made available to carry out section 481 of the Foreign Assistance Act of 1961: *Provided further,* That assistance may be provided to Bolivia for fiscal year 1987, under chapter 2 (relating to grant military assistance), chapter 4 (relating to the economic support fund), and chapter 5 (relating to international military education and training) of part II of the Foreign Assistance Act of 1961, and under chapter 2 of the Arms Export Control Act (relating to foreign military sales financing), only in accordance with the provisions of section 611 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83) as amended by section 2011 of H.R. 5484 as passed by the Senate on September 30, 1986.

Sec. 537. None of the funds available in this Act may be used to make available to El Salvador any helicopters or other aircraft, and licenses may not be issued under section 38 of the Arms Export Control Act for the export to El Salvador of any such aircraft, unless the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate are notified at least fifteen days in advance in accordance with the procedures applicable to notifications.

Sec. 538. Funds provided in this Act for Guatemala may not be provided to the Government of Guatemala for use in its rural resettlement program, except through the regular notification procedures of the Committees on Appropriations.

Sec. 539. (a) The Secretary of the Treasury shall instruct the United States Executive Directors of the Multilateral Development Banks to—

(1) vigorously promote a commitment of these institutions to—

(A) add professionally trained staff with experience in ecology and related areas to undertake environmental review of projects, and strengthen existing staff exercising environmental responsibilities;

(B) develop and implement management plans to ensure systematic and thorough environmental review of all projects and activities affecting the ecology and natural resources of borrowing countries, including—

(i) creation of a line unit to carry out such reviews as part of the normal project cycle,

(ii) appointment of an environmental advisor to the Presidents of the Multilateral Development Banks,

(iii) institution of a regular program of monitoring all ongoing projects to ensure that contract conditions and general bank policies to protect the environment and indigenous peoples are fully complied with;

(C) create career and other institutional incentives for all professionally trained bank staff to incorporate environmental and natural resources concerns into project planning and country programming activities;

(2) vigorously promote changes in these institutions in their preparation of projects and country programs that will prompt staff and encourage borrower countries to—

(A) actively and regularly involve environmental and health ministers, or comparable representatives, at the national, regional and local level, in the preparation of environmentally sensitive projects and in bank-supported country program planning and strategy sessions;

(B) actively and regularly seek the participation of non-governmental indigenous peoples and conservation organizations in the host countries at all stages of project planning and strategy sessions;

(C) fully inform local communities and appropriate non-governmental organizations with interests in local development projects of all project planning sufficiently in advance of project appraisal to allow informed participation of local communities and non-governmental organizations that may be adversely affected by them;

(3) establish a regular integrated multidisciplinary planning process to conduct land use capability analyses in reviewing potential loans. Such plans shall include, but not be limited to, a review of ongoing or other potential resource utilization efforts in and adjacent to the project area;

(4) vigorously promote a commitment of these institutions to develop and implement plans for the rehabilitation and management of the ecological resources of borrower nations on a sustained basis. Special attention shall be paid to soil conservation, wildlife, wetlands, estuaries, croplands, grasslands, forests, and fisheries, including—

(A) long-term programs of research designed to manage ecosystems properly;

(B) provision of adequate extension workers, park rangers, social forestry experts, and other appropriate personnel; and

(C) improved programs of training in environmental science and land-use planning;

(5) vigorously promote a commitment of these institutions to increase the proportion of their programs supporting environmentally beneficial projects and project components, such as technical assistance for environmental ministries and institutions, resource rehabilitation projects and project components, protection of indigenous peoples, and appropriate light capital technology projects. Other examples of such projects include small scale mixed farming and multiple cropping, agroforestry, programs to promote kitchen gardens, watershed management and rehabilitation, high yield wood lots, integrated pest management systems, dune stabilization programs, programs to improve energy efficiency, energy efficient technologies such as small scale hydro projects, rural solar energy systems, and

rural and mobile telecommunications systems, and improved efficiency and management of irrigation systems.

(6) place an increased emphasis on upgrading the efficient use of energy and other resources by borrower nations. Such efforts shall include, but not be limited to—

(A) significantly increasing the proportion of energy project lending for energy efficiency improvements, and decentralized small scale facilities such as solar, wind, or biomass generating facilities; and

(B) conducting an analysis of the comparative costs of any new energy generating facilities with the cost of increasing the energy efficiency in the project service area;

(7) seek a commitment of these institutions to fund projects to protect and preserve crucial wetland systems and to avoid expenditures for projects designed to convert major wetland systems. Development proposals which may affect these areas should be the subject of detailed impact assessments so as to avoid detrimental impacts to fisheries, wildlife and other important resources;

(8) vigorously promote the establishment within the Economic Development Institute of the World Bank of a component which provides training in environmental and natural resource planning and program development;

(9) regularly raise, at meetings of the Boards of Directors of these institutions, the issue of their progress in improving their environmental performance, with specific focus on the measures set forth above; and

(10) require at least a four week project review period between the time when staff recommendations are presented to the board and board action on any projects.

(b) The Secretaries of Treasury and State, and the Administrator of the Agency for International Development, shall ensure and coordinate a thorough evaluation within the United States Government of the potential environmental problems, and the adequacy of measures to address these problems, associated with all proposed loans for projects involving large impoundments of rivers in tropical countries; penetration roads into relatively undeveloped areas; and agricultural and rural development programs. The potential environmental problems to be addressed in such evaluations shall include those relating to deterioration of water quality; siltation; spread of waterborne diseases; forced resettlement; deforestation; threats to the land, health and culture of indigenous peoples; wetlands disruption; topsoil management, water logging and salinization in irrigation projects; and pesticide misuse and resistance.

(c) The Secretary of the Treasury and the Secretary of State shall regularly undertake and continue diplomatic and other initiatives, in addition to those mentioned in subsection (a)(5), to discuss measures to improve the environmental performance of the Multilateral Development Banks with the representatives to these institutions, and with ministries from which they receive their instructions, of borrower and donor nations. In particular, joint efforts shall be undertaken with borrowers and donors to ensure cooperative implementation of the reforms described above.

(d) The Secretary of the Treasury and the Secretary of State shall propose formally that the Boards of Governors of each Multilateral Development Bank hold a special meeting within the next twelve months, focused specifically on environmental performance and better implementation of multilateral development policies designed to protect the environment and indigenous peoples.

(e) The Secretary of the Treasury shall prepare and submit to the Committees on Appropriations by January 15, 1987, and annually thereafter, a report documenting the progress the Multilateral Development Banks have made in implementing the environmental reform measures described in paragraphs one through eight of subsection (a).

(f) In the report of the Secretary of the Treasury required by subsection (e), regarding the implementation of staffing measures suggested in subsection (a)(1)(A), the Secretary of the Treasury shall specifically discuss the progress of the International Bank for Reconstruction and Development in upgrading and adding environmentally trained professionals to each of its six regional offices to review projects for their prospective ecological impacts.

(g) The Administrator of the Agency for International Development in conjunction with the Secretaries of Treasury and State shall—

(1) instruct overseas missions of the Agency for International Development and embassies of the United States to analyze the impacts of Multilateral Development Bank projects proposed to be undertaken in the host country well in advance of a project's approval by the relevant institution. Such reviews shall address the economic viability of the project; adverse impacts on the environment, natural resources, and indigenous peoples; and recommendations as to measures, including alternatives, that could eliminate or mitigate adverse impacts. If not classified under the national security system of classification, such information shall be made available to the public;

(2) in preparation of reviews required by subsection (g)(1), compile a list of categories of projects likely to have adverse impacts on the environment, natural resources, or indigenous peoples. The list shall be developed in consultation with interested members of the public and made available to the Committee on Appropriations by December 31, 1986 and semiannually thereafter; and

(3) study the feasibility of creating a cooperative "early warning system" for projects of concern with other interested donors.

(h) If a review required by subsection (g)(1) identifies adverse impacts to the environment, natural resources, or indigenous peoples, the Secretary of the Treasury shall instruct the United States Executive Director of the Multilateral Development Bank to seek changes to the project necessary to eliminate or mitigate those impacts.

(i) The Administrator of the Agency for International Development shall appoint a Committee on Health and the Environment to examine opportunities for assisting countries in the proper use of agricultural and industrial chemicals and processes and alternatives such as integrated pest management. The committee shall be broadly representative of industry, agriculture, labor, health and environmental interests and shall report its preliminary findings to Congress before hearings on the fiscal year 1988 budget.

SEC. 540. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations. The Congress reaffirms its commitments to Population, Development Assistance and to the need for informed voluntary family planning.

SEC. 541. Not less than $30,000,000 of the aggregate amount of funds appropriated by this Act to carry out the provisions of chapter 1 of part I of the Foreign Assistance Act of 1961 and chapter 4 of part II of that Act, shall be available for the provision of food, medicine, or other humanitarian assistance to the Afghan people, notwithstanding any other provision of law.

SEC. 542. None of the funds provided in this Act shall be available for the Sudan if the President determines that the Sudan is acting in a manner that would endanger the stability of the region, or the Camp David peace process.

SEC. 543. The President shall make available to the Cambodian non-Communist resistance forces not less than $1,500,000 nor more than $5,000,000 of the funds appropriated by this Act for "Military assistance" and for the "Economic support fund", notwithstanding any other provision of law: *Provided*, That funds appropriated by this Act for this purpose shall be obligated in accordance with the provisions of section 906 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83).

SEC. 544. None of the funds appropriated or made available pursuant to this Act shall be available to a private voluntary organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the Agency for International Development.

SEC. 545. Of the amounts made available by this Act for military assistance and financing for El Salvador under chapters 2 and 5 of part II of the Foreign Assistance Act of 1961 and under the Arms Export Control Act, $5,000,000 may not be expended until the President reports, following the conclusion of the Appeals process in the case of Captain Avila, to the Committees on Appropriations that the Government of El Salvador has (1) substantially concluded all investigative action with respect to those responsible for the January 1981 deaths of the two United States land reform consultants Michael Hammer and Mark Pearlman and the Salvadoran Land Reform Institute Director Jose Rodolfo Viera, and (2) pursued all legal avenues to bring to trial and obtain a verdict of those who ordered and carried out the January 1981 murders.

SEC. 546. It is the sense of the Congress that all countries receiving United States foreign assistance under the "Economic support fund", "Foreign Military Credit Sales", "Military Assistance" program, "International military education and training", Agricultural Trade Development and Assistance Act of 1954 (Public Law 480), development assistance programs, or trade promotion programs should fully cooperate with the international refugee assistance organizations, the United States, and other governments in facilitating lasting solutions to refugee situations. Further, where resettlement to other countries is the appropriate solution, such resettlement should be expedited in cooperation with the country of asylum without respect to race, sex, religion, or national origin.

SEC. 547. (a) The Congress finds that—

(1) the United Nations Children's Fund (UNICEF) reports that four million children die annually because they have not been immunized against the six major childhood diseases: polio, measles, whooping cough, diphtheria, tetanus, and tuberculosis;

(2) at present less than 20 percent of children in the developing world are fully immunized against these diseases;

(3) each year more than five million additional children are permanently disabled and suffer diminished capacities to contribute to the economic, social and political development of their countries because they have not been immunized;

(4) ten million additional childhood deaths from immunizable and potentially immunizable diseases could be averted annually by the development of techniques in biotechnology for new and cost-effective vaccines;

(5) the World Health Assembly, the Executive Board of the United Nations Children's Fund, and the United Nations General Assembly are calling upon the nations of the world to commit the resources necessary to meet the challenge of universal access to childhood immunization by 1990;

(6) the United States, through the Centers for Disease Control and the Agency for International Development, joined in a global effort by providing political and technical leadership that made possible the eradication of smallpox during the 1970's;

(7) the development of national immunization systems that can both be sustained and also serve as a model for a wide range of primary health care actions is a desired outcome of our foreign assistance policy;

(8) the United States Centers for Disease Control headquartered in Atlanta is uniquely qualified to provide technical assistance for a worldwide immunization and eradication effort and is universally respected;

(9) at the 1984 Bellagio Conference it was determined that the goal of universal childhood immunization by 1990 is indeed achievable;

(10) the Congress, through authorizations and appropriations for international health research and primary health care activities and the establishment of the Child Survival Fund, has played a vital role in providing for the well-being of the world's children;

(11) the Congress has expressed its expectation that the Agency for International Development will set as a goal the immunization by 1990 of at least 80 percent of all the children in those countries in which the Agency has a program, and

(12) the United States private sector and public at large have responded generously to appeals for support for national immunization campaigns in developing countries.

(b)(1) The Congress calls upon the President to direct the Agency for International Development, working through the Centers for Disease Control and other appropriate Federal agencies, to work in a global effort to provide enhanced support toward achieving the goal of universal access to childhood immunization by 1990 by—

(A) assisting in the delivery, distribution, and use of vaccines, including—

(i) the building of locally sustainable systems and technical capacities in developing countries to reach, by the appropriate age, not less than 80 per centum of their annually projected target population with the full schedule of required immunizations, and

(ii) the development of a sufficient network of indigenous professionals and institutions with responsibility for developing, monitoring, and assessing immunization programs and continually adapting strategies to reach the goal of preventing immunizable diseases; and

(B) performing, supporting, and encouraging research and development activities, both in the public and private sector, that will be targeted at developing new vaccines and at modifying and improving existing vaccines to make them more appropriate for use in developing countries.

(2) In support of this global effort, the President should appeal to the people of the United States and the United States private sector to support public and private efforts to provide the resources necessary to achieve universal access to childhood immunization by 1990.

SEC. 548. None of the funds appropriated in this Act shall be made available for any costs associated with the Government of Ethiopia's forced resettlement or villagization programs.

SEC. 549. None of the funds appropriated in this Act shall be obligated or expended for Sudan or Liberia except as provided through the regular notification procedures of the Committees on Appropriations.

SEC. 550. For the purpose of this Act, "program, project, and activity" shall be defined at the Appropriations Act account level and shall include all Appropriations and Authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic support fund; Military Assistance; and Foreign military credit sales, "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the functional development assistance accounts of the Agency for International Development "program, project, and activity" shall also be considered to include central program level funding, either as (1) justified to the Congress, or (2) allocated by the Executive Branch in accordance with a report, to be provided to the Committees on Appropriations within thirty days of enactment of a Foreign Assistance and Related Programs Appropriations Act or of enactment of a continuing resolution containing funding for these programs for the balance of the fiscal year 1987, as required by Section 653(a) of the Foreign Assistance Act of 1961, as amended, whichever is the more recent action.

Sec. 551. Of the funds made available by this Act and appropriated for the "Child Survival Fund" and "Health, Development Assistance", up to an additional $4,150,000 may be used to reimburse the U.S. Public Health Service or the Centers for Disease Control for the full cost of up to an additional thirty Public Health Service employees specifically for the purpose of carrying out immunization activities of the Child Survival Fund.

Sec. 552. Earmarks, limitations, and ceilings on programs, projects, and activities for fiscal year 1987 shall be treated as follows: (1) earmarks, limitations, and ceilings shall be as designated in this Act; (2) earmarks, limitations, and ceilings, in other legislation which pertain to foreign assistance programs funded by this Act, shall be reduced proportionately by a percentage equal to the percentage decrease in funds available in each account for countries other than Israel, Egypt, and Pakistan from fiscal year 1986 post sequestration funding levels to fiscal year 1987 appropriation levels; and (3) nothing in this section shall preclude the application of sequestration action in fiscal year 1987, if it occurs, from applying to all earmarks, limitations, and ceilings in this Act and in applying to earmarks, limitations, and ceilings in corresponding authorizations legislation.

Sec. 553. If any funds appropriated by this Act for "Economic support fund", "Military assistance", "International military education and training", or "Foreign military credit sales" are not used for assistance for the country for which those funds were allocated because that country has not taken adequate steps to halt illicit drug production or trafficking (including any funds withheld pursuant to section 481(h) of the Foreign Assistance Act of 1961 or section 611 or 612 of the International Security and Development Cooperation Act of 1985), those funds shall be used for additional assistance for those countries which have met their illicit drug eradication targets or have otherwise taken significant steps to halt illicit drug production or trafficking, as follows:

(1) Except as provided in paragraph (2), those funds shall be transferred to the "International Narcotics Control" account in order to provide additional narcotics control assistance to those countries. Such transfers may be made without regard to the 20-percent increase limitation contained in section 610(a) of the Foreign Assistance Act of 1961. Such transfers shall be subject to the regular notification procedures of the Committees on Appropriations.

(2) Any of those funds—

(A) which the President determines (and reports to the Congress) should not be used for additional narcotics control assistance for those countries because the additional assistance could not be used effectively in halting illicit drug production or trafficking,

(B) whose transfer pursuant to paragraph (1) is not approved by the Appropriations Committees, or

(C) which are appropriated for "Foreign military credit sales",

shall be reprogrammed within the account for which they were appropriated (subject to regular reprogramming procedures of the Committees on Appropriations) in order to provide additional economic or military assistance (as the case may be) to those countries.

SEC. 554. The Secretary of the Treasury shall instruct the United States Executive Director of the Inter-American Development Bank to work with the representatives, and with the ministries from which they receive their instructions, of other donor nations to the Inter-American Development Bank, to develop a coordinated economic development program for the assistance activities of the Bank for Haiti. Such program should be developed in cooperation with the Department of State and the Agency for International Development to ensure that the bilateral economic assistance programs of the United States for Haiti are effectively coordinated with the activities of the Inter-American Development Bank.

SEC. 555. * * *

SEC. 556. * * *

SEC. 557. (a) It is the sense of Congress that pursuant to Section 701 of the International Institutions Act of 1977, the United States Government should oppose all loans to Chile from multilateral development institutions, except for those for basic human needs, until—

(1) the Government of Chile has ended its practice and pattern of gross abuse of internationally recognized human rights;

(2) significant steps have been taken by the Government of Chile to restore democracy, including—

(A) the implementation of political reforms which are essential to the development of democracy, such as the legalization of political parties, the enactment of election laws, the establishment of freedom of speech and the press, and the fair and prompt administration of justice; and

(B) a precise and reasonable timetable has been established for the transition to democracy.

(b) None of the funds made available by this Act for the "Economic support fund" or for Title III shall be obligated or expended for Chile.

SEC. 558. None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: *Provided,* That this section shall not prohibit:

(1) activities designed to increase food security in developing countries where such activities will not have a significant

impact in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

SEC. 559. None of the funds provided in this Act to the Agency for International Development, other than funds made available to carry out Caribbean Basin Initiative programs under the Tariff Schedules of the United States, 19 U.S.C. 1202, Schedule 8, Part I, Subpart B, Item 807.00, shall be obligated or expended—

(1) to procure directly feasibility studies or prefeasibility studies for, or project profiles of potential investment in, the manufacture, for export to the United States or to third country markets in direct competition with United States exports, of import-sensitive articles as defined by section 503(c)(1) (A) and (E) of the Tariff Act of 1930 (19 U.S.C. 2463(c)(1) (A) and (E)); or

(2) to assist directly in the establishment of facilities specifically designed for the manufacture, for export to the United States or to third country markets in direct competition with United States exports, of import-sensitive articles as defined in section 503(c)(1) (A) and (E) of the Tariff Act of 1930 (19 U.S.C. 2463(c)(1) (A) and (E)).

SEC. 560.[2] None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated to finance indirectly any assistance or reparations to Angola, Cambodia, Cuba, Iraq, Libya, the Socialist Republic of Vietnam, South Yemen, or Syria unless the President of the United States certifies that the withholding of these funds is contrary to the national interest of the United States.

This Act may be cited as the "Foreign Assistance and Related Programs Appropriations Act, 1987".

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(n) Such amounts as may be necessary for continuing the following activities, not otherwise provided for in this joint resolution, which were conducted in the fiscal year 1986, under the terms and conditions provided in applicable appropriations Acts for the fiscal year 1986, at the current rate or as otherwise provided herein: *Provided*, That no appropriation or fund made available or authority granted pursuant to this subsection shall be used to initiate or resume any project or activity for which appropriations, funds, or authority were not available during fiscal year 1986 unless otherwise provided for herein:

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TITLE II

OMNIBUS DRUG SUPPLEMENTAL APPROPRIATIONS ACT OF 1987

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[2] Note similarity to sec. 512 and possible inconsistency.

CHAPTER II

FOREIGN ASSISTANCE

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

Education and Human Resources Development, Development Assistance:

For an additional amount to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, $3,000,000: *Provided*, That these funds shall be used pursuant to section 126(b)(2) of the Foreign Assistance Act of 1961 for additional activities aimed at increasing awareness of the effects of production and trafficking of illicit narcotics on source and transit countries: *Provided further*, That funds made available by this paragraph shall be available through the regular notification procedures of the Committee on Appropriations.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL

For an additional amount to carry out the provisions of section 481 of the Foreign Assistance Act of of 1961, $53,000,000: *Provided*, That of this amount $45,000,000 shall be made available only in accordance with the provisions of section 2001(2) of H.R. 5484, as passed in the Senate on September 30, 1986: *Provided further*, That funds made available by this paragraph shall be available through the regular notification procedures of the Committee on Appropriations.

b. Definition of "Program, Project, and Activity" as Required by Public Law 99-177

(1) Continuing Appropriations Act, 1987

Partial text of Public Law 99-591 [H.J. Res. 738], 100 Stat. 3341, approved October 30, 1986

A JOINT RESOLUTION MAKING. . . .

SEC. 550. For the purpose of this Act, "program, project, and activity" shall be defined at the Appropriations Act account level and shall include all Appropriations and Authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic support fund; Military Assistance; and Foreign military credit sales, "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the functional development assistance accounts of the Agency for International Development "program, project, and activity" shall also be considered to include central program level funding, either as (1) justified to the Congress, or (2) allocated by the Executive Branch in accordance with a report, to be provided to the Committees on Appropriations within thirty days of enactment of a Foreign Assistance and Related Programs Appropriations Act or of enactment of a continuing resolution containing funding for these programs for the balance of the fiscal year 1987, as required by Section 653(a) of the Foreign Assistance Act of 1961, as amended, whichever is the more recent action.

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SEC. 552. Earmarks, limitations, and ceilings on programs, projects, and activities for fiscal year 1987 shall be treated as follows: (1) earmarks, limitations, and ceilings shall be as designated in this Act; (2) earmarks, limitations, and ceilings, in other legislation which pertain to foreign assistance programs funded by this Act, shall be reduced proportionately by a percentage equal to the percentage decrease in funds available in each account for countries other than Israel, Egypt, and Pakistan from fiscal year 1986 post sequestration funding levels to fiscal year 1987 appropriation levels; and (3) nothing in this section shall preclude the application of sequestration action in fiscal year 1987, if it occurs, from applying to all earmarks, limitations, and ceilings in this Act and in applying to earmarks, limitations, and ceilings in corresponding authorizations legislation.

c. Urgent Supplemental Appropriations, 1986

Public Law 99-349 [H.R. 4515] 100 Stat. 710, approved July 2, 1986

AN ACT Making urgent supplemental appropriations for the fiscal year ending September 30, 1986, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1986, and for other purposes namely:

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CHAPTER V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

Bilateral Economic Assistance

INTERNATIONAL FUND FOR NORTHERN IRELAND AND IRELAND

(TRANSFERS OF FUNDS)

For an additional amount for the "Economic Support Fund", not less than $50,000,000, which shall be available only for the United States contribution to the International Fund established pursuant to the November 15, 1985 agreement between the United Kingdom and Ireland, to be derived from funds appropriated or otherwise made available by the Foreign Assistance and Related Programs Appropriations Act, 1986 (as enacted in Public Law 99-190), as follows: $4,900,000 by transfer from title I of such Act, $12,350,000 of funds made available by such Act for the "Economic Support Fund", $9,100,000 by transfer from title II of such Act, excluding funds made available for the "Economic Support Fund", $20,000,000 by transfer from title III of such Act, and $3,650,000 by transfer from title IV of such Act.

Department of State

ANTI-TERRORISM ASSISTANCE

(TRANSFERS OF FUNDS)

For an additional amount to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961, $2,739,000, to be derived by transfer from any of the funds appropriated or otherwise made available in titles I, II, III, and IV of the Foreign Assistance and Related Programs Appropriations Act, 1986 (as enacted in Public Law 99-190).

ASSISTANCE FOR HAITI

Of the funds made available in title II of the Foreign Assistance and Related Programs Appropriations Act, 1986 (as enacted in Public Law 99-190), subject to the notification process of the Committees on Appropriations, up to $21,700,000 shall be made available for assistance to Haiti. Of this amount, $1,700,000, or the equivalent amount in local currencies, may be transferred to the Inter-American Foundation for use by the Foundation for programs for Haiti. The assistance made available pursuant to this paragraph shall be used to promote the transition to democracy by means such as generating local currency for use for literacy projects, rural development, and job creation. The assistance provided for Haiti pursuant to this paragraph shall be in addition to the assistance previously allocated for Haiti.

It is the sense of the Congress that the United States Government should cooperate with the Government of Haiti in recovering for the Haitian people the wealth that was illegally obtained by former president Jean-Claude Duvalier and his former government ministers and associates through diversions of funds and property, regardless of whether that wealth is located in the United States or abroad.

Notwithstanding any limitations on assistance to Haiti contained in Public Law 98-473 or Public Law 99-83, funds in the amount of $750,000 previously appropriated for the purposes of chapter 2 of part II of the Foreign Assistance Act of 1961, as amended, may be made available for Haiti to carry out such purposes: *Provided,* That none of the funds made available pursuant to this paragraph may be made available for obligation unless the Appropriations Committees of both Houses of Congress are previously notified fifteen days in advance: *Provided further,* That the funds provided under this paragraph shall be made available only to provide nonlethal military assistance for Haiti.

Special Assistance to the Philippines

ECONOMIC SUPPORT FUND

For an additional amount for the "Economic Support Fund", $100,000,000, to remain available until March 31, 1987: *Provided,* That this amount shall be available only for the Philippines: *Provided further,* That none of these funds may be available for obligation unless the Appropriations Committees of both Houses of Congress are previously notified fifteen days in advance.

MILITARY ASSISTANCE

For an additional amount for "Military Assistance", $50,000,000, to remain available until March 31, 1987: *Provided,* That this amount shall be available only for the Philippines: *Provided further,* That none of these funds may be available for obligation unless the Appropriations Committees of both Houses of Congress are previously notified fifteen days in advance.

EXPORT-IMPORT BANK OF THE UNITED STATES

Direct loan authority made available in title IV of the Foreign Assistance and Related Programs Appropriations Act, 1986 (as enacted in Public Law 99-190), for the Export-Import Bank of the United States is available through September 30, 1987.

* * * * * * *

TITLE II—GENERAL PROVISIONS

* * * * * * *

SEC. 209. None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: *Provided,* That this section shall not prohibit (1) activities designed to increase food security in developing countries where such activities will not have a significant impact on the export of agricultural commodities of the United States; or (2) research activities intended primarily to benefit American producers.

d. Urgent Supplemental Appropriations, 1985—Africa Famine Relief

Public Law 99-10 [H.R. 1239]; 99 Stat. 27, approved April 4, 1985 as amended by Public Law 99-260 [Food Security Improvements Act of 1986; H.R. 1614]; 100 Stat. 55, approved March 20, 1986 and by Public Law 99-591 [Continuing Appropriations Act, 1987, H.J. Res. 738], 100 Stat. 3341, approved October 30, 1986

AN ACT Making urgent supplemental appropriations for the fiscal year ending September 30, 1985, for emergency famine relief and recovery in Africa, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply urgent supplemental appropriations for the fiscal year ending September 30, 1985, and for other purposes, namely:

TITLE I

CHAPTER I

AFRICAN FAMINE RELIEF

PUBLIC LAW 480

For an additional amount for "Public Law 480", for agricultural commodities supplied in connection with dispositions abroad, pursuant to title II of the Agricultural Trade Development and Assistance Act of 1954, as amended, $400,000,000 of which $384,000,000 is hereby appropriated to be available through December 31, 1985, and $16,000,000 shall be derived from unobligated balances in the Commodity Credit Corporation: *Provided,* That not to exceed $100,000,000 of the above appropriated funds shall be available for inland transportation upon certification for each country by the Administrator of the Agency for International Development that without such funds the delivery of the emergency food would not be possible or would not take place in time to prevent starvation or unacceptable levels of loss or spoilage.

CHAPTER II

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for "International disaster assistance", $137,500,000 for emergency relief and recovery assistance for Africa, to be available only for such purpose and to remain available until March 31, 1986: *Provided,* That the Committee on Appropriations of each House of Congress is notified five days in advance of the obligation of any funds made available under this paragraph, unless the emergency is life threatening and immediate action is necessary.

OPERATING EXPENSES

Of the amount appropriated in this Act for "International disaster assistance", $2,500,000 shall be transferred to "Operating expenses of the Agency for International Development", to be used for monitoring food and disaster assistance in Africa.

DEPARTMENT OF STATE

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601(c)), $25,000,000.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and refugee assistance", notwithstanding any other provision of law, $12,500,000 for emergency assistance in Africa, to be available only for such purpose and to remain available until March 31, 1986.

TITLE II [1]

FUNDS APPROPRIATED TO THE PRESIDENT

EMERGENCY RESERVE FOR AFRICAN FAMINE RELIEF

In addition to funds and authority provided for in chapter I of title I of this Act, $525,000,000 [2] to remain available until September 30, 1986, is provided as an Emergency Reserve for African Famine Relief for title II of Public Law 480, including inland transportation, to be used if funds and authority provided in chapter I of title I are exhausted and [3] the President certifies that the use of such funds is essential to famine relief in Africa. The Administrator of the Agency for International Development shall prepare and submit to Congress before April 15, 1986, a plan specifying how such additional funds for African famine relief would be used. The plan shall ensure, among other things, that the funds for the reserve, if utilized, shall be available to cover all costs for inland transportation of food only as are necessary for its timely delivery.

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[1] Public Law 99-591 (Continuing Appropriations Act, 1987), 100 Stat. 3341, provides the following:

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TITLE III—EMERGENCY RESERVE FOR AFRICAN FAMINE RELIEF

SEC. 302. Of the funds appropriated under title II of Public Law 99-10, as amended by this Act, $300,000,000 shall remain available for obligation until September 30, 1987, notwithstanding any other provision of law or this Act.

* * * * * * *

[2] The amount $525,000,000 was substituted in lieu of $225,000,000 by Public Law 99-591, 100 Stat. 3341.

[3] The text from here to the end of Title II was added by sec. 15 of Public Law 99-260, 100 Stat. 55, and replaces language which contained less detail about the plan and date required for its submittal.

TITLE III

GENERAL PROVISIONS

Funds and authority made available in this Act which have not previously been authorized shall not be obligated until authorized: *Provided,* That none of the funds in this Act may be used to reimburse the Commodity Credit Corporation for the cost of wheat released from the Food Security Wheat Reserve: *Provided further,* That before funds provided in this Act may be obligated or expended, the Administrator of the Agency for International Development shall certify that a plan has been established, on a country by country basis, that will ensure effective use of the funds and that the food provided by this Act will be delivered in a timely and efficient manner and be distributed to those most in need.

The Administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 shall have the responsibility for determining the emergency food and disaster assistance needs for which funds are appropriated by this Act.

DISPOSITION OF ADDITIONAL AGRICULTURAL COMMODITIES UNDER SECTION 416 OF THE AGRICULTURAL ACT OF 1949

To prevent the waste of commodities acquired by the Commodity Credit Corporation through price support operations, the Secretary of Agriculture shall make available, through Private Voluntary Organizations for donation to African nations requiring emergency food assistance, for calendar year 1985, not more than two hundred thousand metric tons of agricultural commodities: *Provided,* That 50 per centum of the commodities made available under this sentence shall be in the form of wheat or wheat products: *Provided further,* That none of the commodities made available for donation under this sentence shall be made available until the Secretary of Agriculture has certified to the appropriate committees of the Congress that the commodities shall not be distributed through or otherwise be allowed to come under the possession or control of the Government of Ethiopia. The Corporation shall pay, with respect to the commodities donated under the foregoing sentence, transporting, handling, and other charges, including the cost of overseas delivery. Such donations shall be in addition to the level of assistance programmed under any other authority.

e. Foreign Assistance and Related Programs Appropriations Act, 1984

Partial text of Public Law 98-151 [Further Continuing Appropriations for Fiscal Year 1984; H.J. Res. 413], 97 Stat. 964, approved November 14, 1983

A JOINT RESOLUTION Making further continuing appropriations for the fiscal year 1984.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organization units of the government for the fiscal year 1984, and for other purposes, namely:

Sec. 101. (a) * * *

(b)(1) * * *

[1] None of the funds heretofore appropriated or otherwise made available for Syria for the purpose of carrying out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 shall be expended after the date of enactment of this joint resolution. The Administrator of the Agency for International Development is directed to terminate the economic assistance program to Syria and to deobligate all funds heretofore obligated for assistance to Syria, except that such funds may continue to be available to finance the training or studies outside of Syria of students whose course of study or training program began before enactment of this joint resolution. The Administrator of the Agency for International Development is authorized to adopt as a contract of the United States Government, and assume any liabilities arising thereunder (in whole or in part), any contract with a United States contractor which had been funded by the Agency for International Development prior to the date of enactment of this joint resolution. Amounts certified pursuant to section 1311 of the Supplemental Appropriations Act, 1955, as having been obligated against appropriations heretofore made pursuant to chapter 4 of part II of the Foreign Assistance Act of 1961 (and predecessor legislation) for

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[1] 22 U.S.C. 2346a. See also sec. 1004 of the Department of State Authorization Act, fiscal years 1984 and 1985 (Public Law 98-164) for provision concerning termination of assistance programs for Syria.

Sec. 101(j) of the Continuing Appropriations Act, 1986 (Public Law 99-190) provided the following:

"RESCISSION

Deobligation and rescission of funds: $11,200,000 of the funds remaining in the "Syria Termination Account" created by Public Law 98-151 are deobligated and are rescinded: *Provided,* That the authority contained in sections 451, 492(b), and 614 of the Foreign Assistance Act of 1961, or any other provision of law, shall not be exercised to permit the use of funds remaining in the "Syria Termination Account" created by Public Law 98-151 for any other purposes than those for which the account was created."

Syria are hereby continued available until expended to meet necessary expenses arising from the termination under this subsection of assistance programs for Syria authorized by such chapter: *Provided*, That this shall not be construed as permitting payments or reimbursements of any kind to the Government of Syria.

f. Title 31, United States Code—Valid Obligations [1]

§1108. Preparation and submission of appropriations requests to the President

(a) In this section (except subsections (b)(1) and (e)), "agency" means a department, agency, or instrumentality of the United States Government.

(b)(1) The head of each agency shall prepare and submit to the President each appropriation request for the agency. The request shall be prepared and submitted in the form prescribed by the President under this chapter and by the date established by the President. When the head of an agency does not submit a request by that date, the President shall prepare the request for the agency to be included in the budget or changes in the budget or as deficiency and supplemental appropriations. The President may change agency appropriation requests. Agency appropriation requests shall be developed from cost-based budgets in the way and at times prescribed by the President. The head of the agency shall use the cost-based budget to administer the agency and to divide appropriations or amounts.

(2) An officer or employee of an agency in the executive branch may submit to the President or Congress a request for legislation authorizing deficiency or supplemental appropriations for the agency only with the approval of the head of the agency.

(c) The head of an agency shall include with an appropriation request submitted to the President a report that the statement of obligations submitted with the requests contains obligations consistent with section 1501 of this title. The head of the agency shall support the report with a certification of the consistency and shall support the certification with records showing that the amounts have been obligated. The head of the agency shall designate officials to make the certifications, and those officials may not delegate the duty to make the certifications. The certifications and records shall be kept in the agency—

(1) in a form that makes audits and reconciliations easy; and

(2) for a period necessary to carry out audits and reconciliations.

(d) To the extent practicable, the head of an agency shall—

(1) provide information supporting the agency's budget request for its missions by function and subfunction (including the mission of each organizational unit of the agency); and

(2) relate the agency's programs to its missions.

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[1] The provisions included below were originally enacted as sec. 1311 of the Supplemental Appropriations Act, 1955 (Public Law 84-663; 68 Stat. 800). Public Law 97-258 (96 Stat. 877) revised and codified certain general and permanent laws of the United States relating to money and finance, including sec. 1311 of Public Law 84-663.

(e) Except as provided in subsection (f) of this section, an officer or employee of an agency (as defined in section 1101 of this title) may submit to Congress or a committee of Congress an appropriations estimate or request, a request for an increase in that estimate or requests, or a recommendation on meeting the financial needs of the Government only when requested by either House of Congress.

(f) The Interstate Commerce Commission shall submit to Congress copies of budget estimates, requests, and information (including personnel needs), legislative recommendations, prepared testimony for congressional hearings, and comments on legislation at the same time they are sent to the President or the Office of Management and Budget. An officer of an agency may not impose conditions on or impair communication by the Commission with Congress, or a committee or member of Congress, about the information.

(g) Amounts available under law are available for field examinations of appropriation estimates. The use of the amounts is subject only to regulations prescribed by the appropriate standing committees of Congress.

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§ 1501. Documentary evidence requirement for Government obligations

(a) An amount shall be recorded as an obligation of the United States Government only when supported by documentary evidence of—

(1) a binding agreement between an agency and another person (including an agency) that is—

  (A) in writing, in a way and form, and for a purpose authorized by law; and

  (B) executed before the end of the period of availability for obligation of the appropriation or fund used for specific goods to be delivered, real property to be bought or leased, or work or service to be provided;

(2) a loan agreement showing the amount and terms of repayment;

(3) an order required by law to be placed with an agency;

(4) an order issued under a law authorizing purchases without advertising—

  (A) when necessary because of a public exigency;

  (B) for perishable subsistence supplies; or

  (C) within specific monetary limits;

(5) a grant or subsidy payable—

  (A) from appropriations made for payment of, or contributions to, amounts required to be paid in specific amounts fixed by law or under formulas prescribed by law;

  (B) under an agreement authorized by law; or

  (C) under plans approved consistent with and authorized by law;

(6) a liability that may result from pending litigation;

(7) employment or services of persons or expenses of travel under law;

(8) services provided by public utilities; or

(9) other legal liability of the Government against an available appropriation or fund.

(b) A statement of obligations provided to Congress or a committee of Congress by an agency shall include only those amounts that are obligations consistent with subsection (a) of this section.

§ 1502. Balances available

(a) The balance of an appropriation or fund limited for obligation to a definite period is available only for payment of expense properly incurred during the period of availability or to compete contracts properly made with that period of availability and obligated consistent with section 1501 of this title. However, the appropriation or fund is not available for expenditure for a period beyond the period otherwise authorized by law.

(b) A provision of law requiring that the balance of an appropriation or fund be returned to the general fund of the Treasury at the end of a definite period does not affect the status of lawsuits or rights of action involving the right to an amount payable from the balance.

3. Other Foreign Assistance Related Legislation and Materials

a. Latin American Development Act, as amended

Public Law 86-735 [H.R. 13021], 74 Stat. 869, approved September 8, 1960, as amended by the Foreign Assistance Act of 1961, Public Law 87-195 [S. 1983], 75 Stat. 424, approved September 4, 1961, and the Foreign Assistance Act of 1963, Public Law 88-205 [H.R. 7885], 77 Stat. 379, approved December 16, 1963

AN ACT To provide for assistance in the development of Latin America and in the reconstruction of Chile, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Latin American Development Act".[1]

STATEMENT OF POLICY

Sec. 1.[2] (a) It is the sense of the Congress that—

(1) the historic, economic, political, and geographic relationships among the American Republics are unique and of special significance and, as appropriate, should be so recognized in future legislation;

(2) although governmental forms differ among the American Republics, the peoples of all the Americas are dedicated to the creation and maintenance of governments which will promote individual freedom;

(3) the interests of the American Republics are so interrelated that sound social and economic progress in each is of importance to all and that lack of it in any American Republic may have serious repercussions in others;

(4) for the peoples of Latin America to continue to progress within the framework of our common heritage of democratic ideals, there is a compelling need for the achievement of social and economic advance adequate to meet the legitimate aspirations of the individual citizens of the countries of Latin America for a better way of life;

(5) there is a need for a plan of hemispheric development, open to all American Republics which cooperate in such plan, based upon a strong production effort, the expansion of foreign trade, the creation and maintenance of internal financial stability, the growth of free economic and social institutions, and the development of economic cooperation, including all possible steps to establish and maintain equitable rates of exchange and to bring about the progressive elimination of trade barriers;

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[1] Sec. 401(a) of the FA Act of 1963 inserted the words "That this Act may be cited as the 'Latin American Development Act'."

[2] 22 U.S.C. 1942.

(6) mindful of the advantages which the United States has enjoyed through the existence of a large domestic market with no internal trade barriers, and believing that similar advantages can accrue to all countries, it is the hope of the people of the United States that all American Republics will jointly exert sustained common efforts which will speedily achieve that economic cooperation in the Western Hemisphere which is essential for lasting peace and prosperity; and

(7) accordingly, it is declared to be the policy of the people of the United States to sustain and strengthen principles of individual liberty, free institutions, private enterprise, and genuine independence in the Western Hemisphere through cooperation with all American Republics which participate in a joint development program based upon self-help and mutual efforts.

(b) In order to carry forward the above policy, the Congress hereby—

(1) urges the President through our constitutional processes to develop cooperative programs on a bilateral or multilateral basis which will set forth specific plans of action designed to foster economic progress and improvements in the welfare and level of living of all the peoples of the American Republics on the basis of joint aid, mutual effort, and common sacrifice;

(2) proposes the development of workable procedures to expand hemispheric trade and to moderate extreme price fluctuations in commodities which are of exceptional importance in the economies of the American Republics, and encourages the development of regional economic cooperation among the American Republics;

(3) supports the development of a more accurate and sympathetic understanding among the peoples of the American Republics through a greater interchange of persons, ideas, techniques, and educational, scientific, and cultural achievements;

(4) supports the strengthening of free democratic trade unions to raise standards of living through improved management-labor relations;

(5) favors the progressive development of common standards with respect to the rights and the responsibilities of private investment with flows across national boundaries within the Western Hemisphere;

(6) supports the consolidation of the public institutions and agencies of inter-American cooperation, insofar as feasible, within the structure of the Organization of American States and the strengthening of the personnel resources and authority of the Organization in order that it may play a role of increasing importance in all aspects of hemispheric cooperation; and

(7) declares that it is prepared to give careful and sympathetic consideration to programs which the President may develop for the purpose of promoting these policies.

AUTHORIZATION

Sec. 2.[3] In order to carry out the purposes of section 1 of this Act, there is hereby authorized to be appropriated to the President not to exceed $680,000,000,[4] which shall remain available until expended, and which the President may use, subject to such further legislative provisions as may be enacted, in addition to other funds available for such purposes, on such terms and conditions as he may specify: *Provided,* That none of the funds made available pursuant to this section shall be used to furnish assistance to any country in Latin America being subjected to economic or diplomatic sanctions by the Organization of American States. The Secretary of State shall keep the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House currently informed about plans and programs for the utilization of such funds.

SPECIAL AUTHORIZATION FOR CHILEAN RECONSTRUCTION

Sec. 3.[5] There is hereby authorized to be appropriated to the President not to exceed $100,000,000,[6] which shall remain available until expended, for use, in addition to other funds available for such purposes, in the reconstruction and rehabilitation of Chile on such terms and conditions as the President may specify.

GENERAL PROVISIONS [7]

Sec. 4.[8] (a) Funds appropriated under sections 2 and 3 of this Act may be used for assistance under this Act pursuant to such provisions applicable to the furnishing of such assistance contained in any successor Act to the Mutual Security Act of 1954, as amended, as the President determines to be necessary to carry out the purposes for which such funds are appropriated.

(b) Of the funds appropriated under section 2 of this Act not more than $800,000 shall be available only for assisting in transporting to and settling in Latin America selected immigrants from that portion of the Ryukyuan Archipelago under United States administration.

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[3] 22 U.S.C. 1943.

[4] Sec. 401(b) of the FA Act of 1963, substituted "$680,000,000" for "$500,000,000". Public Law 87-41, approved May 27, 1961, appropriated $500 million for the Inter-American Social and Economic Cooperation Program to remain available until expended.

[5] 22 U.S.C. 1944.

[6] Public Law 87-41 appropriated "$100,000,000, to remain available until expended."

[7] Sec. 4 and title "General Provisions" added by sec. 706 of the FA Act of 1961.

[8] 22 U.S.C. 1945.

b. Mutual Security Act of 1959, as amended

Partial text of Public Law 86-108 [H.R. 7500], 73 Stat. 246; 22 U.S.C. 1896b, approved July 24, 1959

AN ACT To amend further the Mutual Security Act of 1954, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Mutual Security Act of 1959".

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NOTE.—Except for Chapters V, VI, and Sections 702 and 703, the whole of the Mutual Security Act of 1959 consisted of amendments to the Mutual Security Act of 1954, as amended, and to other laws.

NOTE.—Section 501(b), which related to international cooperation in health, was repealed by Sec. 602 of the Mutual Security Act of 1960. Section 642 of the Foreign Assistance Act of 1961 repealed Sec. 501(a), Chapter VI, and Sections 702 and 703 of the Mutual Security Act of 1959, as amended.

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CHAPTER V—INTERNATIONAL COOPERATION IN HEALTH; COLOMBO PLAN COUNCIL FOR TECHNICAL COOPERATION

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COLOMBO PLAN COUNCIL FOR TECHNICAL COOPERATION

Sec. 502. To enable the United States to maintain membership in the Colombo Plan Council for Technical Cooperation, there is hereby authorized to be appropriated from time to time to the Department of State such sums as may be necessary for the payment by the United States of its share of the expenses of the Colombo Plan Council for Technical Cooperation.

c. The Mutual Security Act of 1954, as amended

Retained provisions of Public Law 83-665 [H.R. 9678], 68 Stat. 832, approved August 26, 1954, as amended

Sec. 402.[1] **Earmarking of Funds.**—Of the funds authorized to be made available in the fiscal year 1961 pursuant to this Act (other than funds made available pursuant to title II), not less than $175,000,000 shall be used to finance the export and sale for foreign currencies or the grant of surplus agricultural commodities or products thereof produced in the United States, in addition to surplus agricultural commodities or products transferred pursuant to the Agricultural Trade Development and Assistance Act of 1954, and in accordance with the standards as to pricing and the use of private trade channels expressed in section 101 of said Act. Foreign currency proceeds accruing from such sales shall be used for the purposes of this Act and with particular emphasis on the purposes of section 104 of the Agricultural Trade Development and Assistance Act of 1954 which are in harmony with the purposes of this Act. Notwithstanding section 1415 of the Supplemental Appropriation Act of 1953, or any other provision of law, the President may use or enter into agreements with friendly nations or organizations of nations to use for such purposes the foreign currencies which accrue to the United States under this section. Surplus food commodities or products thereof made available for transfer under this Act (or any other Act) as a grant or as a sale for foreign currencies may also be made available to the maximum extent practicable to eligible domestic recipients pursuant to section 416 of the Agricultural Act of 1949, as amended (7 U.S.C. 1431), or to needy persons within the United States pursuant to clause (2) of section 32 of the Act of August 24, 1935, as amended (7 U.S.C. 612c). Section 416 of the Agricultural Act of 1949, as amended (7 U.S.C. 1431), is amended by inserting "whether in private stocks or" after "commodities" the first time that word appears.

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Sec. 408.[2] **North Atlantic Treaty Organization.**—(a) In order to provide for United States participation in the North Atlantic Treaty Organization, there is hereby authorized to be appropriated such amounts as may be necessary from time to time for the payment by the United States of its share of the expenses of the Organization and all necessary salaries and expenses of the United

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[1] 22 U.S.C. 1922. As amended by sec. 204(c) of Public Law 86-472 (74 Stat. 136), which substituted "1961" for "1960". Previous amendments by sec. 205(c) of Public Law 86-108 (73 Stat. 250), sec. 205(b) of Public Law 85-477 (72 Stat. 266), sec. 8(c) of Public Law 85-141 (71 Stat. 361), sec. 8(b) of Public Law 84-726 (70 Stat. 558), and sec. 8(b) of Public Law 84-138 (69 Stat. 286), changed the amount authorized and/or the fiscal year.

[2] 22 U.S.C. 1928. Sec. 8(h) of Public Law 85-141 (71 Stat. 361), eliminated provisions authorizing appropriations of not more than $3,200,000 for the fiscal year 1955.

States permanent representative to the Organization, of such persons as may be appointed to represent the United States in the subsidiary bodies of the Organization or in any multilateral organization which participates in achieving the aims of the North Atlantic Treaty, and of their appropriate staffs, and the expenses of participation in meetings of such organizations, including salaries, expenses, and allowances of personnel and dependents as authorized by the Foreign Service Act of 1980[3] and allowances and expenses as provided in section 6 of the Act of July 30, 1946 (22 U.S.C. 287r).

(b) The United States permanent representative to the North Atlantic Treaty Organization shall be appointed by the President by and with the advice and consent of the Senate and shall hold office at the pleasure of the President. Such representative shall have the rank and status of ambassador extraordinary and plenipotentiary and shall be a chief of mission under the Foreign Service Act of 1980.[4]

(c) Persons detailed to the international staff of the North Atlantic Treaty Organization in accordance with section 628 of the Foreign Assistance Act of 1961 who are members of the Foreign Service serving under limited appointments may serve for periods of more than five years[5] notwithstanding the limitation in section 309 of the Foreign Service Act of 1980.[6]

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Sec. 417.[7] **Irish Counterpart.**—Pursuant to section 115(b)(6) of the Economic Cooperation Act of 1948, as amended, the disposition within Ireland of the unencumbered balance, in the amount of approximately 6,000,000 Irish pounds, of the special account of Irish funds established under article IV of the Economic Cooperation Agreement between the United States of America and Ireland, dated June 28, 1948, for the purposes of—

(1) scholarship exchange between the United States and Ireland;

(2) other programs and projects (including the establishment of an Agricultural Institute) to improve and develop the agricultural production and marketing potential of Ireland and to increase the production and efficiency of Irish industry; and

(3) development programs and projects in aid of the foregoing objectives, is hereby approved, as provided in the agreement between the Government of the United States of America and the Government of Ireland, dated June 17, 1954.

* * * * * * *

Sec. 502.[8] **Use of Foreign Currency.**—(a) Notwithstanding section 1415 of the Supplemental Appropriation Act, 1953, or any other provision of law, proceeds of sales made under section 550 of the Mutual Security Act of 1951, as amended, shall remain available and shall be used for any purposes of this Act, giving particular regard to the following purposes—

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[3] The reference to the Foreign Service Act of 1980 was substituted in lieu of a reference to the Foreign Service Act of 1946 by sec. 2206(6) of Public Law 96-465 (94 Stat. 2161).

[4] The reference to the chief of mission under the Foreign Service Act of 1980 was substituted in lieu of a reference to the chief of mission, class 1, within the meaning of the Foreign Service Act of 1946 by sec. 2206(6) of Public Law 96-465 (94 Stat. 2161).

[5] Sec. 205(h) of Public Law 86-108 (73 Stat. 250), substituted "five years" for "four years" in subsec. (c).

[6] The words to this point beginning with "section 628 * * *" were substituted in lieu of text which made reference to sec. 529 of the Mutual Security Act of 1954 and to sec. 522 of the Foreign Service Act of 1946, by sec. 2206(6) of Public Law 96-465 (94 Stat. 2161).

[7] 22 U.S.C. 1937.

[8] 22 U.S.C. 1754.

(1) for providing military assistance to nations or mutual defense organizations eligible to receive assistance under this Act;

(2) for purchase of goods or services in friendly nations;

(3) for loans, under applicable provisions of this Act, to increase production of goods or services, including strategic materials, needed in any nation with which an agreement was negotiated, or in other friendly nations, with the authority to use currencies received in repayment for the purposes stated in this section or for deposit to the general account of the Treasury of the United States;

(4) for developing new markets on a mutually beneficial basis;

(5) for grants-in-aid to increase production for domestic needs in friendly countries; and

(6) for purchasing materials for United States stockpiles.

(b)[9] (1)(A) Notwithstanding section 1415 of the Supplemental Appropriation Act, 1953, or any other provision of law—

(i) local currencies owned by the United States which are in excess of the amounts reserved under section 612(a) of the Foreign Assistance Act of 1961 and of the requirements of the United States Government in payment of its obligations outside of the United States, as such requirements may be determined from time to time by the President; and

(ii) any other local currencies owned by the United States in amounts not to exceed the equivalent of $75 per day per person or the maximum per diem allowance established under the authority of subchapter 1 of chapter 57 of title 5 of the United States Code for employees of the United States Government while traveling in a foreign country, whichever is greater, exclusive of the actual cost of transportation;

shall be made available to Members and employees of the Congress for their local currency expenses when authorized as provided in subparagraph (B).

(B) The authorization required for purposes of subparagraph (A) may be provided—

(i) by the Speaker of the House of Representatives in the case of a Member or employee of the House;

(ii) by the chairman of a standing or select committee of the House of Representatives in the case of a member or employee of that committee;

(iii) by the President of the Senate, the President pro tempore of the Senate, the Majority Leader of the Senate, or the Minority Leader of the Senate, in the case of a Member or employee of the Senate;

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[9] Subsec. (b) was amended and restated by sec. 22(a) of the International Security Assistance Act of 1978 (Public Law 95-384; 92 Stat. 742). Sec. 22(b) of the same Act stated that this section shall take effect on the date of enactment of this Act, "notwithstanding section 30 of this Act." For text of sec. 30, see page 437.

(iv) by the chairman of a standing, select, or special committee of the Senate in the case of a member or employee of that committee or of an employee of a member of that committee; and

(v) by the chairman of a joint committee of the Congress in the case of a member or employee of that committee.

(C) Whenever local currencies owned by the United States are not otherwise available for purposes of this subsection, the Secretary of the Treasury shall purchase such local currencies as may be necessary for such purposes, using any funds in the Treasury not otherwise appropriated.

(2) On a quarterly basis, the chairman of each committee of the House of Representatives or the Senate and of each joint committee of the Congress (A) shall prepare a consolidated report (i) which itemizes the amounts and dollar equivalent values of each foreign currency expended and the amounts of dollar expenditures from appropriated funds in connection with travel outside the United States, stating the purposes of the expenditures including per diem (lodging and meals), transportation, and other purposes, and (ii) which shows the total itemized expenditures, by such committee and by each member or employee of such committee (including in the case of a committee of the Senate, each employee of a member of the committee who received an authorization under paragraph (1) from the chairman of the committee); and (B) shall forward such consolidated report to the Clerk of the House of Representatives (if the committee is a committee of the House of Representatives or a joint committee whose funds are disbursed by the Clerk of the House) or to the Secretary of the Senate (if the committee is a committee of the Senate or a joint committee whose funds are disbursed by the Secretary of the Senate). Each such consolidated report shall be open to public inspection and shall be published in the Congressional Record within ten legislative days after the report is forwarded pursuant to this paragraph. In the case of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives, such consolidated report may, in the discretion of the chairman of the committee, omit such information as would identify the foreign countries in which members and employees of that committee traveled.

(3)(A) Each Member or employee who receives an authorization under paragraph (1) from the Speaker of the House of Representatives, the President of the Senate, the President pro tempore of the Senate, the Majority Leader of the Senate, or the Minority Leader of the Senate, shall within thirty days after the completion of the travel involved, submit a report setting forth the information specified in paragraph (2), to the extent applicable, to the Clerk of the House of Representatives (in the case of a Member of the House or an employee whose salary is disbursed by the Clerk of the House) or the Secretary of the Senate (in the case of a Member of the Senate or an employee whose salary is disbursed by the Secretary of the Senate). In the case of an authorization for a group of Members or employees, such reports shall be submitted for all Members of the group by its chairman, or if there is no designated chairman, by the ranking Member or if the group does not include a Member, by the senior employee in the group. Each report submitted pursuant to this subparagraph shall be open to public inspection.

(B) On a quarterly basis, the Clerk of the House of Representatives and the Secretary of the Senate shall each prepare a consolidation of the reports received by them under this paragraph with respect to expenditures during the preceding quarter by each Member and employee or by each group in the case of expenditures made on behalf of a group which are not allocable to individual members of the group. Each such consolidation shall be open to public inspection and shall be published in the Congressional Record within ten legislative days after its completion.

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Sec. 514.[10] International Educational Exchange Activities.—Foreign currencies or credits owed to or owned by the United States, where arising from this act or otherwise, shall, upon a request from the Secretary of State certifying that such funds are required for the purpose of international educational exchange activities under programs authorized by section 32(b)(2) of the Surplus Property Act of 1944, as amended, be reserved by the Secretary of the Treasury for sale to the Department of State for such activities on the basis of the dollar value at the time of the reservation.

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Sec. 523. Coordination With Foreign Policy.—(a) * * *

(b) * * *

(c) * * *

(d) [11] Whenever the President determines that the prevention of improper currency transactions [12] in a given country requires it, he may direct the chief of the United States diplomatic mission there to issue regulations applicable to members of the Armed Forces and officers and employees of the United States Government, and to contractors with the United States Government and their employees, governing the extent to which their pay and allowances received and to be used in that country shall be paid in local currency. Notwithstanding any other law, United States Government agencies are authorized and directed to comply with such regulations.

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Sec. 536.[13] Joint Commission on Rural Reconstruction in China.—The President is authorized to continue to participate in the Joint Commission on Rural Reconstruction in China and to appoint citizens of the United States to the Commission.

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[10] 22 U.S.C. 1766.

[11] 22 U.S.C. 1783(d). Sec. 401(f) of Public Law 86–472 (74 Stat. 139) added subsec. (d).

[12] Section 707 of the FA Act of 1961 substituted the words "prevention of improper currency transactions" in lieu of "achievement of United States foreign policy objectives".

[13] 22 U.S.C. 1796.

d. Use of Foreign Currencies[1]

(1) 31 U.S.C. 1306[2]

Sec. 1306. Use of foreign credits

Foreign credits owed to or owned by the Treasury are not available for expenditure by agencies except as provided annually in general appropriation laws.

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> NOTE.—Executive Order No. 10488 of September 23, 1953, 18 F.R. 5699, authorizes the Secretary of the Treasury to issue regulations governing the purchase, custody, transfer or sale of foreign exchange by agencies of the United States. See also sec. 519 of the Department of Defense Appropriation Act, 1969, Public Law 90-580, 82 Stat. 1120, 1133.

(2) General Government Matters Appropriation Act, 1962

Partial text of Public Law 87-125 [H.R. 7577] 75 Stat. 268, 283, approved August 3, 1961

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TITLE V—GENERAL PROVISIONS

* * * * * * *

Sec. 508. Pursuant to section 1415 of the Act of July 15, 1952 (66 Stat. 662),[3] foreign credits (including currencies) owed to or owned by the United States may be used by Federal agencies for any purpose for which appropriations are made for the current fiscal year (including the carrying out of Acts requiring or authorizing the use of such credits),[4] only when reimbursement therefor is made to the Treasury from applicable appropriations of the agency concerned: *Provided,* That such credits received as exchange allowances or proceeds of sales of personal property may be used in whole or in part payment for acquisition of similar items, to the extent and in the manner authorized by law, without reimbursement to the Treasury: *Provided further,* That nothing in section 1415 of the Act of July 15, 1952, or in this section shall be construed to prevent the making of new or the carrying out of existing contracts, agreements, or executive agreements for periods in excess of one year, in any case where such contracts, agreements, or executive agreements for periods in excess of one year were permitted prior to the enactment of this Act under section 32(b)(2) of the Surplus Property Act of 1944, as amended (50 U.S.C. App. 1641(b)(2)), and the performance of all such contracts, agreements, or executive agreements shall be subject to the availability of appropriations for the purchase of credits as provided by law.

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[1] See page 465 of text for Use of Local Currencies provision of the FA Act of 1973.

[2] Sec. 1306, title 31, was originally enacted as sec. 1415 of the Supplemental Appropriation Act, 1953, and codified at 31 U.S.C. 724. Public Law 97-258 (96 Stat. 877) revised and recodified title 31, including changes to the text and U.S. Code citation to this provision.

[3] See footnote 2, above.

[4] The words "and for liquidation of obligations legally incurred against such credits prior to July 1, 1953" appeared at this point in previous General Government Matters Appropriation Acts, 1956-1959, and the Supplemental Appropriations Act, 1955.

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(3) Use of Reserved Coins and Currencies of Foreign Countries[5]

Title 31, U.S.C. * * *

§ 5303. Reserved coins and currencies of foreign countries

An agency may use coins and currencies of a foreign country the United States Government holds that are or may be reserved for a specific program or activity of an agency. The agency shall reimburse the Treasury from appropriations and shall replace the coins and currencies when they are needed for the program or activity for which they were reserved originally.

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[5] Sec. 5303, title 31, was originally enacted as Public Law 89-677 (80 Stat. 955) and codified at 31 U.S.C. 938. Public Law 97-258 (96 Stat. 877) revised and recodified title 31, including changes to the text and U.S. Code citation to this provision. See also page 465 for text of Use of Foreign Currencies provision of the FA Act of 1973.

e. Merchant Marine Act of 1936, as amended

Act of June 29, 1936, Chapter 858 [H.R. 8355] 49 Stat. 1985, as amended.

AN ACT To further the development and maintenance of an adequate and well-balanced American merchant marine, to promote the commerce of the United States, to aid in the national defense, to repeal certain former legislation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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Sec. 901. * * *

"(b)[1](1)[2] Whenever the United States shall procure, contract for, or otherwise obtain for its own account, or shall furnish to or for the account of any foreign nation without provision for reimbursement, any equipment, materials, or commodities, within or without the United States, or shall advance funds or credits or guarantee the convertibility of foreign currencies in connection with the furnishing of such equipment, materials, or commodities, the appropriate agency or agencies shall take such steps as may be necessary and practicable to assure that at least 50 per centum of the gross tonnage of such equipment, materials, or commodities (computed separately for dry bulk carriers, dry cargo liners, and tankers), which may be transported on ocean vessels shall be transported on privately owned United States-flag commercial vessels, to the extent such vessels are available at fair and reasonable rates for United States-flag commercial vessels, in such manner as will insure a fair and reasonable participation of United States-flag commercial vessels in such cargoes by geographic areas: *Provided,* That the provisions of this subsection may be waived whenever the Congress by concurrent resolution or otherwise, or the President of the United States, or the Secretary of Defense declares that an emergency exists justifying a temporary waiver of the provisions of section 901(b)(1)[3] and so notifies the appropriate agency or agencies: *And provided further,* That the provisions of this subsection shall not apply to cargoes carried in vessels of the Panama Canal Company. Nothing herein shall repeal or otherwise modify the provisions of Public Resolution Numbered 17, Seventy-third Congress (48 Stat. 500)[4] as amended."[5] For purposes of this section, the term "privately owned United States-flag commercial vessels" shall not be deemed to include any vessel which, subsequent to the date of enactment of this amendment, shall have been either (a) built outside the United States, (b) rebuilt outside the United States, or (c) documented under any foreign registry, until such vessel shall have been documented under the laws of the United States for a period of three years: *Provided, however,* That the provisions of this amendment shall not apply where, (1) prior to the enactment of this amendment, the owner of a vessel, or contractor for the purchase of a vessel, originally constructed in the United States and rebuilt abroad or contracted to be rebuilt abroad, has notified the Maritime Administration in writing of its intent to document such vessel under United States registry, and such vessel is so documented on its first arrival at a United States port not later than one year subsequent to the date of the enactment of this amendment, or (2) where prior to the enactment of this amendment, the owner of a vessel under United States registry has made a contract for the rebuilding abroad of such vessel and has notified the Maritime Administration of such contract, and such rebuilding is completed and such vessel is thereafter documented under United States registry on its first arrival at a United States port not later than one year subsequent to the date of the enactment of this amendment.[6]

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[1] Subsec. (b) was added by Public Law 83-664 (68 Stat. 832).

[2] Sec. 27(a) of Public Law 91-469 [Merchant Marine Act of 1970] redesignated subsec. (b) as subsec. (b)(1).

[3] Sec. 27(b) of Public Law 91-469 substituted "section 901(b)(1)" in lieu of "section 901(b)".

[4] 15 U.S.C. 616a.

[5] See sec. 603 of the FA Act, page 167.

(2)[7] Every department or agency having responsibility under this subsection shall administer its programs with respect to this subsection under regulations issued by the Secretary of Transportation.[8] The Secretary of Transportation[8] shall review such administration and shall annually report to the Congress with respect thereto.

Sec. 901a.[9] The requirements of section 901(b)(1) of this Act and the Joint Resolution of March 26, 1934 (46 U.S.C. App. 1241-1), shall not apply to any export activities of the Secretary of Agriculture or the Commodity Credit Corporation—

(1) under which agricultural commodities or the products thereof acquired by the Commodity Credit Corporation are made available to United States exporters, users, processors, or foreign purchasers for the purpose of developing, maintaining, or expanding export markets for United States agricultural commodities or the products thereof at prevailing world market prices;

(2) under which payments are made available to United States exporters, users, or processors or, except as provided in section 901b, cash grants are made available to foreign purchasers, for the purpose described in paragraph (1);

(3) under which commercial credit guarantees are blended with direct credits from the Commodity Credit Corporation to reduce the effective rate of interest on export sales of United States agricultural commodities or the products thereof;

(4) under which credit or credit guarantees for not to exceed 3 years are extended by the Commodity Credit Corporation to

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[6] The last part of this subsection, beginning with the words "For purposes of this section," was added by Public Law 87-266.

[7] Subsection (2) was added by sec. 27(c) of Public Law 91-469.

[8] The references to the Secretary of Transportation were substituted in lieu of references to the Secretary of Commerce by sec. 12(126) of Public Law 97-31 (95 Stat. 165).

[9] Sec. 901a was added by sec. 1142 of the Food Security Act of 1985 (Public Law 99-198; 99 Stat. 1354).

finance or guarantee export sales of United States agricultural commodities or the products thereof; or

(5) under which agricultural commodities or the products thereof owned or controlled by or under loan from the Commodity Credit Corporation are exchanged or bartered for materials, goods, equipment, or services, but only if such materials, goods, equipment, or services are of a value at least equivalent to the value of the agricultural commodities or products exchanged or bartered therefor (determined on the basis of prevailing world market prices at the time of the exchange or barter), but nothing in this subsection shall be construed to exempt from the cargo preference provisions referred to in section 901b any requirement otherwise applicable to the materials, goods, equipment, or services imported under any such transaction.

SHIPMENT REQUIREMENTS FOR CERTAIN EXPORTS SPONSORED BY THE DEPARTMENT OF AGRICULTURE

Sec. 901b. (a)(1) In addition to the United States requirement for flag carriage of a percentage of gross tonnage imposed by section 901(b)(1) of this Act, 25 percent of the gross tonnage of agricultural commodities or the products thereby specified in subsection (b) shall be transported on United States-flag commercial vessels.

(2) In order to achieve an orderly and efficient implementation of the requirement of paragraph (1)—

(A) an additional quantity equal to 10 percent of the gross tonnage referred to in paragraph (1) shall be transported in United States-flag vessels in calendar year 1986;

(B) an additional quantity equal to 20 percent of the gross tonnage shall be transported in such vessels in calendar year 1987; and

(C) an additional quantity equal to 25 percent of the gross tonnage shall be transported in such vessels in calendar year 1988 and in each calendar year thereafter.

(b) This section shall apply to an export activity of the Commodity Credit Corporation or the Secretary of Agriculture—

(1) carried out under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.);

(2) carried out under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431);

(3) carried out under the Food Security Wheat Reserve Act of 1980 (7 U.S.C. 1736f–1);

(4) under which agricultural commodities or the products thereof are—

(A) donated through foreign governments or agencies, private or public, including intergovernmental organizations; or

(B) sold for foreign currencies or for dollars on credit terms of more than ten years;

(5) under which agricultural commodities or the products thereof are made available for emergency food relief at less than prevailing world market prices;

(6) under which a cash grant is made directly or through an intermediary to a foreign purchaser for the purpose of enabling the purchaser to obtain United States agricultural commodities or the products thereof in an amount greater than the difference between the prevailing world market price and the United States market price, free along side vessel at United States port; or

(7) under which the agricultural commodities owned or controlled by or under loan for the Commodity Credit Corporation are exchanged or bartered for materials, goods, equipment, or services produced in foreign countries, other than export activities described in section 901a (5).

(c)(1) The requirement for United States-flag transportation imposed by subsection (a) shall be subject to the same terms and conditions as provided in section 901(b) of this Act.

(2)(A) In order to provide for effective and equitable administration of the cargo preference laws the calendar year for the purpose of compliance with minimum percentage requirements shall be for 12 month periods commencing April 1, 1986.

(B) In addition, the Secretary of Transportation, in administering this subsection and section 901(b), and consistent with these sections shall take such steps as may be necessary and practicable without detriment to any port range to preserve during calendar years 1986, 1987, 1988, and 1989 the percentage share, or metric tonnage of bagged, processed, or fortified commodities, whichever is lower, experienced in calendar year 1984 as determined by the Secretary of Agriculture, of waterborne cargoes exported from Great Lake ports pursuant to title II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721 et seq.).

(d) As used in subsection (b), the term "export activity" does not include inspection or weighing activities, other activities carried out for health or safety purposes, or technical assistance provided in the handling of commercial transactions.

(e)(1) The prevailing world market price as to agricultural commodities or the products thereof shall be determined under section 901a through 901d in accordance with procedures established by the Secretary of Agriculture. The Secretary shall prescribe such procedures by regulation, with notice and opportunity for public comment, pursuant to section 553 of title 5, United States Code.

(2) In the event that a determination of the prevailing world market price of any other type of materials, goods, equipment, or service is required in order to determine whether a barter or exchange transaction is subject to subsection (b)(6) or (b)(7), such determination shall be made by the Secretary of Agriculture in consultation with the heads of other appropriate Federal agencies.

MINIMUM TONNAGE

Sec. 901c. (a)(1) For fiscal year 1986 and each fiscal year thereafter, the minimum quantity of agricultural commodities to be exported under programs subject to section 901b shall be the average of the tonnage exported under such programs during the base period defined in subsection (b), discarding the high and low years.

(2) The President may waive the minimum quantity for any fiscal year required under paragraph (1) if he determines and reports to the Congress, together with his reasons, that such quantity cannot be effectively used for the purposes of such programs or, based on a certification by the Secretary of Agriculture, that the commodities are not available for reasons which include the unavailability of funds.

(b) The base period utilized for computing the minimum tonnage quantity referred to in subsection (a) for any fiscal year shall be the five fiscal years beginning with the sixth fiscal year preceding such fiscal year and ending with the second fiscal year preceding such fiscal year.

FINANCING OF SHIPMENT OF AGRICULTURAL COMMODITIES IN UNITED STATES-FLAG VESSELS

Sec. 901d. (a) The Secretary of Transportation shall finance any increased ocean freight charges incurred in any fiscal year which result from the application of section 901b.

(b) If in any fiscal year the total cost of ocean freight and ocean freight differential for which obligations are incurred by the Department of Agriculture and the Commodity Credit Corporation on exports of agricultural commodities and products thereof under the agricultural export programs specified in section 901b(b) exceeds 20 percent of the value of such commodities and products and the cost of such ocean freight and ocean freight differential on which obligations are incurred by such Department and Corporation during such year, the Secretary of Transportation shall reimburse the Department of Agriculture and the Commodity Credit Corporation for the amount of such excess. For the purpose of this subsection, commodities shipped from the inventory of the Commodity Credit Corporation shall be valued as provided in section 403(b) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1733(b)).

(c) For the purpose of meeting those expenses required to be assumed under subsections (a) and (b), the Secretary of Transportation shall issue to the Secretary of the Treasury such obligations in such forms and denominations, bearing such maturities and subject to such terms and conditions, as may be prescribed by the Secretary of Transportation with the approval of the Secretary of the Treasury. Such obligations shall be at a rate of interest as determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding marketable obligations of the United States with remaining periods of maturity comparable to the average maturities of such obligations during the month preceding the issuance of such obligations of the Secretary of Transportation. The Secretary of the Treasury shall purchase any obligations of the Secretary of Transportation issued under this subsection and, for the purpose of purchasing such obligations, the Secretary of the Treasury may use as a public debt transaction the proceeds from the sale of any securities issued under chapter 31 of title 31, United States Code, after the date of the enactment of this Act and the purposes for which securities may be issued under such chapter are extended to include any purchases of the obligations of the Secretary of Transportation under this subsection. All redemptions and purchases by the Secretary of the Treasury of the obligations of the Secretary of Transportation shall be treated as public-debt transactions of the United States.

(d) There is authorized to be appropriated annually for each fiscal year, commencing with the fiscal year beginning October 1, 1986, an amount sufficient to reimburse the Secretary of Transportation for the costs, including administrative expenses and the principal and interest due on the obligations to the Secretary of the Treasury incurred under this section. Reimbursement of any such costs shall be made with appropriated funds, as provided in this section, rather than through cancellation of notes.

(e) Notwithstanding the provisions of this section, in the event that the Secretary of Transportation is unable to obtain the funds necessary to finance the increased ocean freight charges resulting from the requirements of subsections (a) and (b) and section 901b(a), the Secretary of Transportation shall so notify the Congress within 10 working days of the discovery of such insufficiency.

AUTHORIZATION OF APPROPRIATIONS

Sec. 901e. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of sections 901a through 901k.

TERMINATION OF SECTIONS 901a THROUGH 901k

Sec. 901f. The operation of section 901a through 901k shall terminate 90 days after the date on which a notification is made pursuant to section 901d(e), except with respect to shipments of agricultural commodities and products subject to contracts entered into before the expiration of such 90-day period, unless within such 90-day period the Secretary of Transportation proclaims that funds are available to finance increased freight charges resulting from the requirements of sections 901b (a) and 901d (a) and (b). In the event of termination under this section, nothing in sections 901a through 901d shall be construed as exempting export activities from or subjecting export activities to the cargo preference laws except to the extent those activities are exempt under section 4(b) of Public Law 95–501 (7 U.S.C. 1707a(b)). In the event of termination under this section, the 50 percent requirement in section 901(b) of the Merchant Marine Act, 1936 shall be in full effect.

NATIONAL ADVISORY COMMISSION ON AGRICULTURAL EXPORT TRANSPORTATION POLICY

Sec. 901g. (a) There is hereby established an advisory commission to be known as the National Advisory Commission on Agricultural Export Transportation Policy (hereafter in this section through section 901j referred to as the "Commission").

(b)(1) The Commission shall be composed of 16 members.

(2) Eight members of the Commission shall be appointed by the President.

(3) The chairman and ranking minority members of the Senate Committee on Agriculture, Nutrition, and Forestry, of the Subcom-

mittee on Merchant Marine of the Senate Committee on Commerce, Science, and Transportation, of the House Committee on Agriculture, and of the House Committee on Merchant Marine and Fisheries shall serve as members of the Commission.

(4)(A) Four of the members appointed by the President shall be representatives of agricultural producers, cooperatives, merchandisers, and processors of agricultural commodities.

(B) The remaining four members appointed by the President shall be representatives of the United States-flag maritime industry, two of whom shall represent labor and two of whom shall represent management.

(c)(1) The members of the Commission shall elect a Chairman from among its members.

(2) Any vacancy in the Commission does not affect its powers but shall be filled in the same manner in which the original appointment was made.

DUTIES OF THE COMMISSION

Sec. 901h. (a) It shall be the duty of the Commission to conduct a comprehensive study and review of the ocean transportation of agricultural exports subject to the cargo preference laws referred to in section 901b and to make recommendations to the President and the Congress for improving the efficiency of such transportation on United States-flag vessels in order to reduce the costs incurred by the United States in connection with such transportation. In carrying out such study and review, the Commission shall consider the extent to which any unfair or discriminatory practices of foreign governments increase the cost to the United States of transporting agricultural commodities subject to such cargo preference laws.

(b)(1) The Commission shall submit an interim report to the President and the Congress not later than one year after the date of the enactment of this subtitle and such other interim reports as the Commission considers advisable.

(2) The Commission shall submit a final report containing its findings and recommendations to the President and the Congress not later than two years after the date of the enactment of this subtitle. The report shall include recommendations for any changes in the provisions of paragraph (1) that would help assure that the cost of ocean freight and ocean freight differential incurred by the Department of Agriculture and the Commodity Credit Corporation on the agricultural export programs specified in section 901b, is not increased above historical levels as a result of the extra demand for United States-flag vessels caused by section 901b.

(3) Sixty days after the submission of the final report, the Commission shall cease to exist.

(c) The Commission shall include in its reports submitted pursuant to subsection (b) recommendations concerning the feasibility and desirability of achieving the following goals with respect to the ocean transportation of agricultural commodities subject to the cargo preference laws referred to in section 901b:

(1) Ensuring that the timing of commodity purchase agreements entered into by the United States in connection with the

export of such commodities, and the methods of implementing such agreements, will minimize cost to the United States.

(2) Ensuring that shipments of such commodities are made on the most modern and efficient United States-flag vessels available.

(3) Ensuring that shipments of such commodities are made under the most advantageous terms available, including—

(A) charters for full shiploads;

(B) charters for intermediate or long term;

(C) charters for consecutive voyages and contracts of affreightment; and

(D) adjustment of rates in the event that vessels used for shipments of such commodities also carry cargoes on return voyages.

(4) Reduction and elimination of impediments, including delays in port, to the efficient loading and operation of the vessels employed for shipment of such commodities.

(5) Utilization of open and competitive bidding for the ocean transportation of such commodities.

INFORMATION AND ASSISTANCE TO BE FURNISHED TO THE COMMISSION

Sec. 901i. (a) Each department, agency, and instrumentality of the United States, including independent agencies, shall furnish to the Commission, upon request made by the Chairman, such statistical data, reports, and other information as the Commission considers necessary to carry out its functions.

(b) The Secretary of Agriculture and the Secretary of Transportation shall make available to the Commission such staff, personnel, and administrative services as may reasonably be required to carry out the Commission's duties.

COMPENSATION AND TRAVEL AND SUBSISTENCE EXPENSES OF COMMISSION MEMBERS

Sec. 901j. Members of the Commission shall serve without compensation in addition to compensation they may otherwise be entitled to receive as employees of the United States or as Members of Congress, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties vested in the Commission.

DEFINITION OF UNITED STATES FLAG VESSEL ELIGIBLE TO CARRY CARGOES UNDER CERTAIN SECTIONS

Sec. 901k. A United States flag vessel eligible to carry cargoes under sections 901b through 901d means a vessel, as defined in section 3 of title 1, United States Code, that is necessary for national security purposes and, if more than 25 years old, is within five years of having been substantially rebuilt and certified by the Secretary of Transportation as having a useful life of at least five years after that rebuilding.

f. Emergency Security Assistance Act of 1973

Public Law 93-199 [H.R. 11088], 87 Stat. 836, approved December 26, 1973, as amended by Public Law 95-384 [International Security Assistance Act of 1978; S. 3075], 92 Stat. 730 at 747, approved September 26, 1978

AN ACT To provide emergency assistance authorizations for Israel and Cambodia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Security Assistance Act of 1973".

Sec. 2.[1] In addition to such amounts as may be otherwise authorized to be appropriated to the President for security assistance for the fiscal year 1974, there are hereby authorized to be appropriated to the President not to exceed $2,200,000,000 for emergency military assistance or foreign military sales credits, or for both as the President may determine, for Israel, of which sum amounts in excess of $1,500,000,000 may be used pursuant to this section or section 4 of this Act only if the President (1) determines it to be important to our national interest that Israel receive assistance hereunder exceeding $1,500,000,000, and (2) reports to Congress each such determination (if more than one) at least twenty days prior to date on which funds are obligated or expended under this Act in excess of such $1,500,000,000 limitation. The twenty-day requirement contained in the preceding sentence shall not apply if hostilities are renewed in the Middle East. The President shall include in his report the amount of funds to be used pursuant to the determination, the terms of the additional assistance under section 2 or section 4, and the justification for the determination. All information contained in the justification shall be public information except to the extent that the President concludes that publication would be incompatible with the security interests of the United States.

Sec. 3. Military assistance furnished out of funds appropriated under section 2 of this Act shall be furnished in accordance with all of the provisions applicable to military assistance under the Foreign Assistance Act of 1961 (75 Stat. 424; Public Law 87-195), as amended. Foreign military sales credits extended to Israel out of such funds shall be provided on such terms and conditions as the

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[1] FA Appropriation Act, 1974: "$2,200,000,000: *Provided,* That the funds appropriated in this paragraph shall be available only upon enactment into law of authorizing legislation: *Provided further,* That any part of any funds appropriated in this paragraph used to furnish military assistance shall be accounted for in accordance with section 108 of the Mutual Security Appropriation Act, 1956 (69 Stat. 438), as amended: *Provided further,* That of the funds appropriated under this paragraph, not more than $1,500,000,000 may be available for grant military assistance: *Provided further,* That none of the funds appropriated in this paragraph in excess of $1,700,000,000 shall be obligated unless the President determines such obligations will be in the national interest and provides Congress with detailed justifications and notification ten days prior to any such obligation of funds."

The FA Appropriation Act, 1974 required 10 days notification prior to any such obligation of funds.

President may determine and without regard to the provisions of the Foreign Military Sales Act (82 Stat. 1320; Public Law 90-629), as amended.

Sec. 4. At any time prior to June 30, 1974, the President is hereby authorized, within the limits of funds appropriated under section 2 of this Act for Israel, to release Israel from its contractual liability to pay for defense articles and defense services purchased or financed under the said Foreign Military Sales Act or under this Act during the period beginning October 6, 1973, and ending June 30, 1974, and such funds shall be used to reimburse current applicable appropriations, funds, and accounts of the Department of Defense for the value of such defense articles and defense services.

Sec. 5.[2] * * * [Repealed—1978]

Sec. 6. Of the funds appropriated pursuant to section 2, the President may use such sums as may be necessary from time to time for payment by the United States of its share of the expenses of the United Nations Emergency Force in the Middle East, as apportioned by the United Nations in accordance with article 17 of the United Nations Charter.

NOTE.—On March 1, 1974, the President signed the following Memorandum (39 F.R. 10417, March 20, 1974):

DELEGATION OF FUNCTIONS AND ALLOCATION OF FUNDS RELATED TO EMERGENCY SECURITY ASSISTANCE FOR ISRAEL

Memorandum for the Secretary of State, the Secretary of Defense

THE WHITE HOUSE,
Washington, March 1, 1974.

You are hereby designated and empowered to exercise the following functions vested in the President by Public Law 93-199, the emergency Security Assistance Act of 1973, without the approval, ratification, or other action of the President.

1. Functions delegated to the Secretary of State:

(a) the function or reporting to the Congress any determination made by the President under Section 2 of the Act;

(b) the function conferred in Section 6 of the Act.

2. Functions delegated to the Secretary of Defense:

The function of providing military assistance or foreign military sales credits as determined by the President.

Pursuant to the authority contained in Public Law 93-240, the Foreign Assistance and Related Programs Appropriation Act, 1974, I hereby allocate from the appropriation for "Energy Security Assistance for Israel" to the Secretary of Defense, $2,200,000,000.00. This allocation is subject to the limitations imposed by the provisos in the provision appropriating these funds and subject to apportionment of the necessary funds by the Office of Management and Budget. I direct the Secretary of Defense to allocate to the Secretary of State such sums from the $2,200,000,000.00 as may be necessary from time to time for payment by the United States of its share of the expenses of the United Nations Emergency Force in the Middle East, as apportioned by the United Nations in accordance with article 17 of the United Nations Charter as authorized in Section 6 of Public Law 93-199, the Emergency Security Assistance Act of 1973.

This memorandum shall be published in the Federal Register.

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[2] Sec. 5, which required the Secretary of Defense to submit a report to the Congress on the effectiveness of the foreign military assistance program as it related to the Middle East conflict, was repealed by sec. 29(c)(3) of the International Security Assistance Act of 1978 (92 Stat. 747).

g. Amendments to Board for International Broadcasting Act of 1973

Partial Text of Public Law 94-104 [S. 2230], 89 Stat. 508, approved October 6, 1975

AN ACT To authorize appropriations for the Board for International Broadcasting for fiscal year 1976; and to promote improved relations between the United States, Greece, and Turkey, to assist in the solution of the refugee problem on Cyprus, and to otherwise strengthen the North Atlantic Alliance.

* * * * * * *

Sec. 2. (a)(1) The Congress reaffirms the policy of the United States to seek to improve and harmonize relations among the allies of the United States and between the United States and its allies, in the interest of mutual defense and national security. In particular, the Congress recognizes the special contribution to the North Atlantic Alliance of Greece and Turkey by virtue of their geographic position on the southeastern flank of Europe and is prepared to assist in the modernization and strengthening of their respective armed forces.

(2) The Congress further reaffirms the policy of the United States to alleviate the suffering of refugees and other victims of armed conflict and to foster and promote international efforts to ameliorate the conditions which prevent such persons from resuming normal and productive lives. The Congress, therefore, calls upon the President to encourage and to cooperate in the implementation of multilateral programs, under the auspices of the Secretary General of the United Nations, the United Nations High Commissioner for Refugees, or other appropriate international agencies, for the relief of and assistance to refugees and other persons disadvantaged by the hostilities on Cyprus pending a final settlement of the Cyprus refugee situation in the spirit of Security Council Resolution 361.

(b)(1) In order that the purposes of this Act may be carried out without awaiting the enactment of foreign assistance legislation for fiscal year 1976 programs—

(A) the President is authorized, notwithstanding section 620 of the Foreign Assistance Act of 1961, to furnish to the Government of Turkey those defense articles and defense services with respect to which contracts of sale were signed under section 21 or section 22 of the Foreign Military Sales Act on or before February 5, 1975, and to issue licenses for the transportation to the Government of Turkey of arms, ammunition, and implements of war (including technical data relating thereto): *Provided,* That such authorization shall be effective only while Turkey shall observe the cease-fire and shall neither increase its forces on Cyprus nor transfer to Cyprus any United States supplied implements of war: *Provided further,* That the authorities contained in this section shall not become effective unless and until the President determines and certifies to the Congress that the furnishing of defense articles and defense services, and the issuance of licenses for the transportation of implements of war, arms and ammunition under this section are important to the national security interests of the United States;

(B) the President is requested to initiate discussions with the Government of Greece to determine the most urgent needs of Greece for economic and military assistance; and

(C) the President is requested to initiate discussions with the Government of Turkey concerning effective means of preventing the diversion of opium poppy into illicit channels.

(2) The President is directed to submit to the Speaker of the House of Representatives and to the Foreign Relations and Appropriations Committee of the Senate within sixty days after the enactment of this Act a report on discussions conducted under subsections (b)(1) (B) and (C), together with his recommendations for economic and military assistance to Greece for the fiscal year 1976.

(c)(1) Section 620(x) of the Foreign Assistance Act of 1961 is amended by striking out all after the word *"Provided,"* and inserting in lieu thereof the following: "That the President is authorized to suspend the provisions of this section and of section 3(c) of the Foreign Military Sales Act only with respect to sales, credits, and guaranties under the Foreign Military Sales Act, as amended, for the procurement of such defense articles and defense services as the President determines and certifies to the Congress are necessary in order to enable Turkey to fulfill her defense responsibilities as a member of the North Atlantic Treaty Organization. Any such suspension shall be effective only while Turkey shall observe the cease-fire and shall neither increase its forces on Cyprus nor transfer to Cyprus any United States supplied arms, ammunition, and implements of war.".

(2) Section 620(x) of the Foreign Assistance Act of 1961 is further amended by designating the present subsection as paragraph (1) and by adding at the end thereof the following new paragraph:

"(2) The President shall submit to the Congress within sixty days after the enactment of this paragraph, and at the end of each succeeding sixty-day period, a report on progress made during such period toward the conclusion of a negotiated solution of the Cyprus conflict.".

(3) Nothing in this section shall be construed as authorizing (A) military assistance to Turkey under chapter 2 of part II of the Foreign Assistance Act of 1961, or (B) sales, credits, or guaranties to or on behalf of Turkey under the Foreign Military Sales Act for the procurement of defense articles or defense services not determined by the President to be needed for the fulfillment of Turkey's North Atlantic Treaty Organization responsibilities.

(4) Pursuant to the provisions of this section, in the case of any letter of offer to sell any defense article or defense service pursuant to the Foreign Military Sales Act for $25,000,000 or more, the President shall submit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate a statement containing (A) a brief description of the defense article or defense service to be offered, (B) the dollar

amount of the proposed sale, (C) the United States Armed Force which is making the sale, and (D) the date on which any letter of offer to sell is to be issued. The letter of offer shall not be issued if the Congress, within twenty calendar days after receiving any such statement, adopts a concurrent resolution stating in effect that it objects to such proposed sale.

(5) This subsection shall become effective only upon enactment of foreign assistance legislation authorizing sales, credits, and guaranties under the Foreign Military Sales Act for fiscal year 1976.[1]

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[1] Such authorization became effective upon enactment of the International Security Assistance and Arms Export Control Act of 1976, Public Law 94-329, approved June 30, 1976.

h. Vessels for Humanitarian Services

Public Law 97-360 [H.R. 4828], 96 Stat. 1718, approved October 22, 1982

AN ACT To set aside certain surplus vessels for use in the provision of health and other humanitarian services to developing countries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that it is in the national interest to make suitable surplus Government vessels available for use by private nonprofit organizations in providing health education, training, care, and technical assistance as well as other humanitarian services to the peoples of developing countries.

Sec. 2. Within ninety days after the enactment of this Act, the Secretary of Transportation shall designate the vessels listed in section 6 as humanitarian service candidates.

Sec. 3. Except as provided in section 4, the vessels listed in section 6 may not be removed from the National Defense Reserve Fleet.

Sec. 4. The vessels listed in section 6 may be removed from the National Defense Reserve Fleet for either of the following reasons:

(a) When the Secretary determines that one or more of the vessels are required for national security purposes, or

(b) Upon the application of LIFE International, a nonprofit corporation organized under the laws of the District of Columbia, the Secretary may transfer one or more of the vessels to LIFE International upon such terms and conditions as he may prescribe.

Sec. 5. During such time as any one of the vessels is in the possession of LIFE International, it shall be operated as an eleemosynary vessel primarily engaged in providing health education, training, care, technical assistance, and other humanitarian services to the peoples of developing countries. No such vessel may be used for commercial transportation purposes. In the event that LIFE International no longer requires a vessel for the purposes of this Act, that vessel shall be conveyed back to the United States in as good condition as when received, ordinary wear and tear excepted, to the point of original delivery without cost to the United States.

Sec. 6. This Act shall apply to the following vessels currently held in the National Defense Reserve Fleet:

United States Ship *General Nelson M. Walker* P2-SE2-R1
United States Ship *Donner* LSD-20
United States Ship *Colonial* LSD-18

Sec. 7. This Act shall expire by its terms five calendar years after the date of enactment.

i. Activities in Nicaragua

(1) Policy toward Government of Nicaragua and the Nicaraguan Democratic Resistance

Partial text of Public Law 99-591 [Section 101(k) of the Continuing Appropriations Act, 1987; H.J. Res. 738] 100 Stat. 3341, approved October 30, 1986

JOINT RESOLUTION Making continuing appropriations of the fiscal year 1987, and for other purposes

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies corporations, and other organizational units of the Government for the fiscal year 1987, and for other purposes, namely:

SEC. 101. * * *

(k) Such amounts as may be necessary for programs, projects or activities provided for in the Military Construction Appropriations Act, 1987, at a rate of operations and to the extent and in the manner provided as follows, to be effective as if it had been enacted into law as the regular appropriation Act:

* * * * * * *

TITLE II

CENTRAL AMERICA

PURPOSES

SEC. 201. The purposes of this title are to promote economic and political development, peace, stability and democracy in Central America, to encourage a negotiated resolution of the conflict in the region, and towards these ends, to enable the President to provide additional economic assistance for the Central American democracies as well as assistance for the Nicaraguan democratic resistance, subject to the terms and conditions of title.

POLICY TOWARD CENTRAL AMERICA

SEC. 202. (a) It is the policy of the United States that—

(1) the building of democracy, the restoration of peace, economic development, the improvement of living conditions, and the application of equal justice under law in Central America are important to the interests of the United States and the community of American States,

(2) the interrelated issues of social and human progress, economic growth, political reform, and regional security must be

effectively dealt with to assure a democratic and econmically and politically secure Central America; and

(3) the September 1983 Contadora Document of Objectives, which sets forth a framework for negotiating a peaceful settlement to the conflict and turmoil in the region, is to be encouraged and supported.

(b) The United States strongly supports as essential to the objectives set forth in subsection (a)—

(1) a long-term commitment of economic assistance to the Central American democracies in amounts recommended by the National Bipartisan Commission on Central America;

(2) national reconciliation in Nicaragua and the creation of a framework for negotiating a peaceful, democratic settlement to the Nicaraguan conflict; and

(3) efforts to reach a comprehensive and verifiable final agreement based on the Contadora Document of Objectives, including efforts to encourage the Government of Nicaragua to pursue a dialogue with the representatives of all elements of the Nicaraguan democratic opposition for the purpose of achieving a democratic political settlement of the conflict, including free and fair elections.

POLICY TOWARD THE GOVERNMENT OF NICARAGUA

SEC. 203. (a) United States policy toward the Government of Nicaragua shall be based upon that government's responsiveness to continuing concerns affecting the national security of the United States and Nicaragua's neighbors about—

(1) Nicaragua's close military and security ties to Cuba and the Soviet Union and its Warsaw Pact allies including the presence in Nicaragua of military and security personnel from those countries and allies;

(2) Nicaragua's buildup of military forces in numbers disproportionate to those of its neighbors and equipped with sophisticated weapons systems and facilities designed to accommodate even more advanced equipment;

(3) Nicaragua's unlawful support for armed subversion and terrorism directed against the democratically elected governments of other countries;

(4) Nicaragua's internal repression and lack of opportunity for the exercise of civil and political rights which would allow the people of Nicaragua to have a meaningful voice in determining the policies of their government through participation in regularly scheduled free and fair elections and the establishment of democratic institutions; and

(5) Nicaragua's refusal to negotiate in good faith for a peaceful resolution of the conflict in Central America based upon the comprehensive implementation of the September 1983 Contadora Document of Objectives and, in particular, its refusal to engage in a serious national dialogue with all elements of the Nicaraguan democratic opposition.

(b) The United States will address the concerns described in subsection (a) through economic, political, and diplomatic measures (including efforts to secure the cooperation of other democratic nations in such measures), as well as through support for the Nicaraguan democratic resistance. In order to assure every opportunity for a peaceful resolution of the conflict in Central America, the United States will—

(1) engage in bilateral discussions with the Government of Nicaragua with a view toward facilitating progress in achieving a peaceful resolution of the conflict, if the Government of Nicaragua simultaneously engages in a serious dialogue with representatives of all elements of the Nicaraguan democratic opposition; and

(2) limit the types and amounts of assistance provided to the Nicaraguan democratic resistance and take other positive action in response to steps taken by the Government of Nicaragua toward meeting the concerns described in subsection (a).

(c) The duration of bilateral discussions with the Government of Nicaragua and the implementation of additional measures under subsection (b) shall be determined, after consultation with the Congress, by reference to Nicaragua's actions in response to the concerns described in subsection (a). Particular regard will be paid to whether—

(1) freedom of speech, assembly, religion, and political activity are being respected in Nicaragua and progress is being made toward the holding of regularly scheduled free and fair elections;

(2) there has been a halt to the flow of arms and the introduction of foreign military personnel into Nicaragua, and a withdrawal of all foreign military personnel has begun;

(3) a cease-fire with the Nicaraguan democratic resistance is being respected; and

(4) Nicaragua is refraining from acts of aggression, including support for insurgency and terrorism in other countries.

(d) The actions by the United States under this title in response to the concerns described in subsection (a) are consistent with the right of the United States to defend itself and to assist its allies in accordance with international law and treaties in force. Such actions are directed, not to determine the form or composition of any government of Nicaragua, but to achieve a comprehensive and verifiable agreement among Central American countries, based upon the 1983 Contadora Document of Objectives, including internal reconciliation within Nicaragua based upon democratic principles, without the use of force by the United States.

(e) Notwithstanding any other provision of this title, no member of the United States Armed Forces or employee of any department, agency, or other component of the United States Government may enter Nicaragua to provide military advice, training, or logistical support to paramilitary groups operating inside that country. Nothing in this title shall be construed as authorizing any member or unit of the Armed Forces of the United States to engage in combat against the Government of Nicaragua.

POLICY TOWARD THE NICARAGUAN DEMOCRATIC RESISTANCE

SEC. 204. (a) It is the policy of the United States to assist all groups within the Nicaraguan democratic resistance which—

(1) are committed to work together for democratic national reconciliation in Nicaragua based on the document issued by the six Nicaraguan opposition parties on February 7, 1986, entitled "Proposal to the Nicaraguan Government for a solution to the Crisis in Our Country"; and

(2) respect international standards of conduct and refrain from violations of human rights or from other criminal acts,

(b) No assistance under this title may be provided to any group that retains in its ranks any individual who has been found to engage in—

(1) gross violations of internationally recognized human rights (as defined in section 502B(d)(1) of the Foreign Assistance Act of 1961); or

(2) drug smuggling or significant misuse of public or private funds.

(c)(1) It is recognized that the Nicaraguan democratic resistance has been broadening its representative base, through the forging of cooperative relationships between the United Nicaraguan Opposition (UNO) and other democratic resistance elements, and has been increasing the responsiveness of military forces to civilian leadership.

(2) The President shall use the authority provided by this title to further the developments described in paragraph (1) and to encourage the Nicaraguan democratic resistance to take additional steps to strengthen its unity, pursue a defined and coordinated program for representative democracy in Nicaragua, and otherwise increase its appeal to the Nicaraguan people.

(d) In furtherance of the policy set out in this section, not less than $10,000,000 of the funds transferred by section 6(a) shall be available only for assistance to resistance forces otherwise eligible and not currently included within UNO, of which amount $5,000,000 shall be available only for the Southern Opposition Bloc (BOS) and $5,000,000 shall be available only for the Indian resistance force known as Misurasata.

ASSISTANCE FOR THE CENTRAL AMERICAN DEMOCRACIES

SEC. 205. (a) There are hereby transferred to the President for assistance to the Central American democracies (Costa Rica, El Salvador, Guatemala, and Honduras) in accordance with the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961; $300,000,000 of unobligated funds from the accounts specified in subsection (b). Amounts transferred under this section shall be administered in accordance with the terms and conditions of chapter 6 of part I of the Foreign Assistance Act of 1961. Notwithstanding any other provision of law, funds made available by this section—

(1) shall be in addition to amounts previously appropriated for the fiscal year 1986 and allocated for assistance to Central American countries, and

(2) shall remain available for obligation until September 30, 1987, except that not less than $100,000,000 shall be obligated on or before September 30, 1986.

(b) Amounts made available by this section shall be transferred from such accounts as the President may designate for which appropriations were made by title II of the Foreign Assistance and Related Programs Appropriations Act, 1986, title IV of the Agriculture, Rural Development and Related Agencies Appropriations Act, 1986, (as contained in Public Law 99-190), and title II of the Urgent Supplemental Appropriations Act, 1985 (Public Law 99-10).

(c)(1) The Secretary of State, the Administrator of the Agency for International Development, and the Director of the Office of Management and Budget, shall—

(A) develop a plan for fully funding the assistance to the Central American democracies (Costa Rica, El Salvador, Guatemala, and Honduras) proposed in the January 1984 report of the National Bipartisan Commission on Central America; and

(B) provide a report describing this plan to the President and the Congress no later than March 1, 1987.

(2) The report required by paragraph (1) shall include an analysis and recommendations, prepared in consultation with the Secretary of Agriculture, on how more effective use can be made of agricultural commodities from the United States in alleviating hunger in Central America and contributing to the economic development of the Central American democracies.

(d)(1) There are hereby transferred to the President out of funds appropriated by the Supplemental Appropriations Act, 1985 (Public Law 99-88), under the heading "Assistance For Implementation of a Contadora Agreement" such sums as the President may require but not more than $2,000,000, to facilitate the participation of Costa Rica, El Salvador, Guatemala, and Honduras in regional meetings and negotiations to promote peace, stability, and security in Central America.

(2) Funds transferred under paragraph (1) shall remain available for the same period of time as such funds would have been available under the Supplemental Appropriations Act, 1985 (Public Law 99-88), but for the enactment of this title.

(e) The Congress reaffirms its support for the establishment of a Central American Development Organization, authorized by section 464 of the Foreign Assistance Act of 1961, as an effective forum for dialogue on, and the continuous review and advancement of, Central America's political, economic, and social development, including the strengthening of democratic pluralism and respect for internationally recognized human rights. Toward this end, not less than $750,000 of the funds transferred by this section should be used to establish the Central American Development Organization and its administrative apparatus so as to ensure that Central American development objectives are encouraged.

ASSISTANCE FOR THE NICARAGUAN DEMOCRACTIC RESISTANCE

SEC. 206. (a)(1) The Congress hereby approves the provision of assistance for the Nicaraguan democratic resistance in accordance with the provisions of this title.

(2) There are hereby transferred to the President for the purposes of this section $100,000,000 of unobligated funds from such accounts for which appropriations were made by the Department of Defense Appropriations Act, 1986 (as contained in Public Law 99-190), as the President shall designate.

(b) Not withstanding the Impoundment Control Act of 1974, not more than 40 percent of the funds transferred under subsection (a) may be available for obligation or expenditure in accordance with this title upon the date of its enactment; not more than an additional 20 percent of such funds may be so available no earlier than October 15, 1986, and 15 days after the transmittal to the Congress of the determination required by section 11(c); and not more than the remaining 40 percent may be so available no earlier than February 15, 1987, and 15 days after the transmittal to the Congress of the determination required by section 11(e).

(c) Funds transferred under subsection (a) shall remain available for the same periods of time, but not to exceed September 30, 1987, as such funds would have been available under the Department of Defense Appropriations Act, 1986 (as contained in Public Law 99-190), but for the enactment of this title.

COORDINATION OF AND ACCOUNTABILITY FOR ASSISTANCE TO THE NICARAGUAN DEMOCRATIC RESISTANCE

SEC. 207. (a) The Secretary of State (or his designee) shall be responsible for policy guidance, coordination, and supervision of United States Government activities under this title.

(b) Any agency to which funds transferred under section 6(a) are allocated shall establish standards, procedures and controls necessary to assure that such funds are fully accounted for and are used exclusively for the purposes authorized by this title. Such standards, procedures and controls shall be developed in consultation with the Comptroller General and the appropriate committees of the Congress, and shall include such safeguards as segregation of accounts, monitoring of deliveries, and requirements for the keeping of complete records available for audit by authorized representatives of the United States Government.

FUNDS FOR HUMANITARIAN ASSISTANCE

SEC. 208. (a) Of the amounts transferred under section 6(a), $30,000,000 shall be available only for the provision of humanitarian assistance to the Nicaraguan democratic resistance.

(b) Of the $30,000,000 made available only for purposes of subsection (a), $3,000,000 shall be available only for strengthening programs and activities of the Nicaraguan democratic resistance for the observance and advancement of human rights.

APPLICATION OF EXISTING LAWS

SEC. 209. (a) Except as otherwise provided in this title, funds transferred under section 6(a) shall be available for the purposes described in section 105(a) of the Intelligence Authorization Act for Fiscal Year 1986, and all the requirements, terms, and conditions of such section and sections 101 and 102 of such Act, section 502 of the National Security Act of 1947, and section 106 of the Supplemental Appropriations Act, 1985 (Public Law 99-88), shall be deemed to have been met for such use of such funds.

(b) The use of funds made available under this title is subject to all applicable provisions of law and established procedures relating to the oversight by the Congress of operations of departments and agencies.

(c) Nothing in this title shall be construed as permitting the President to furnish additional assistance to the Nicaraguan democratic resistance from funds other than the funds transferred under section 6(a) or otherwise specifically authorized by the Congress for assistance to the Nicaraguan democratic resistance.

(d) No limitation or restriction contained in section 10 of Public Law 91-672, section 8109 of the Department of Defense Appropriations Act, 1986, section 502 of the National Security Act of 1947, or any other provision of law shall apply to the transfer or use of funds transferred to the President under this title.

USE OF FUNDS AFTER A PEACEFUL SETTLEMENT

SEC. 210. If the President determines and so reports to the Congress that a peaceful settlement of the conflict in Central America has been reached, then—

(1) the unobligated balance, if any, of funds transferred under section 6(a) shall be available for the purposes of relief, rehabilitation, and reconstruction in Central America countries in accordance with the authorities contained in chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to economic support fund assistance);

(2) the President shall terminate any economic embargo of Nicaragua then in effect; and

(3) the President shall take such further actions as appropriate to carry out the policy described in section 2(a)(1) of this title with respect to all Central American countries, including Nicaragua.

INCENTIVES FOR A NEGOTIATED SETTLEMENT

SEC. 211. (a) Assistance to the Nicaraguan democratic resistance under this title shall be provided in a manner designed to encourage the Government of Nicaragua to respond favorably to the many opportunities available for achieving a negotiated settlement of the conflict in Central America. These opportunities include the following proposals:

(1) Six opposition Nicaraguan political parties on February 7, 1986, called for an immediate cease-fire, an effective general amnesty, abolition of the state of emergency agreement on a new electoral process and general elections, effective fulfillment of international commitments for democratization, and observance of implementation of these actions and commitments by appropriate international groups and organizations;

(2) President Reagan on February 10, 1986, offered simultaneous talks between the Government of Nicaragua and all elements of the Nicaraguan democratic opposition in Nicaragua and between the Government of Nicaragua and the United States Government;

(3) President Jose Napoleon Duarte of El Salvador on March 5, 1986, offered an additional dialogue between the Government of El Salvador and the insurgents in El Salvador if the Government of Nicaragua would simultaneously engage in a

dialogue with all elements of the Nicaraguan democratic opposition; and

(4) The United Nicaraguan Opposition on May 29, 1986, reiterated its support for the six-party proposal described in paragraph (1) as a means to achieve national reconciliation and democratization.

(b)(1) In furtherance of the objectives set forth in subsection (a), and except as provided in subsection (e), assistance to the Nicaraguan democratic resistance under this title shall be limited to the following:

(A) humanitarian assistance (as defined in section 722(g)(5) of the International Security and Development Cooperation Act of 1985);

(B) logistics advice and assistance;

(C) support for democratic political and diplomatic activities;

(D) training, services, equipment and supplies for radio communications, collection, and utilization of intelligence, logistics, and small-unit skills, tactics and operations; and

(E) equipment and supplies necessary for defense against air attacks.

(2) The assistance described in paragraph (1) shall be limited, by type and value, to the matters specified in the classified annex to the communication from the President to the Speaker of the House of Representatives and the President of the Senate dated June 24, 1986.

(3) No weapons or ammunition shall be delivered under this title to the Nicaraguan democratic resistance prior to September 1, 1986.

(c) On and after October 15, 1986, an additional $20,000,000 of the funds transferred under section 6(a) may be made available for obligation and expenditure for assistance to the Nicaraguan democratic resistance 15 days after the President determines and reports to the Congress that—

(1) the Central American countries have not concluded a comprehensive and effective agreement based on the Contadora Document of Objectives;

(2) the Government of Nicaragua is not engaged in a serious dialogue with representatives of all elements of the Nicaraguan democratic opposition, accompanied by a cease-fire and an effective end to the existing constraints on freedom of speech, assembly, religion, and political acitivity, leading to regularly scheduled free and fair elections and the establishment of democratic institutions; and

(3) there is no reasonable prospect of achieving such agreement, dialogue, cease-fire, and end to constraints described in paragraphs (1) and (2) through further diplomatic measures, multilateral or bilateral, without additional assistance to the Nicaraguan democratic resistance.

(d)(1) Notwithstanding any other provision of this title, on or after October 15, 1986, funds transferred under section 6(a) may be obligated or expended only if the President determines and reports to the Congress that the Nicaraguan democratic resistance groups receiving assistance under this title have agreed to and are beginning to implement—

(A) confederation and reform measures to broaden their leadership base;

(B) the coordination of their efforts;

(C) the elimination of human rights abuses;

(D) the pursuit of a defined and coordinated program for achieving representative democracy in Nicaragua; and

(E) the subordination of military forces to civilian leadership; and

(F) the application of rigorous standards, procedures and controls to assure that funds transferred under section 6(a) are fully accounted for and are used exclusively for the purposes authorized by this title.

(2) In making his determination under paragraph (1), the President shall take into account the effectiveness and legitimacy of the political leadership of those Nicaraguan democratic resistance groups receiving assistance under this title, including the ability of that political leadership—

(A) to reflect the views and objectives of the internal and external Nicaraguan democratic opposition;

(B) to function as the spokesman for the Nicaraguan democratic opposition with central Americans, international organizations, and the United States Government;

(C) to respect the Nicaragua democratic opposition in dealing with the Government of Nicaragua;

(D) to provide command and control for the military forces of all resistance groups receiving assistance under this title and to establish the goals for their military operations;

(E) to determine the distribution of and maintain accountability for assistance provided under this title; and

(F) to provide the legal mechanisms necessary for the enforcement of standards of conduct applicable to all members of the resistance groups receiving assistance under the title.

(e) On and after February 15, 1987, the restrictions in subsection (b) shall cease to apply and the remaining funds transferred under section 6(a) may be made available for obligation and expenditure for assistance to the Nicaraguan democratic resistance 15 days after the President determines and reports to the Congress that—

(1) the Central American countries have not concluded a comprehensive and effective agreement based on the Contradora Document of Objectives;

(2) the Government of Nicaragua is not engaged in a serious dialog with representatives of all elements of the Nicaraguan democratic opposition, accompanied by a cease-fire and an effective end to the existing constraints on freedom of speech assembly, religion, and political activity leading to regularly scheduled free and fair elections and the establishment of democratic institutions; and

(3) there is no reasonable prospect of achieving such agreement, dialog, cease-fire, and end to constraints described in paragraphs (1) and (2) through further diplomatic measures, multilateral or bilateral, without additional assistance to the Nicaraguan democratic resistance,

unless the Congress has enacted a joint resolution under section 12 disapproving the provision of additional assistance (other than assistance described in subsection (b)(1) within the limits of funds previously made available).

(f)(1) Notwithstanding subsection (e), no assistance (other than the assistance described in subparagraphs (A) through (C) of subsection (b)(1) shall be provided at any time to the Nicaraguan democratic resistance under this title if—

(A) the President determines that—

(i) the Central American countries have concluded a comprehensive and effective agreement based on the Contradora Document of Objectives; or

(ii) the Government of Nicaragua is engaging in a serious dialog with representatives of all elements of the Nicaraguan democratic opposition, accompanied by a cease-fire and an effective end to the existing constraints on freedom of speech, assembly, religion, and political activity leading to regularly scheduled free and fair elections and the establishment of democratic institutions; or

(B) the Congress enacts a joint resolution under section 12 disapproving the provision of additional assistance (other than assistance described in subparagraphs (A) through (C) of subsection (b)(1)).

(2) The prohibition contained in paragraph (1) shall not apply—

(A) with respect to assistance described in subparagraph (D) of subsection (b)(1) if the Government of Nicaragua fails to observe an applicable cease-fire; or

(B) with respect to assistance described in subparagraph (E) of subsection (b)(1) if the Government of Nicaragua acquires additional equipment or material to carry out air attacks.

CONGRESSIONAL PRIORITY PROCEDURES

Sec. 212. (a)(1) A joint resolution described in subsection (e) of section 11 shall be one without a preamble, the matter after the resolving clause of which is as follows: "That the Congress disapproves the provision of additional assistance to the Nicaraguan democratic resistance pursuant to title II of the Military Construction Appropriations Act, 1987, except as provided in section 11(b) thereof within the limits of funds previously made available.".

(2) A joint resolution described in subsection (f)(1)(B) of section 11 shall be one without a preamble, the matter after the resolving clause of which is as follows: "That the Congress disapproves the provision of additional assistance to the Nicaraguan democratic resistance pursuant to title II of the Military Construction Appropriations Act, 1987, except as provided in subparagraphs (A) through (C) of section 11(b)(1) and paragraph (2) of section 11(f) thereof.".

(b) A joint resolution described in subsection (a)(1) or (a)(2) shall be considered in the House of Representatives and in the Senate in accordance with the provisions of paragraphs (3) through (7) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98-473), except that—

(1) reference in such paragraphs to a joint resolution shall be deemed to be references to the respective joint resolution set forth in subsection (a)(1) or subsection (a)(2);

(2) references in such paragraphs to Committee on Appropriations shall be deemed to be references to the appropriate committee or committees of the respective House of Congress; and

(3) references in such paragraphs to the eight day and to fifteen calendar days shall be deemed to be references to the fifth day and to five calendar days, respectively.

(c) The provisions of this section are enacted—

(1) as exercises of the rulemaking powers of the House of Representatives and Senate, and as such they are deemed a part of the Rules of the House and the Rules of the Senate, respectively, but applicable only with respect to the procedure to be followed in the House and the Senate in the case of joint resolutions under section 11, and they supersede other rules only to the extent that they are inconsistent with such rules; and

(2) with full recognition of the constiutional right of the House and the Senate to change their rules at any time, in the same manner, and to the same extent as in the case of any other rule of the House or Senate, and of the right of the Committee on Rules of the House of Representatives to report a resolution for the consideration of any measure.

COMMISSION ON CENTRAL AMERICAN NEGOTIATIONS

SEC. 213. (a)(1) There is established the Commission on Central American Negotiations (hereafter in this section referred to as the "Commission"), which shall be composed of five members appointed as follows:

(A) One individual appointed by the Speaker of the House of Representatives;

(B) One individual appointed by the Minority Leader of the House of Representatives;

(C) One individual appointed by the Majority Leader of the Senate;

(D) One individual appointed by the Minority Leader of the Senate; and

(E) One individual who shall serve as Chairman of the Commission, selected by majority vote of the other members of the Commission.

(2) No officer or employee of the United States may be appointed as a member of the Commission.

(3) The appointments referred to in subparagraphs (A), (B), (C), and (D) of paragraph (1) shall be made within 5 calendar days following enactment of this title, and the selection of a chairman referred to in subparagraph (E) of paragraph (1) shall be made within 10 days following enactment of this title.

(b) The purpose of the Commission is to monitor and report on the efforts of the Nicaraguan democratic resistance to coordinate and reform and on the status of any negotiations on the peace, stability, and security of Central America, including negotiations conducted between or among—

(1) the Government of Nicaragua and all elements of the Nicaraguan democratic opposition, including the Nicaraguan democratic resistance;

(2) the governments of Central American countries;

(3) the Government of the United States and the Government of Nicaragua;

(4) the governments of the Contadora and Support Group countries and the governments of the Central American countries; and

(5) the Government of El Salvador and the insurgents in El Salvador.

(c)(1) The Commission may appoint and fix the pay of not more than seven staff personnel, but at such rates not in excess of the rate for GS-18 of the General Schedule under section 5332 of title 5, United States Code.

(2)(A) Each member of the Commission shall be entitled to receive the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day duting which such member is engaged in the performance of duties as a Commission.

(B) While away from his home or regular place of business in the performance of duties for the Commission, a member or staff personnel of the Commission shall be allowed travel expenses, including a per diem in lieu of subsistence, not to exceed the expenses allowed persons employed intermittently in Government service under section 5703 of title 5, United States Code.

(3) For purposes of pay and other employment benefits, rights, and privileges and for all other purposes, any employee of the Commission shall be considered to be a congressional employee as defined in section 2107 of title 5, United States Code.

(d)(1) A majority of the members of the Commission shall constitute a quorum.

(2) All decisions of the Commission shall be by majority vote.

(e) The Commission may make such reports in connection with its duties as it deems necessary to the Speaker of the House of Representative and the chairman of the Committee on Foreign Relations of the Senate, except that—

(1) not later than 5 days after receipt by the Congress or a report by the President under section 14 the Commission shall prepare and transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report addressing all the matters which are required to be included in reports of the President by paragraphs (1), (3), and (4) of section 14; and

(2) not later than September 30, 1986, the Commission shall prepare and transmit to the Congress a report on whether the Nicaraguan democratic resistance groups receiving assistance under this title have agreed to and are beginning to implement measures described in subparagraphs (A) through (F) of section (11)(d)(1) and an evaluation of the factors described in section 11(d)(2).

(f)(1) Salaries and expenses of the Commission, but not more than $400,000, shall be paid from the contingent fund of the Senate out of the Account for Miscellaneous Items, in accordance with the provisions of this section.

(2) Funds made available to the Commission by paragraph (1) shall be disbursed on vouchers approved by the Chairman, except that no voucher shall be required for the disbursement of the salary of an individual appointed under subsection (c).

(3) For purposes of section 502(b) of the Mutual Security Act of 1954, the Commission shall be deemed to be a standing committee of the Congress and shall be entitled to use of funds in accordance with such section.

(g) The Commission shall terminate not later than 90 days after transmittal of the reports required by subsection (e).

PRESIDENTIAL REPORTING REQUIREMENT

Sec. 214. The President shall prepare and transmit to the Congress with each determination required by section 11 a report on actions taken to achieve a resolution of the conflict in Central America in a manner that meets the concerns described in section 3(a). Each such report shall include—

(1) a detailed statement of the status of negotiations toward a negotiated settlement of the conflict in Central America, including the willingness of the Nicaraguan democratic resistance and the Government of Nicaragua to negotiate a settlement;

(2) a detailed accounting of the disbursements made to provide assistance with the funds transferred under section 6(a) and a detailed statement of how the accountability standards, procedures and controls established under section 7(b) and 11(d)(1)(F) are being inplemented so as to assure that all such funds are fully accounted for and are being used exclusively for the purposes authorized by this title;

(3) a discussion of alleged human rights violations by the Nicaraguan democratic resistance and the Government of Nicaragua, including a statement of the steps taken by the Nicaraguan democratic resistance to remove from their ranks any individuals who have engaged in human rights abuses; and

(4) an evaluation of the progress made by the Nicaraguan democratic resistance in broadening its political base and defining a unified and coordinated program for achieving representative democracy in Nicaragua.

REQUESTS FOR ADDITIONAL ASSISTANCE

Sec. 215. The provisions of subsections (s) and (t) of section 722 of the International Security and Development Cooperation Act of 1985 shall apply—

(1) with respect to any request described in section 722(p) of such Act submitted by the President to the Congress on or after the date of enactment of this title, and

(2) with respect to any request by the President for additional economic assistance for the Central American democracies to carry out recommendations contained in the report required

by section 5(c)(1)(B) (in which case references to a joint resolution in subsections (s) and (t) of section 722 of such Act shall be deemed to be references to a joint resolution without a preamble, the matter after the resolving clause of which is as follows: "That the Congress approves the additional economic assistance for the Central American democracies that the President requested pursuant to title II of the Military Construction Appropriation Act, 1987."),

except that, for purposes of consideration in a House of Congress of a joint resolution under subsection (s) or (t) of such section, amendments to such a joint resolution may be in order but only if such amendments are germane.

LIMITATION ON PARTICIPATION OF UNITED STATES GOVERNMENT PERSONNEL IN DELIVERY OF ASSISTANCE

SEC. 216. (a) United States Government personnel may not provide any training or other service, or otherwise participate directly or indirectly in the provision of any assistance, to the Nicaraguan democratic resistance pursuant to this title within those land areas of Honduras and Costa Rica which are within 20 miles of the border with Nicaragua.

(b) As used in this section, the term "United States Government personnel" means—

(1) any member of the United States Armed Forces who is on active duty or is performing inactive duty training; and

(2) any employee of any department, agency, or other component of the executive branch of the United States Government;

but does not include any officer or employee of the United States General Accounting Office of any employee of the Inspector General of the Department of State and the Foreign Service who is carrying out inspections, investigations, or audits with respect to assistance for the Nicaraguan democratic resistance pursuant to this title.

(2) U.S. Involvement in Military or Paramilitary Operations in Fiscal Year 1987

Partial text of Public Law 99-591 [Section 101(c) of the Continuing Appropriations Act, 1987; H.J. Res. 738], 100 Stat. 3341, approved October 30, 1986

JOINT RESOLUTION Making continuing appropriations for the fiscal year 1987, and for other purposes

Resolved by the Senate and House Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1987, and for other purposes, namely:

SEC. 101. * * *

(c) Such amounts as may be necessary for programs, projects or activities provided for in the Department of Defense Appropriations Act, 1987, at a rate of operations and to the extent and in the manner provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

* * * * * * *

SEC. 9045. None of the funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated or expended during fiscal year 1987 to provide funds, materiel, or other assistance to the Nicaraguan democratic resistance unless in accordance with the terms and conditions specified by section 106 of the Intelligence Authorization Act or fiscal year 1987.

(3) Restrictions in use of certain Defense appropriations accounts to assist the Nicaragua Democratic Resistance

Partial text of Public Law 99-661 [National Defense Authorization Act for Fiscal Year 1987; S. 2638]; 100 Stat. 3816, approved November 14, 1986

AN ACT To authorize appropriations for fiscal year 1987 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, to improve the defense acquisition process, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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PART F—MISCELLANEOUS

SEC. 1351. LIMITATION ON SOURCE OF FUNDS FOR NICARAGUAN DEMOCRATIC RESISTANCE

(a) LIMITATION.—Notwithstanding title II of the Military Construction Appropriations Act, 1987, or any other provision of law, funds appropriated or otherwise made available to the Department of Defense for any fiscal year for operation and maintenance may not be used to provide assistance for the democratic resistance forces in Nicaragua. If funds appropriated or otherwise made available to the Department of Defense for any fiscal year are authorized by law to be used for such assistance, funds for such purpose may only be derived from amounts appropriated or otherwise made available to the Department for procurement (other than ammunition).

(b) REPORT.—Before funds appropriated or otherwise made available to the Department of Defense are released to be used for the purpose described in subsection (a), the Secretary of Defense shall submit to Congress a report describing the specific source of such funds.

(4) Restrictions on Support for Military on Paramilitary Operations in Nicaragua

Public Law 99-569 [H.R. 4759]; 100 Stat. 3190, approved October 27, 1986

AN ACT To authorize appropriations for fiscal year 1987 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intelligence Authorization Act for Fiscal Year 1987".

* * * * * * *

RESTRICTION ON SUPPORT FOR MILITARY OR PARAMILITARY OPERATIONS IN NICARAGUA

SEC. 106. Funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated and expended during fiscal year 1987 to provide funds, materiel, or other assistance to the Nicaraguan democratic resistance to support military or paramilitary operations in Nicaragua only as authorized in section 101 and as specified in the classified Schedule of Authorization referred to in section 102, or pursuant to section 502 of the National Security Act of 1947, or pursuant to any provision of law specifically providing such funds, materiel, or assistance.

(5) Activities in Nicaragua—Fiscal Year 1986

Partial text of Public Law 99–190 [H.J. Res. 465], 99 Stat. 1211, approved December 19, 1985

JOINT RESOLUTION Making further continuing appropriations for the fiscal year 1986, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1986, and for other purposes, namely:

* * * * * * *

TITLE VIII

GENERAL PROVISIONS

* * * * * * *

Sec. 8050. None of the funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated or expended during fiscal year 1986 to provide funds, materiel, or other assistance to the Nicaraguan democratic resistance unless in accordance with the terms and conditions specified by section 105 of the Intelligence Authorization Act (Public Law 99–169) for fiscal year 1986.

(6) Sense of Congress on Introduction of Armed Forces Into Nicaragua

Partial text of Public Law 99-145 [S. 1160], 99 Stat. 760, approved November 8, 1985

AN ACT To authorize appropriations for military functions of the Department of Defense and to prescribe military personnel levels for the Department of Defense for fiscal year 1986, to revise and improve military compensation programs, to improve defense procurement procedures, to authorize appropriations for fiscal year 1986 for national security programs of the Department of Energy, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS

(A) Short Title.—This Act may be cited as the "Department of Defense Authorization Act, 1986."

(b) * * *

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TITLE XIV—GENERAL PROVISIONS

Part E—Miscellaneous Provisions

SEC. 1451. SENSE OF CONGRESS ON INTRODUCTION OF ARMED FORCES INTO NICARAGUA FOR COMBAT

It is the sense of Congress that United States Armed Forces should not be introduced into or over Nicaragua for combat. However, nothing in this section shall be construed as affecting the authority and responsibility of the President or Congress under the Constitution, statutes, or treaties of the United States in force.

(7) Humanitarian Assistance for Nicaraguan Democratic Resistance and Assistance for Implementation of Contadora Agreement

Partial text of Pulic Law 99-88 [Supplemental Appropriations Act, 1985; H.R. 2577], 99 Stat. 293 at 324, approved August 15, 1985

AN ACT Making supplemental appropriations for the fiscal year ending September 30, 1985, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of the money in the Treasury not otherwise appropriated, to provide supplemental appropriations for the fiscal year ending September 30, 1985, and for other purposes, namely:

* * * * * * *

CHAPTER V

FOREIGN ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

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HUMANITARIAN ASSISTANCE FOR NICARAGUAN DEMOCRATIC RESISTANCE

For an additional amount for humanitarian assistance provided to such department or agency of the United States as the President shall designate, except the Central Intelligence Agency or the Department of Defense, to the Nicaraguan democratic resistance, $27,000,000 to remain available for obligation until March 31, 1986. Notwithstanding the Impoundment Control Act of 1974, one-third of the amount appropriated by this paragraph shall be available for obligation upon the enactment of this Act, an additional one-third shall be available for obligation upon submission of the first report required by section 104 of this chapter, and the remaining one-third shall be available for obligation upon submission of the second such report. As used in this paragraph, the term "humanitarian assistance" means the provision of food, clothing, medicine, and other humanitarian assistance, and it does not include the provision of weapons, weapons systems, ammunition, or other equipment, vehicles or material which can be used to inflict serious bodily harm or death.

ASSISTANCE FOR IMPLEMENTATION OF A CONTADORA AGREEMENT

For payment by the Secretary of State for the expenses arising from implementation by the Contadora nations (Mexico, Panama, Colombia, and Venezuela) of an agreement among the countries of Central America based on the Contadora Document of Objectives of September 9, 1983, including peacekeeping, verification, and monitoring systems, $2,000,000, to remain available until expended.

GENERAL PROVISION

Sec. 101. Funds appropriated by this chapter under the headings "HUMANITARIAN ASSISTANCE FOR NICARAGUAN DEMOCRATIC RESISTANCE" and "ASSISTANCE FOR IMPLEMENTATION OF A CONTADORA AGREEMENT" may be obligated and expended notwithstanding section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956 or any other comparable provisions of law.

Sec. 102. (a) The prohibitions contained in section 8066(a) of the Department of Defense Appropriations Act, 1985 (as contained in section 101 of Public Law 98-473) and section 801 of the Intelligence Authorization Act for Fiscal Year 1985 (Public Law 98-618) shall, without limitation as to fiscal year, apply with respect to funds appropriated by this chapter under the headings "HUMANITARIAN ASSISTANCE FOR NICARAGUAN DEMOCRATIC RESISTANCE" and "ASSISTANCE FOR IMPLEMENTATION OF A CONTADORA AGREEMENT"

(b) Nothing in this Act, section 8066(a) of the Department of Defense Appropriations Act, 1985 (as contained in section 101 of Public Law 98-473), or section 801 of the Intelligence Authorization Act for Fiscal Year 1985 (Public Law 98-618) shall be construed to prohibit the United States Government from exchanging information with the Nicaraguan democratic resistance, or the obligation and expenditure, but only for the purposes for which they are expressly made available, of the funds appropriated by this chapter under the headings " HUMANITARIAN ASSISTANCE FOR NICARAGUAN DEMOCRATIC RESISTANCE" and "ASSISTANCE FOR IMPLEMENTATION OF A CONTADORA AGREEMENT".

Sec. 103. The President is urged—

(1) to vigorously pursue the use of diplomatic and economic steps to resolve the conflict in Nicaragua, including negotiations to—

(A) implement the Contadora Document of Objectives of September 9, 1983; and

(B) at the same time, develop trade and economic measures in close consultation and cooperation with other nations which will encourage the Government of Nicaragua to take the necessary steps to resolve the conflict;

(2) to suspend military maneuvers in Honduras and off Nicaragua's coast, and to lift the embargo on trade with Nicaragua, if the Government of Nicaragua agrees to a cease-fire, to open a dialog with the Nicaraguan democratic resistance and to suspend the state of emergency; and

(3) to resume bilateral discussions with the Government of Nicaragua with a view of encouraging—

(A) a church-mediated dialog between the Government of Nicaragua and the Nicaraguan democratic resistance in support of internal reconciliation, as called for by the Contadora Document of Objectives; and

(B) a comprehensive, verifiable agreement among the nations of Central America based on the Contadora Document of Objectives.

Sec. 104. (a) The President shall submit a report to the Congress every 90 days on the activities carried out in accordance with section 103 and on the assistance provided under the paragraphs of this chapter headed "HUMANITARIAN ASSISTANCE FOR NICARAGUAN DEMOCRATIC RESISTANCE" and "ASSISTANCE FOR IMPLEMENTATION OF A CONTADORA AGREEMENT". Such reports shall describe the willingness of the Nicaraguan democratic resistance and the Government of Nicaragua to negotiate and the progress of efforts to achieve the objectives set out in paragraph (3) of section 103 and shall provide a detailed accounting of the disbursement of any such assistance.

(b) As part of each of the reports submitted pursuant to subsection (a), the President shall submit to the Permanent Select Committee on Intelligence of the House of Representatives, and to the Select Committee on Intelligence of the Senate, a report on alleged human rights violations by the Nicaraguan democratic resistance and the Government of Nicaragua. With respect to the alleged violations the report shall include information on who is responsible for such human rights violations.

ADDITIONAL ASSISTANCE FOR THE CENTRAL AMERICA PEACE PROCESS

Sec. 105. (a) SUBMISSION OF REQUEST.—If the President determines at any time after the enactment of this Act that—

(1) negotiations based on the Contadora Document of Ojectives of September 9, 1983, have produced an agreement, or show promise of producing an agreement; or

(2) other trade and economic measures will assist in a resolution of the conflict, or to stabilization in the region;

the President may submit to the Congress a request for budget and other authority to provide additional assistance for the furtherance of the Central America peace process.

(b) STATEMENT TO BE INCLUDED.—The President's request shall include a detailed statement as to progress made to resolve the conflict in the region.

(c) CONSULTATION WITH THE CONGRESS.—In formulating a request pursuant to subsection (a), the President shall consult with the Congress.

(d) CONGRESSIONAL ACTION.—(1) The provisions of this subsection apply, during the Ninety-ninth Congress, to the consideration in the House of Representatives of a joint resolution with respect to the request submitted by the President pursuant to subsection (a).

(2) For purposes of this subsection, the term "joint resolution" means only a joint resolution introduced within 3 legislative days after the Congress receives the request submitted by the President pursuant to subsection (a)—

(A) the matter after the resolving clause of which is as follows: "That the Congress hereby approves the additional authority and assistance for the Central America peace process that the President requested pursuant to the Supplemental Appropriations Act, 1985, notwithstanding section 10 of Public Law 91-672.";

(B) which does not have a preamble; and

(C) the title of which is as follows: "Joint resolution relating to Central America pursuant to the Supplemental Appropriations Act, 1985.".

(3) A joint resolution shall, upon introduction, be referred to the appropriate committee or committees of the House of Representatives.

(4) If all the committees of the House to which a joint resolution has been referred have not reported the same joint resolution by the end of 15 legislative days after the first joint resolution was introduced, any committee which has not reported the first joint resolution introduced shall be discharged from further consideration of that joint resolution and that joint resolution shall be placed on the appropriate calendar of the House.

(5)(A) At any time after the first joint resolution placed on the appropriate calendar has been on that calendar for a period of 5 legislative days, it is in order for any Member of the House (after consultation with the Speaker as to the most appropriate time for the consideration of that joint resolution) to move that the House resolve itself into the Committee of the Whole House on the State of the Union for consideration of that joint resolution. The motion is highly privileged and is in order even through a previous motion to the same effect has been disagreed to. All points of order against the joint resolution under clauses 2 and 6 of rule XXI of the Rules of the House are waived. If the motion is agreed to, the resolution shall remain the unfinished business of the House until disposed of. A motion to reconsider the vote by which the motion is disagreed to shall not be in order.

(B) Debate on the joint resolution shall not exceed 10 hours, which shall be divided equally between a Member favoring and a Member opposing the joint resolution. A motion to limit debate is in order at any time in the House or in the Committee of the Whole and is not debatable.

(C) An amendment to the joint resolution is not in order.

(D) At the conclusion of the debate on the joint resolution, the Committee of the Whole shall rise and report the joint resolution back to the House, and the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion.

(6) As used in this subsection, the term "legislative day" means a day on which the House is in session.

(7) This subsection is enacted—

(A) as an exercise of the rulemaking power of the House of Representatives, and as such it is deemed a part of the Rules of the House, but applicable only with respect to the procedure to be followed in the House in the case of a joint resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of the House to change its rules at any time, in the same manner, and to the same extent as in the case of any other rule of the House, and of the right of the Committee on Rules to report a resolution for the consideration of any measure.

ADDITIONAL ASSISTANCE FOR NICARAGUAN DEMOCRATIC RESISTANCE

Sec. 106. (a) Submission of Request.—If the President determines at any time after the enactment of this Act that—

(1) negotiations based on the Contadora Document of Objectives of September 9, 1983, have failed to produce an agreement; or

(2) other trade and economic measures have failed to resolve the conflict;

the President may submit to the Congress a request for budget and other authority to provide additional assistance for the Nicaraguan democratic resistance.

(b) Statement To Be Included.—The President's request shall include a detailed statement as to why the negotiations or other measures have failed to resolve the conflict in the region.

(c) Consultation With the Congress.—In formulating a request pursuant to subsection (a), the President shall consult with the Congress.

(d) Congressional Action.—(1) The provisions of this subsection apply, during the Ninety-ninth Congress, to the consideration in the House of Representatives of a joint resolution with respect to the request submitted by the President pursuant to subsection (a).

(2) For purposes of this subsection, the term "joint resolution" means only a joint resolution introduced within 3 legislative days after the Congress receives the request submitted by the President pursuant to subsection (a)—

(A) the matter after the resolving clause of which is as follows: "That the Congress hereby approves the additional authority and assistance for the Nicaraguan democratic resistance that the President requested pursuant to the Supplemental Appropriations Act, 1985, notwithstanding section 10 of Public Law 91-672.";

(B) which does not have a preamble; and

(C) the title of which is as follows: "Joint resolution relating to Central America pursuant to the Supplemental Appropriations Act, 1985.".

(3) A joint resolution shall, upon introduction, be referred to the appropriate committee or committees of the House of Representatives.

(4) If all the committees of the House to which a joint resolution has been referred have not reported the same joint resolution by the end of 15 legislative days after the first joint resolution was introduced, any committee which has not reported the first joint resolution introduced shall be discharged from further consideration of that joint resolution and that joint resolution shall be placed on the appropriate calendar of the House.

(5)(A) At any time after the first joint resolution placed on the appropriate calendar has been on that calendar for a period of 5 legislative days, it is in order for any Member of the House (after consultation with the Speaker as to the most appropriate time for the consideration of that joint resolution) to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of that joint resolution. The motion is highly privileged and is in order even though a previous motion to the same effect has been disagreed to. All points of order against the joint resolution under clauses 2 and 6 of rule XXI of the Rules of the House are waived. If the motion is agreed to, the resolution shall remain the unfinished business of the House until disposed of. A motion to reconsider the vote by which the motion is disagreed to shall not be in order.

(B) Debate on the joint resolution shall not exceed 10 hours, which shall be divided equally between a Member favoring and a Member opposing the joint resolution. A motion to limit debate is in order at any time in the House or in the Committee of the Whole and is not debatable.

(C) An amendment to the joint resolution is not in order.

(D) At the conclusion of the debate on the joint resolution, the Committee of the Whole shall rise and report the joint resolution back to the House, and the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion.

(6) As used in this subsection, the term "legislative day" means a day on which the House is in session.

(7) This subsection is enacted—

(A) as an exercise of the rulemaking power of the House of Representatives, and as such it is deemed a part of the Rules of the House, but applicable only with respect to the procedure to be followed in the House in the case of a joint resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of the House to change its rules at any time, in the same manner, and to the same extent as in the case of any other Rule of the House, and of the right of the Committee on Rules to report a resolution for the consideration of any measure.

(8) Nicaragua: Congressional Findings, Policy, and Authority for Humanitarian Assistance

Partial text of Public Law 99-83 [S. 960; the International Security and Development Cooperation Act of 1985], 99 Stat. 190 at 249, approved August 8, 1985.

AN ACT To authorize international development and security assistance programs and Peace Corps programs for fiscal years 1986 and 1987, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * * * *

SEC. 722. NICARAGUA.

(a) SETTLEMENT OF THE CONFLICT.—The Congress—

(1) strongly supports national reconciliation in Nicaragua and the creation of a framework for negotiating a peaceful settlement to the Nicaraguan conflict; and

(2) finds that the United States should, in assisting efforts to reach comprehensive and verifiable final agreements based on the Contadora Document of Objectives, encourage the Government of Nicaragua to pursue a dialogue with the armed opposition forces and their political representatives for the purposes of achieving an equitable political settlement of the conflict, including free and fair elections.

(b) UNITED STATES CONCERNS ABOUT NICARAGUAN FOREIGN AND DOMESTIC POLICIES.—The Congress finds and declares the following:

(1) Despite positive actions by the Congress signaling support for negotiated solutions to conflicts in Central America, there are disturbing trends in Nicaragua's foreign and domestic policies, including—

(A) President Daniel Ortega's April 1985 trip to the Soviet Union at a time when the Congress signaled its strong disapproval of increasing Nicaraguan-Soviet ties;

(B) the Sandinista government's close military ties with Cuba, the Soviet Union, and its Warsaw Pact allies; the disappointing and insufficient reduction of the number of Cuban advisors in Nicaragua by only 100 out of an approximately 2,500; and the continuing military buildup that Nicaragua's neighbors consider threatening;

(C) the Sandinista government's curtailment of individual liberties, political expression, freedom of worship, and the independence of the media;

(D) the subordination of military, judicial, and internal security functions to the ruling political party; and

(E) the Sandinista government's efforts to export its influence and ideology.

(2) If Nicaragua does not address the concerns described in paragraph (1), the United States has several options to address

this challenge to peace and stability in the region, including political, diplomatic, and trade sanctions. In addition, the United States—

(A) should through appropriate regional organizations, such as the Organization of American States, seek to maintain multilateral pressure on Nicaragua to address these concerns; and

(B) should, if called upon to do so, give serious consideration to supporting any sanctions adopted by such an organization.

(3) In assessing whether or not progress is being made in addressing these concerns, the Congress will expect prompt and signifianct initiatives by the Government of Nicaragua such as—

(A) the removal of foreign militatry advisors from Nicaragua;

(B) the end to Sandinista support for insurgencies in other countries in the region, including the cessation of military supplies to the rebel forces fighting the domocratically elected government in El Salvador;

(C) restoration of individual liberties, political expression, freedom of worship, and the independence of the media; and

(D) progress toward internal reconciliation and a pluralistic democratic system, including steps to liberalize institutions in order to allow the internal opposition in Nicaragua to become a viable partner in the Nicaragua political process.

(c) Resolution of the Conflicts in Nicaragua.—

(1) Basis for policy.—The Congress finds that—

(A) the people of Nicaragua are suffering the horrors of a fierce armed conflict that is causing grave hardships and loss of life, has thrown the country into a serious political, social and economic upheaval, and is of serious concern to the nations of the region and to the United States;

(B) this conflict is fundamentally a continuation of efforts of the Nicaraguan people to attain a representative government at peace with its neighbors, efforts which began under the Somoza regime; and

(C) the United States recognized these noble aspirations of the Nicaraguan people in the June 23, 1979, resolution of the Seventeenth Meeting of Consultation of Ministers of Foreign Affairs of the Organization of American States which reads as follows:

"WHEREAS:

"The people of Nicaragua are suffering the horrors of a fierce armed conflict that is causing grave hardships and loss of life, and has thrown the country into a serious political, social and economic upheaval;

"The inhumane conduct of the dictatorial regime governing the country, as evidenced by the report of the Inter-American Commission on Human Rights, is the fundamental cause of the dramatic situation faced by the Nicaraguan people; and

"The spirit of solidarity that guides Hemisphere relations places an unavoidable obligation on the American countries to exert every effort within their power, to put an end to the bloodshed and to avoid the prolongation of this conflict which is disrupting the peace of the Hemisphere;

"

THE SEVENTEENTH MEETING OF CONSULTATION OF MINISTERS OF FOREIGN AFFAIRS,

"DECLARES:

"That the solution of the serious problem is exclusively within the jurisdiction of the people of Nicaragua.

"That in the view of the Seventeenth Meeting of Consultation of Ministers of Foreign Affairs this solution should be arrived at on the basis of the following:

"1. Immediate and definitive replacement of the Somoza regime.

"2. Installation in Nicaraguan territory of a democratic government, the composition of which should include the principal representative groups which oppose the Somoza regime and which reflects the free will of the people of Nicaragua.

"3. Guarantee of the respect for human rights of all Nicaraguans without exception.

"4. The holding of free elections as soon as possible, that will lead to the establishment of a truly democratic government that guarantees peace, freedom, and justice.

"RESOLVES:

"1. To urge the member states to take steps that are within their reach to facilitate an enduring and peaceful solution of the Nicaraguan problem on the bases set forth above, scrupulously respecting the principle of nonintervention and abstaining from any action that might be in conflict with the above bases or be incompatible with a peaceful and enduring solution to the problem.

"2. To commit their efforts to promote humanitarian assistance to the people of Nicaragua and to contribute to the social and economic recovery of the country.

"3. To keep the Seventeenth Meeting of Consultation of Ministers of Foreign Affairs open while the present situation continues.".

(2) THE GOVERNMENT OF NICARAGUA.—The Congress further finds that—

(A) the Government of National Reconstruction of Nicaragua formally accepted the June 23, 1979, resolution as a basis for resolving the Nicaraguan conflict in its "Plan to Achieve Peace" which was submitted to the Organization of American States on July 12, 1979;

(B) The June 23, 1979, resolution and its acceptance by the Government of National Reconstruction of Nicaragua was the formal basis for the removal of the Somoza regime and the installation of the Government of National Reconstruction;

(C) the Government of National Reconstruction, now known as the Government of Nicaragua and controlled by the Frente Sandinista (the FSLN), has flagrantly violated the provisions of the June 23, 1979, resolution, the rights of the Nicaraguan people, and the security of the nations in the region, in that it—

(i) no longer includes the democratic members of the Government of National Reconstruction in the political process;

(ii) is not a government freely elected under conditions of freedom of the press, assembly, and organization, and is not recognized as freely elected by its neighbors, Costa Rica, Honduras, and El Salvador;

(iii) has taken significant steps towards establishing a totalitarian Communist dictatorship, including the formation of FSLN neighborhood watch committees and the enactment of laws that violate human rights and grant undue executive power;

(iv) has committed atrocities against its citizens as documented in reports by the Inter-American Commission on Human Rights of the Organization of American States;

(v) has aligned itself with the Soviet Union and Soviet allies, including the German Democratic Republic, Bulgaria, Libya, and the Palestine Liberation Organization;

(vi) has committed and refuses to cease aggression in the form of armed subversion against its neighbors in violation of the Charter of the United Nations, the Charter of the Organization of American States, the Inter-American Treaty of Reciprocal Assistance, and the 1965 United Nations General Assembly Declaration on Intervention; and

(vii) has built up an army beyond the needs of immediate self-defense, at the expense of the needs of the Nicaraguan people and about which the nations of the region have expressed deepest concern.

(3) THE NICARAGUAN DEMOCRATIC OPPOSITION.—The Congress further finds that—

(A) as a result of these violations, the Government of Nicaragua has lost the support of virtually all independent sectors of Nicaraguan society who initially supported the removal of the Somoza regime (including democratic political parties of the left, center, and right; the leadership of the Church; free unions; and the business, farmer, and professional sectors) and who still seek democracy, reject the rule of the Frente Sandinista, and seek the free elections promised in 1979;

(B) the Nicaraguan political opposition has joined with the armed opposition groups in issuing the San Jose Manifesto of March 1, 1985, calling for a national dialogue under mediation by the Nicaraguan Bishops Conference to peacefully attain the fulfillment of the Government of Nicaragua's commitments to the Organization of American States, including "the Democratization of Nicaragua, conscious that democracy is the only means to carry out an authentic revolution and secure our national identity and sovereignty";

(C) on June 12, 1985, in San Salvador, El Salvador, the political and armed opposition groups representing the entire democratic political spectrum of Nicaragua formed the Unified Nicaraguan Opposition and affirmed their "historical commitment to achieve for Nicaragua the reconciliation of her children, to establish the foundation for democracy and the moral and material reconstruction of the nation": and

(D) the United Nicaraguan Opposition further declared its intention to "give priority at all times to a political solution which will ease the suffering of our people".

(4) CONCERNS IN THE REGION AND UNITED STATES RESPONSIBILITIES.—The Congress further finds that—

(A) Nicargua's neighbors, Costa Rica, El Salvador, and Honduras, have expressed, individually and through the Contadora process, their belief that their peace and freedom is not safe so long as the Government of Nicaragua excludes from power most of Nicaragua's political leadership and is controlled by a small sectarian party, without regard to the will of the majority of Nicaraguans; and

(B) the United States, given its role in the installation of the current Government of Nicaragua, has a special responsibility regarding the implementation of the commitments made by that Government in 1979, especially to those who fought against Somoza to bring democracy to Nicaragua with United States support.

(5) RESOLUTION OF THE CONFLICT.—The Congress—

(A) condemns the Government of Nicaragua for violating its solemn commitments to the Nicaraguan people, the United States, and the Organization of American States;

(B) affirms that the Government of Nicaragua will be regarded as having achieved political legitimacy when it fulfills its 1979 commitment to the Organization of American States to implement genuinely democratic elections, under the supervision of the Organization of American States, in which all elements of the Nicaraguan resistance can peacefully participate under conditions recognized as necessary for free elections by international bodies;

(C) urges the Government of Nicaragua to enter a national dialogue, as proposed by the Nicaraguan democratic resistance in San Jose, Costa Rica, on March 1, 1985, under mediation by the Nicaraguan Bishops Conference in order to peacefully resolve the current crisis through internationally recognized elections to which all elements of Nicaraguan society can freely participate.

(D) supports the Nicaraguan democratic resistance in its efforts to peacefully resolve the Nicaraguan conflict and to achieve the fulfillment of the Government of Nicaragua's solemn commitments to the Nicaraguan people, the United States, and the Organization of American States;

(E) supports efforts by the Contadora nations, the Organization of American States, and other appropriate regional organizations to maintain multilateral pressure on Nicaragua to fulfill its commitments; and

(F) requests that the Secretary of State transmit the text of this subsection to the Foreign Ministers of the member states of the Organization of American States.

(d) PROHIBITION RELATING TO MILITARY OR PARAMILITARY OPERATIONS IN NICARAGUA.—Nothwithstanding any other provision of law, no funds authorized to be appropriated or otherwise made available by this Act (except the funds authorized to be appropriated in this section), by the Foreign Assistance Act of 1961, or by the Arms Export Control Act shall be used to provide assistance of any kind, either directly or indirectly, to any person or group engaging in an insurgency or other act of rebellion against the Government of Nicaragua. The United States shall not enter into any arrangement conditioning, expressly or impliedly, the provision of assistance under this Act or the purchase of defense articles and services under the Arms Export Control Act upon the provision of assistance by a recipient to persons or groups engaging in an insurgency or other act of rebellion against the Government of Nicaragua.

(e) LIMITATION ON USE OF FUNDS AGAINST NICARAGUA.—None of the funds authorized to be appropriated in this or any other Act can be used to fund directly, or indirectly, activities against the Government of Nicaragua which have not been authorized by, or pursuant to, law and which would place the United States in violation of our obligations under the Charter of the Organization of American States, to which the United States is a signatory, or under international law as defined by treaty commitments agreed to, and ratified by, the Government of the United States.

(f) FOOD AID TO THE NICARAGUAN PEOPLE.—In cooperation with Cardinal Miguel Obando y Bravo and private and voluntary organizations, the President should explore and promote means for providing food aid to the Nicaraguan people through private and voluntary organizations and the Catholic Church.

(g) HUMANITARIAN ASSISTANCE FOR NICARAGUAN DEMOCRATIC RESISTANCE.—(1) Effective upon the date of enactment of this Act, there are authorized to be appropriated $27,000,000 for humanitarian assistance to the Nicaraguan democratic resistance. Such assistance shall be provided to such department or agency of the United States as the President shall designate, except the Central Intelligence Agency or the Department of Defense.

(2) The assistance authorized by this subsection is authorized to remain available for obligation until March 31, 1986.

(3) One-third of the assistance authorized by this subsection shall be available for obligation at any time after the appropriation of funds pursuant to such authorization, an additional one-third shall be available for obligation upon submission of the first report required by subsection (j), and the remaining one-third shall be available for obligation upon submission of the second such report.

(4) The President shall establish appropriate procedures to ensure that any humanitarian assistance provided by the United States Government to the Nicaraguan democratic resistance is used only for the intended purpose and is not diverted (through barter, exchange, or any other means) for acquisition of weapons,

weapons systems, ammunition, or other equipment, vehicles, or material which can be used to inflict serious bodily harm or death.

(5) As used in subsection, the term, "humanitarian assistance" means the provision of food, clothing, medicine, and other humanitarian assistance, and it does not include the provision of weapons, weapons systems, ammunition, or other equipment, vehicles, or material which can be used to inflict serious bodily harm or death.

(h) ASSISTANCE FOR IMPLEMENTATION OF A CONTADORA AGREEMENT.—Effective upon the date of enactment of this Act, there are authorized to be appropriated $2,000,000, which are authorized to remain available until expended, for payment by the Secretary of State for the expenses arising from implementation by the Contadora nations (Mexico, Panama, Colombia, and Venezuela) of an agreement among the countries of Central America based on the Contadora Document of Objectives of September 9, 1983, including peacekeeping, verification, and monitoring systems.

(i) POLICIES WITH RESPECT TO NICARAGUA.—The President is hereby urged and requested—

(1) to pursue vigorously the use of diplomatic and economic measures to resolve the conflict in Nicaragua, including simultaneous negotiations—

(A) to implement the Contadora Document of Objectives of September 9, 1983; and

(B) to develop, in close consultation and cooperation with other nations, trade and economic measures to complement such policies of the United States and to encourage the Government of Nicaragua to take the necessary steps to resolve the conflict;

(2) to suspend the economic sanctions imposed by the President on May 1, 1985, and the United States military maneuvers in Honduras and off the coast of Nicaragua, if the Government of Nicaragua agrees—

(A) to a cease fire,

(B) to open a dialogue with all elements of the opposition, including the Nicaraguan democratic resistance, and

(C) to suspend the state of emergency in Nicaragua;

(3) to call upon the Nicaraguan democratic resistance to remove from their ranks any individuals who have engaged in human rights abuses; and

(4) to resume bilateral discussions with the Government of Nicaragua with a view to encouraging—

(A) a church-mediated dialogue between the Government of Nicaragua and all elements of the opposition, including the Nicaraguan democratic resistance, in support of internal reconciliation as called for by the Contadora Document of Objectives; and

(B) a comprehensive, verifiable agreement among the nations of Central America, based on the Contadora Document of Objectives.

(j) REPORTS.—The President shall submit a report to the Congress 90 days after the date of enactment of this Act, and every 90 days thereafter, on any actions taken to carry out subsections (g) and (h). Each such report shall include—

(1) a detailed statement of any progress made in reaching a negotiated settlement referred to in subsection (i)(1), including the willingness of the Nicaraguan democratic resistance and the Government of Nicaragua to negotiate a settlement;

(2) a detailed accounting of the disbursements made to provide humanitarian assistance with the funds provided pursuant to subsection (g); and

(3) a discussion of the alleged human rights violations by the Nicaraguan democratic resistance and the Government of Nicaragua, including a statement of the steps taken by the Nicaraguan democratic resistance to comply with the request referred to in subsection (i)(3).

(k) SUBMISSION OF REQUEST FOR ADDITIONAL ASSISTANCE FOR THE CENTRAL AMERICA PEACE PROCESS.—If the President determines at any time after the enactment of this Act that—

(1) negotiations based on the Contadora Document of Objectives of September 9, 1983, have produced an agreement, or show promise of producing an agreement, or

(2) other trade and economic measures will assist in a resolution of the conflict, or to stabilization in the region,

the President may submit to the Congress a request for budget and other authority to provide additional assistance for the furtherance of the Central America peace process.

(l) STATEMENT TO BE INCLUDED.—The President's request pursuant to subsection (k) shall include a detailed statement as to progress made to resolve the conflict in the region.

(m) CONSULTATION WITH THE CONGRESS.—In formulating a request pursuant to subsection (k), the President shall consult with the Congress.

(n) HOUSE PROCEDURES.—(1) The provisions of this subsection apply, during the 99th Congress, to the consideration in the House of Representatives of a joint resolution with respect to the request submitted by the President pursuant to subsection (k).

(2) For purposes of this subsection, the term "joint resolution" means only a joint resolution introduced within 3 legislative days after the Congress receives the request submitted by the President pursuant to subsection (k)—

(A) the matter after the resolving clause of which is as follows: "That the Congress hereby approves the additional authority and assistance for the Central America peace process that the President requested pursuant to the International Security and Development Cooperation Act of 1985, notwithstanding section 10 of Public Law 91-672.";

(B) which does not have a preamble; and

(C) the title of which is as follows: "Joint Resolution relating to Central America pursuant to the International Security and Development Cooperation Act of 1985.".

(3) A joint resolution shall, upon introduction, be referred to the appropriate committee or committees of the House of Representatives.

(4) If all the committees of the House to which a joint resolution has been referred have not reported the same joint resolution by the end of 15 legislative days after the first joint resolution was introduced, any committee which has not reported the first joint res-

olution introduced shall be discharged from further consideration of that joint resolution and that joint resolution shall be placed on the appropriate calendar of the House.

(5)(A) At any time after the first joint resolution placed on the appropriate calendar has been on that calendar for a period of 5 legislative days, it is in order for any Member of the House (after consultation with the Speaker as to the most appropriate time for the consideration of that joint resolution) to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of that joint resolution. The motion is highly privileged and is in order even though a previous motion to the same effect has been disagreed to. All points of order against the joint resolution under clauses 2 and 6 of Rule XXI of the Rules of the House are waived. If the motion is agreed to, the resolution shall remain the unfinished business of the House until disposed of. A motion to reconsider the vote by which the motion is disagreed to shall not be in order.

(B) Debate on the joint resolution shall not exceed ten hours, which shall be divided equally between a Member favoring and a Member opposing the joint resolution. A motion to limit debate is in order at any time in the House or in the Committee of the Whole and is not debatable.

(C) An amendment to the joint resolution is not in order.

(D) At the conclusion of the debate on the joint resolution, the Committee of the Whole shall rise and report the joint resolution back to the House, and the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion.

(6) As used in this subsection, the term "legislative day" means a day on which the House is in session.

(o) SENATE PROCEDURES.—A joint resolution which is introduced in the Senate within 3 calendar days after the day on which the Congress receives a Presidential request described in subsection (k) and which, if enacted, would grant the President the authority to take any or all of the actions described in subsection (k) shall be considered in accordance with procedures contained in paragraphs (3) through (7) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98-473), except that—

(1) references in such paragraphs to the Committees on Appropriations of the Senate shall be deemed to be references to the appropriate committee or committees of the Senate; and

(2) amendments to the joint resolution are in order.

(p) SUBMISSION OF REQUEST FOR ADDITIONAL ASSISTANCE FOR NICARAGUAN DEMOCRATIC RESISTANCE.—If the President determines at any time after the enactment of this Act that—

(1) negotiations based on the Contadora Document of Objectives of September 9, 1983, have failed to produce an agreement, or

(2) other trade and economic measures have failed to resolve the conflict.

the President may submit to the Congress a request for budget and other authority to provide additional assistance for the Nicaraguan democratic resistance.

(q) STATEMENT TO BE INCLUDED.—The President's request pursuant to subsection (p) shall include a detailed statement as to why the negotiations or other measures have failed to resolve the conflict in the region.

(r) CONSULTATION WITH THE CONGRESS.—In formulating a request pursuant to subsection (p), the President shall consult with the Congress.

(s) HOUSE PROCEDURES.—(1) The provisions of this subsection apply, during the 99th Congress, to the consideration in the House of Representatives of a joint resolution with respect to the request submitted by the President pursuant to subsection (p).

(2) For purposes of this subsection, the term "joint resolution" means only a joint resolution introduced within 3 legislative days after the Congress receives the request submitted by the President pursuant to subsection (p)—

(A) the matter after the resolving clause of which is as follows: "That the Congress hereby approves the additional authority and assistance for the Nicaraguan democratic resistance that the President requested pursuant to the International Security and Development Cooperation Act of 1985, notwithstanding section 10 of Public Law 91-672.";

(B) which does not have a preamble; and

(C) the title of which is as follows: "Joint Resolution relating to Central America pursuant to the International Security and Development Cooperation Act of 1985.".

(3) A joint resolution shall, upon introduction, be referred to the appropriate committee or committees of the House of Representatives.

(4) If all the committees of the House to which a joint resolution has been referred have not reported the same joint resolution by the end of 15 legislative days after the first joint resolution was introduced, any committee which has not reported the first joint resolution introduced shall be discharged from further consideration of that joint resolution and that joint resolution shall be placed on the appropriate calendar of the House.

(5)(A) At any time after the first joint resolution placed on the appropriate calendar has been on that calendar for a period of 5 legislative days, it is in order for any Member of the House (after consultation with the Speaker as to the most appropriate time for the consideration of that joint resolution) to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of that joint resolution. The motion is highly privileged and is in order even though a previous motion to the same effect has been disagreed to. All points or order against the joint resolution under clauses 2 and 6 of Rule XXI of the Rules of the House are waived. If the motion is agreed to, the resolution shall remain the unfinished business of the House until disposed of. A motion to reconsider the vote by which the motion is disagreed to shall not be in order.

(B) Debate on the joint resolution shall not exceed ten hours, which shall be divided equally between a Member favoring and a Member opposing the joint resolution. A motion to limit debate is in order at any time in the House or in the Committee of the Whole and is not debatable.

(C) An amendment to the joint resolution is not in order.

(D) At the conclusion of the debate on the joint resolution, the Committee of the Whole shall rise and report the joint resolution back to the House, and the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion.

(6) As used in this subsection, the term "legislative day" means a day on which the House is in session.

(t) SENATE PROCEDURES.—A joint resolution which is introduced in the Senate within 3 calendar days after the day on which the Congress receives a Presidential request described in subsection (p) and which, if enacted, would grant the President the authority to take any or all of the actions described in subsection (p) shall be considered in accordance with procedures contained in paragraphs (3) through (7) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98-473), except that—

(1) references in such paragraphs to the Committees on Appropriations of the Senate shall be deemed to be references to the appropriate committee or committees of the Senate; and

(2) amendments to the joint resolution are in order.

(u) CONGRESSIONAL RULEMAKING POWERS.—Subsections (n), (o), (s), and (t) are enacted—

(1) as exercises of the rulemaking powers of the House of Representatives and Senate, and as such they are deemed a part of the Rules of the House and the Rules of the Senate, respectively, but applicable only with respect to the procedure to be followed in the House and the Senate in the case of joint resolutions under this section, and they supersede other rules only to the extent that they are inconsistent with such rules; and

(2) with full recognition of the constitutional right of the House and the Senate to change their rules at any time, in the same manner, and to the same extent as in the case of any other rule of the House or Senate, and of the right of the Committee on Rules of the House of Representatives to report a resolution for the consideration of any measure.

(9) U.S. Involvement in Military or Paramilitary Operations in Nicaragua—Fiscal Year 1985

Partial text of Public Law 98-473 [Continuing Appropriations Act, 1985; H.J. Res. 648], 98 Stat. 1837 at 1935, approved October 12, 1984

A JOINT RESOLUTION Making continuing appropriations for the fiscal year 1985, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1985, and for other purposes, namely:

Sec. 101. * * *

(h) Such amounts as may be necessary for programs, projects or activities provided for in the Department of Defense Appropriation Act, 1985, at a rate of operations and to the extent and in the manner provided as follows, to be effective as if it had been enacted into law as the regular appropriation Act:

AN ACT Making appropriations for the Department of Defense for the fiscal year ending September 30, 1985, and for other purposes.

* * * * * * *

Sec. 8066. (a) During fiscal year 1985, no funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated or expended for the purpose of which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual.

(b) The prohibition concerning Nicaragua contained in subsection (a) shall cease to apply if, after February 28, 1985—

(1) the President submits to Congress a report—

(A) stating that the Government of Nicaragua is providing materiel or monetary support to anti-government forces engaged in military or paramilitary operation in El Salvador or other Central American countries;

(B) analyzing the military significance of such support;

(C) stating that the President has determined that assistance for military or paramilitary operations prohibited by subsection (a) is neccessary;

(D) justifying the amount and type of such assistance and describing its objectives; and

(E) explaining the goals of United States policy for the Central American region and how the proposed assistance would further such goals, including the achievement of peace and security in Central America through a comprehensive, verifiable and enforceable agreement based upon the Contadora Document of Objectives; and

(2) a joint resolution approving assistance for military or paramilitary operations in Nicaragua is enacted.

(c)(1) For the purpose of subsection (b)(2), "joint resolution" means only a joint resolution introduced after the date on which the report of the President under subsection (b)(1) is received by Congress, the matter after the resolving clause of which is as follows: "That the Congress approves the obligation and expenditure of funds available for Fiscal Year 1985 for supporting, directly or indirectly, military or paramilitary operations in Nicaragua.".

(2) The report described in subsection (b)(1) shall be referred to the appropriate committee or committees of the House of Representatives and to the appropriate committee or committees of the Senate.

(3) A resolution described in paragraph (1) introduced in the House of Representatives shall be referred to the Committee on Appropriations of the House of Representatives. A resolution described in paragraph (1) introduced in the Senate shall be referred to the Committee on Appropriations of the Senate. Such a resolution may not be reported before the 8th day after its introduction.

(4) If the committee to which is referred a resolution described in paragraph (1) has not reported such resolution (or an identical resolution) at the end of 15 calendar days after its introduction, such committee shall be discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

(5)(A) When the committee to which a resolution is referred has reported, or has been deemed to be discharged (under paragraph (4)) from further consideration of, a resolution described in paragraph (1), notwithstanding any rule or precedent of the Senate, including Rule 22, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution, and all points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly priviledged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(B) Debate on the resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(C) Immediately following the conclusion of the debate on a resolution described in paragraph (1), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(D) Appeals from the decisions of the Chair relating to the application of the rules of the Senate and the House of Representatives, as the case may be, to the procedure relating to a resolution described in paragraph (1) shall be decided without debate.

(6) If, before the passage by the Senate of a resolution of the Senate described in paragraph (1), the Senate receives from the House of Representatives a resolution described in paragraph (1), then the following procedures shall apply:

(A) The resolution of the House of Representatives shall not be referred to a committee.

(B) With respect to a resolution described in paragraph (1) of the Senate—

(i) the procedure in the Senate shall be the same as if no resolution had been received from the House; but

(ii) the vote on final passage shall be on the resolution of the House.

(C) Upon disposition of the resolution recevied from the House, it shall no longer be in order to consider the resolution originated in the Senate.

(7) If the Senate receives from the House of Representatives a resolution described in paragraph (1) after the Senate has disposed of a Senate originated resolution, the action of the Senate with regard to the disposition of the Senate originated resolution shall be deemed to be the action of the Senate with regard to the House originated resolution.

(8) This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House repectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in paragraph (1), and it supercedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(d) During Fiscal Year 1985 funds approved by the resolution described in subsection (b)(2) for the purpose of supporting, directly or indirectly, military or paramilitary operations in Nicaragua, shall not exceed $14,000,000.

(10) Activities in Nicaragua—Fiscal Year 1985

Partial text of Public Law 98-618 [H.R. 5399], 98 Stat. 3298 approved November 8, 1984

AN ACT To authorize appropriations for fiscal year 1985 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intelligence Authorization Act for Fiscal Year 1985".

* * * * * * *

TITLE VIII—ACTIVITIES IN NICARAGUA

MILITARY OR PARAMILITARY ACTIVITIES

Sec. 801. No funds authorized to be appropriated by this Act or by the Intelligence Authorization Act for fiscal year 1984 (Public Law 98-215) may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual, except to the extent provided and under the terms and conditions specified by House Joint Resolution 648, making continuing appropriations for the fiscal year 1985, and for other purposes, as enacted.[1]

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[1] See page 593 for the pertinent text of H.J. Res. 648.

(11) Mining of Nicaraguan Ports

Partial text of Public Law 98-369 [Deficit Reduction Act of 1984; H.R. 4170], 98 Stat. 494 at 1210, approved July 18, 1984

AN ACT To provide for tax reform, and for deficit reduction.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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MINING OF NICARAGUAN PORTS

Sec. 2907. It is the sense of the Congress that no funds heretofore or hereafter appropriated in any Act of Congress shall be obligated or expended for the purposes of planning, directing, executing, or supporting the mining of the ports or territorial waters of Nicaragua.

(12) Covert Assistance for Military Operations in Nicaragua—Fiscal Year 1984

Partial text of Public Law 98-215 [Intelligence Authorization Act for Fiscal Year 1984; H.R. 2968], 97 Stat. 1473, approved December 9, 1983

AN ACT To authorize appropriations for fiscal year 1984 for intelligence and intelligence-related activities of the United States Government, for the Intelligence Community Staff, for the Central Intelligence Agency Retirement and Disability System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intelligence Authorization Act for Fiscal Year 1984".

TITLE I—INTELLIGENCE ACTIVITIES

* * * * * * *

LIMITATION ON COVERT ASSISTANCE FOR MILITARY OPERATIONS IN NICARAGUA

Sec. 108.[1] During fiscal year 1984, not more than $24,000,000 of the funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual.

CONGRESSIONAL FINDINGS

Sec. 109. (a) The Congress finds that—

(1) the Government of National Reconstruction of Nicaragua has failed to keep solemn promises, made to the Organization of American States in July 1979, to establish full respect for human rights and political liberties, hold early elections, preserve a private sector, permit political pluralism, and pursue a foreign policy of nonaggression and nonintervention;

(2) by providing military support (including arms, training, and logistical, command and control, and communications facilities) to groups seeking to overthrow the Government of El Salvador and other Central American governments, the Government of National Reconstruction of Nicaragua has violated article 18 of the Charter

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[1] Sec. 775 of the Department of Defense Appropriation Act, 1984 (Public Law 98-212) provides the following:

"Sec. 775. During fiscal year 1984, not more than $24,000,000 of the funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual."

of the Organization of American States which declares that no state has the right to intervene, directly or indirectly, for any reason whatsoever, in the internal or external affairs of any other state;

(3) the Governments of Nicaragua should be held accountable before the Organization of American States for activities violative of promises made to the Organization and for violations of the Charter of that Organization; and

(4) working through the Organization of American States is the proper and most effective means of dealing with threats to the peace of Central America, of providing for common action in the event of aggression, and of providing the mechanisms for peaceful resolution of disputes among the countries of Central America.

(b) The President should seek a prompt reconvening of the Seventeenth Meeting of Consultation of Ministers of Foreign Affairs of the Organization of American States for the purpose of reevaluating the compliance by the Government of National Reconstruction of Nicaragua—

(1) with the commitments made by the leaders of that Government in July 1979 to the Organization of American States; and

(2) with the Charter of the Organization of American States.

(c) The President should vigorously seek actions by the Organization of American States that would provide for a full range of effective measures by the member states or bring about compliance by the Government of National Reconstruction of Nicaragua with those obligations, including verifiable agreements to halt the transfer of military equipment and to cease furnishing of military support facilities to groups seeking the violent overthrow of governments of countries in Central America.

(d) The President should use all diplomatic means at his disposal to encourage the Organization of American States to seek resolution of the conflicts in Central America based on the provisions of the Final Act of the San Jose Conference of October 1982, especially principles (d), (e), and (g), relating to nonintervention in the internal affairs of other countries, denying support for terrorist and subversive elements in other states, and international supervision of fully verifiable arrangements.

(e) The United States should support measures at the Organization of American States as well as efforts of the Contadora Group, which seek to end support for terrorist, subversive, or other activities aimed at the violent overthrow of the government of countries in Central America.

(f) Not later than March 15, 1984, the President shall report to the Congress on the Results of his efforts pursuant to this Act to achieve peace in Central America. Such report may include such recommendations as the President may consider appropriate for further United States actions to achieve this objective.

* * * * * * *

(13) U.S. Involvement in Military or Paramilitary Operations in Nicaragua—Fiscal Year 1984

Partial text of Public Law 98-212 [H.R. 4185], 97 Stat. 1421, approved December 8, 1983, H.R. 4185

AN ACT Making appropriations for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1984, for military functions administered by the Department of Defense, and for other purposes, namely:

* * * * * * *

TITLE VII

GENERAL PROVISIONS

* * * * * * *

SEC. 775. During fiscal year 1984, not more than $24,000,000 of the funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated or expanded for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual.

(14) U.S. Involvement in Military Activities in Nicaragua—Fiscal Year 1983

Partial text of Public Law 97-377 [Further Continuing Appropriations Act, 1983; H.J. Res. 631], 96 Stat. 1830, approved December 21, 1982

A JOINT RESOLUTION Making further continuing appropriations and providing for productive employment for the fiscal year 1983, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1983, and for other purposes, namely:

TITLE I

FURTHER CONTINUING APPROPRIATIONS ACT, 1983

Sec. 101. * * *

(c) Notwithstanding any other provision of this joint resolution, such amounts as may be necessary for programs, projects or activities provided for in the Department of Defense Appropriation Act, 1983, at a rate of operations and to the extent and in the manner provided, to be effective as if it had been enacted into law as the regular appropriation Act, as follows:

AN ACT Making appropriations for the Department of Defense for the fiscal year ending September 30, 1983, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1983, for military functions administered by the Department of Defense, and for other purposes, namely:

* * * * * * *

Sec. 793. None of the funds provided in this Act may be used by the Central Intelligence Agency or the Department of Defense to furnish military equipment, military training or advice, or other support for military activities, to any group or individual, not part of a country's armed forces, for the purpose of overthrowing the Government of Nicaragua or provoking a military exchange between Nicaragua and Honduras.

* * * * * * *

(15) Establishment of Nicaraguan Humanitarian Assistance Office

Executive Order 12530 of August 29, 1985; 50 F.R. 36031

By the authority vested in me as President by the Constitution and laws of the United States of America, including section 722 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83) (the Act), Chapter V of the Supplemental Appropriations Act, 1985 (Public Law 99-88) (the Supplemental Act), the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2151 *et. seq.*) (the FAA), including but not limited to sections 621, 632, and 633 thereof (22 U.S.C. 2381, 2392, 2393), and section 301 of title 3 of the United States Code, it is hereby ordered as follows:

Section 1. Establishment. (a) There is hereby established the Nicaraguan Humanitarian Assistance Office (the Office).

(b) The Office shall, unless otherwise extended, terminate on April 1, 1986, or one week following completion of disbursement of the funds made available under section 722(g) of the Act by Chapter V of the Supplemental Act, whichever date is later.

Sec. 2. Functions. The Office shall, in accordance with the FAA, section 722(g) of the Act, Chapter V of the Supplemental Act, and the provisions of this Order, administer the program of humanitarian assistance to the Nicaraguan democratic resistance authorized thereunder. The Office may, to the extent permitted by law and the provisions of this Order, enter into such grant agreements and contracts and take such other actions as may be necessary to implement the program effectively.

Sec. 3. Policy guidance. In accordance with the FAA, and to the end that such programs and activities are effectively integrated with and supportive of the foreign policy of the United States, the Secretary of State shall be responsible for the continuous supervision and general direction of the programs and activities carried out by the Office.

Sec. 4. Administration. (a) At the head of the Office there shall be a Director, who shall be an officer of the United States designated by the President. The Director shall exercise immediate supervision and direction over the Office.

(b) The Director may, to the extent permitted by law, including but not limited to section 621 of the FAA (22 U.S.C. 2381), employ such staff from Federal agencies as may be necessary, except that the staff shall be limited to twelve supervisory personnel, plus appropriate support personnel. No personnel from the Department of Defense or the Central Intelligence Agency may be detailed or otherwise assigned to the Office.

(c) The Secretary of State shall provide the Office with such administrative services, facilities, and other support as may be necessary for the performance of its functions. Funds made available under section 722(g) of the Act by Chapter V of the Supplemental

Act shall be provided to the Office through the Department of State.

(d) At the request of the Director, and to the extent otherwise permitted by law, the agencies of the Executive Branch shall provide such information, advice, additional administrative services, and facilities as may be necessary for the fulfillment of the Office's functions under this Order.

Sec. 5. Classification Authority. In accordance with section 1.2(a)(2) of Executive Order No. 12356 of April 2, 1982, the Director is hereby designated as an agency official with authority to classify information originally as Top Secret. The Director shall ensure that the Office establishes and maintains controls for the safeguarding of classified information as provided in part 4 of that Order.

Sec. 6. Delegation of Functions. Subject to the provisions of this Order and Executive Order No. 12163 of September 29, 1979, as amended, and to the extent necessary to the efficient and effective implementation of this Order, there are hereby delegated to the Director the functions conferred upon the President (and not reserved to him) by sections 632(a) and 635(a) and 635(b) of the FAA and other provisions of that Act (including but not limited to those set forth in Part III of the FAA) that relate directly and necessarily to the conduct of the programs and activities vested in or delegated to the Director.

Sec. 7. Procurement. (a) In accordance with the provisions of section 633 of the FAA (22 U.S.C. 2393), it is hereby determined to be in furtherance of the purposes of the FAA that the functions authorized thereunder, as set forth in section 2 of this Order, may be performed by the Director without regard to the provisions of law and limitations of authority specified in Executive Order No. 11223 of May 12, 1965, as amended.

(b) It is directed that each specific use of the waivers of statutes and limitations of authority authorized by this section shall be made only when determined in writing by the Director that such use is necessary to the efficient and effective implementation and in furtherance of the purposes of this Order and in the interest of the United States.

Sec. 8. Reports. The Director shall assist the President in preparing the reports required by section 722(j)(2) of the Act, including a detailed accounting of the disbursements made to provide humanitarian assistance with the funds provided pursuant to section 722(g) of the Act. The Director shall keep the President informed about the implementation of the program.

RONALD REAGAN.

THE WHITE HOUSE, *August 29, 1985.*

(16) Executive Order 12570, October 28, 1986, 51 F.R. 39355

Delegating Authority To Implement Assistance for Central American Democracies and the Nicaraguan Democratic Resistance

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Military Construction Appropriations Act, 1987, enacted by section 101(k) of the Joint Resolution Making Continuing Appropriations for the Fiscal Year 1987 (Public Law 99-500), the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2151 *et seq.*), and section 301 of title 3 of the United States Code, and in order to delegate certain functions concerning the designation of funds to be transferred and operation of accounts, it is hereby ordered as follows:

Section 1. Pursuant to section 205, the account for which funds are made available by title III of the Military Construction Appropriations Act, 1987, is designated the account from which funds made available by title II of the Urgent Supplemental Appropriations Act, 1985 (Public Law 99-10) are transferred.

Sec. 2. The Secretary of State is authorized to perform the following functions vested in the President by sections 205 and 206 of title II of the Military Construction Appropriations Act, 1987:

(a) Pursuant to section 205, the authority to designate the account to which funds transferred from the funds appropriated by the Supplemental Appropriations Act, 1985 (Public Law 99-88), under the heading "Assistance for Implementation of a Contadora Agreement," are deposited, and the amount transferred; and

(b) The authority to implement section 206 utilizing the funds described in section 3 of this Order.

Sec. 3. The Secretary of Defense is authorized to perform the function, vested in the President by section 206 title II of the Military Construction Appropriations Act, 1987, of designating the accounts from which unobligated funds, made available by the Department of Defense Appropriations Act, 1986 (as contained in Public Law 99-190), are transferred.

j. Clement J. Zablocki Memorial Outpatient Facility, American Children's Hospital, Krakow, Poland

Public Law 98-266 [H.R. 4835], 98 Stat. 153, approved April 17, 1984

AN ACT To authorize funding for the Clement J. Zablocki Memorial Outpatient Facility at the American Children's Hospital in Krakow, Poland.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) such amounts as may be necessary of the Polish currencies held by the United States shall be available for construction of a new facility at the American Children's Hospital in Krakow, Poland, which would be known as the Clement J. Zablocki Outpatient Facility. Such currencies may be utilized without regard to the requirements of section 1306 of title 31, the United States Code, or any other provision to law.

(b) There are authorized to be appropriated to the President $10,000,000 of which—

(1) $3,000,000 shall be for equipping and furnishing the Clement J. Zablocki Outpatient Facility at the American Children's Hospital in Krakow, Poland;

(2) $3,000,000 shall be for improving medical equipment at the American Children's Hospital in Krakow, Poland; and

(3) $4,000,000 shall be for providing medical supplies to Poland through private and voluntary agencies, including the expenses of purchasing, transporting, and distributing such supplies.

Amounts appropriated pursuant to this subsection are authorized to remain available until expended.[1]

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[1] Second Supplemental Appropriations Act, 1984, provided the following:

"CLEMENT J. ZABLOCKI MEMORIAL OUTPATIENT FACILITY IN POLAND

"For an additional amount for the 'Economic Support Fund', to carry out Public Law 98-266, $10,000,000, to remain available until expended."

k. Proposed Arms Sales to Jordan

Public Law 99-162 [S.J. Res. 228], 99 Stat. 937, approved November 25, 1985

JOINT RESOLUTION Relating to the proposed sales of arms to Jordan.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That prior to March 1, 1986, no letter of offer shall be valid with respect to any of the proposed sales to Jordan of advanced weapons systems, including advanced aircraft and advanced air defense systems, that are described in the notification pursuant to section 36(b) of the Arms Export Control Act submitted to the Congress on October 21, 1985, unless direct and meaningful peace negotiations between Israel and Jordan are underway.

1. Anglo-Irish Agreement Support Act of 1986

Public Law 99-415 [H.R. 4329]; 100 Stat. 947, approved September 19, 1986

AN ACT To authorize United States contributions to the International Fund established pursuant to the November 15, 1985, agreement between the United Kingdom and Ireland, as well as other assistance

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Anglo-Irish Agreement Support Act of 1986".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that the Anglo-Irish Agreement is a clear demonstration of the determination of the Government of the United Kingdom and the Government of Ireland to make progress concerning the complex situation in Northern Ireland. The Congress strongly supports the Anglo-Irish Agreement and is particularly encouraged that these two neighboring countries, longstanding friends of the United States, have joined together to rebuild a land that has too often been the scene of economic hardship and where many have suffered severely from the consequences of violence in recent years. In recognition of our ties of kinship, history, and commitment to democratic values, the Congress believes the United States should participate in this renewed commitment to social and economic progress in Northern Ireland and affected areas of Ireland.

(b) PURPOSES.—It is, therefore, the purpose of this Act to provide for United States contributions in support of the Anglo-Irish Agreement, such contributions to consist of economic support fund assistance for payment to the International Fund established pursuant to the Anglo-Irish Agreement, as well as other assistance to serve as an incentive for economic development and reconciliation in Ireland and Northern Ireland. The purpose of these United States contributions shall be to support the Anglo-Irish Agreement in promoting reconciliation in Northern Ireland and the establishment of a society in Northern Ireland in which all may live in peace, free from discrimination, terrorism, and intolerance, and with the opportunity for both communities to participate fully in the structures and processes of government.

SEC. 3. UNITED STATES CONTRIBUTIONS TO THE INTERNATIONAL FUND.

(a) FISCAL YEAR 1986.[1]—Of the amounts made available for the fiscal year 1986 to carry out chapter 4 of part II of the Foreign As-

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[1] Title I, chapter J of Public Law 99-349 [Urgent Supplemental Appropriations Act, 1986], 100 Stat. 725 provides:

Continued

sistance Act of 1961 (relating to the economic support fund), $50,000,000 shall be used for United States contributions to the International Fund. Pending the formal establishment of the International Fund and submission of the certification required by section 5(c) of this Act, these funds may, pursuant to an agreement with the Government of the United Kingdom and the Government of Ireland, be disbursed into and maintained in a separate account.

(b) FISCAL YEARS 1987 AND 1988.—Of the amounts made available for each of the fiscal years 1987 and 1988 to carry out that chapter, $35,000,000 shall be used for United States contributions to the International Fund; and that amount is hereby authorized to be appropriated for each of those fiscal years to carry out that chapter (in addition to amounts otherwise authorized to be appropriated). Amounts appropriated pursuant to this subsection are authorized to remain available until expended.

SEC. 4. OTHER ASSISTANCE.

(a) AVAILABLE AUTHORITIES.—In addition to other available authorities, the following authorities may be used to provide assistance or other support to carry out the purposes of section 2 of this Act:

(1) Section 108 of the Foreign Assistance Act of 1961 (relating to the Private Sector Revolving Fund).

(2) Sections 221 through 223 of that Act (relating to the Housing Guaranty Program).

(3) Title IV of chapter 2 of part I of that Act (relating to the Overseas Private Investment Corporation), without regard to the limitation contained in paragraph (2) of the second undesignated paragraph of section 231 of that Act.

(4) Section 661 of that Act (relating to the Trade and Development Program).

(b) OTHER LAWS.—Assistance under this Act may be provided without regard to any other provision of law.

SEC. 5. CONDITIONS AND UNDERSTANDINGS RELATING TO THE UNITED STATES CONTRIBUTIONS.

(a) PROMOTING ECONOMIC AND SOCIAL RECONSTRUCTION AND DEVELOPMENT.—The United States contributions provided for in this Act may be used only to support and promote economic and social reconstruction and development in Ireland and Northern Ireland. The restrictions contained in sections 531(e) and 660(a) of the Foreign Assistance Act of 1961 apply with respect to any such contributions.

(b) UNITED STATES REPRESENTATION ON THE BOARD OF THE FUND.—The President shall make every effort, in consultation with

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INTERNATIONAL FUND FOR NORTHERN IRELAND AND IRELAND

(TRANSFERS OF FUNDS)

For an additional amount of the "Economic Support Fund", not less than $50,000,000, which shall be available only for the United States contribution to the International Fund established pursuant to the November 15, 1985 agreement between the United Kingdom and Ireland, to be derived from funds appropriated or otherwise made available by the Foreign Assistance and Related Programs Appropriations Act, 1986 (as enacted in Public Law 99-190), as follows: $4,900,000 by transfer from title I of such Act, $12,350,000 of funds made available by such Act for the "Economic Support Fund", $9,100,000 by transfer from title II of such act, excluding funds made available for the "Economic Support Fund", $20,000,000 by transfer from title III of such Act, and $3,650,000 by transfer from title IV of such Act.

the Government of the United Kingdom and the Government of Ireland, to ensure that there is United States representation on the Board of the International Fund.

(c) Prior Certifications.—Each fiscal year, the United States may make contributions to the International Fund only if the President certifies to the Congress that he is satisfied that—

(1) the Board of the International Fund, as a whole, is broadly representative of the interests of the communities in Ireland and Northern Ireland; and

(2) disbursements from the International Fund—

(A) will be distributed in accordance with the principle of equality of opportunity and nondiscrimination in employment, without regard to religious affiliation; and

(B) will address the needs of both communities in Northern Ireland.

Each such certification shall include a detailed explanation of the basis for the President's decision.

SEC. 6. ANNUAL REPORTS.

At the end of fiscal year in which the United States Government makes any contribution to the International Fund, the President shall report to the Congress on the degree to which—

(1) the International Fund has contributed to reconciliation between the communities in Northern Ireland;

(2) the United States contribution to the International Fund is meeting its objectives of encouraging new investment, job creation, and economic reconstruction on the basis of strict equality of opportunity; and

(3) the International Fund has increased respect for the human rights and fundamental freedoms of all people in Northern Ireland.

SEC. 7. REQUIREMENTS RELATING TO FUNDS FOR "INTERNATIONAL ORGANIZATIONS AND CONFERENCES".

(a) Disbursement, Audits, and Reports.—The provisions relating to disbursements on vouchers, audits, and submission of reports with respect to expenditures pursuant to the Joint Resolution of July 11, 1956 (Public Law 689), shall also apply with respect to expenditures pursuant to section 109(c) of the Act of November 22, 1983 (Public Law 98-164).

(b) Funds Subject to Requirements.—That section is amended—

(1) by striking out "In addition to" and inserting in lieu thereof "Of";

(2) by striking out "by section 102(2)" and all that follows through "1985" and inserting in lieu thereof "for each fiscal year";

(3) by inserting "may be used" before "for expenses"; and

(4) by striking out all that follows "participation in" through "such as".

SEC. 8. DEFINITIONS.

As used in this Act—

(1) the term "Anglo-Irish Agreement" means the Agreement Between the Government of Ireland and the Government of the United Kingdom dated November 15, 1985; and

(2) the term "International Fund" means the international fund for economic development projects in Northern Ireland and Ireland, established pursuant to Article 10 of the Anglo-Irish Agreement.

m. International Narcotics Control Act of 1986

Title II of Public Law 99-570 [Anti-Drug Abuse Act of 1986, H.R. 5484], 100 Stat. 3207, approved October 27, 1986.

AN ACT To strengthen Federal efforts to encourage foreign cooperation in eradicating illicit drug crops and in halting international drug traffic, to improve enforcement of Federal drug laws and enhance interdiction of illicit drug shipments, to provide strong Federal leadership in establishing effective drug abuse prevention and education programs, to expand Federal support for drug abuse treatment and rehabilitation efforts, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.

This Act may be cited as the "Anti-Drug Abuse Act of 1986".

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TITLE II—INTERNATIONAL NARCOTICS CONTROL

SECTION 2001. SHORT TITLE.

This title may be cited as the "International Narcotics Control Act of 1986".

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SEC. 2004. PILOTS AND AIRCRAFT MAINTENANCE TRAINING FOR NARCOTICS CONTROL ACTIVITIES.

(a) EARMARKING OF FUNDS.—Not less than $2,000,000 of the funds made available for fiscal year 1987 to carry out chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.; relating to international military education and training) shall be available only for education and training in the operation and maintenance of aircraft used in narcotics control interdiction and eradication efforts.

(b) RELATIONSHIP TO INTERNATIONAL NARCOTICS CONTROL ASSISTANCE PROGRAM.—Assistance under this section shall be coordinated with assistance provided under chapter 8 of part I of that Act (22 U.S.C. 2291) et seq.; relating to international narcotics control).

(c) WAIVER OF SECTION 660.—Assistance may be provided pursuant to this section notwithstanding the prohibition contained in section 660 of the Foreign Assistance Act of 1961 (22 U.S.C. 2420; relating to police training).

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SEC. 2006. DEVELOPMENT OF HERBICIDES FOR AERIAL COCA ERADICATION.

The Secretary of State shall use not less than $1,000,000 of the funds made available for fiscal year 1987 to carry out chapter 8 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2291 et seq.; relating to international narcotics control) to finance research on and the development and testing of safe and effective herbicides for use in the aerial eradication of coca.

SEC. 2007. REVIEW OF EFFECTIVENESS OF INTERNATIONAL NARCOTICS CONTROL ASSISTANCE PROGRAM.

(a) REQUIREMENT FOR INVESTIGATION.—The Comptroller General shall conduct a thorough and complete investigation to determine the effectiveness of the assistance provided pursuant to chapter 8 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2291 et seq.; relating to international narcotics control).

(b) REPORTS TO CONGRESS.—

(1) PERIODIC REPORTS.—The Comptroller General shall report to the Congress periodically as the various portions of the investigation conducted pursuant to subsection (a) are completed.

(2) FINAL REPORT.—Not later than March 1, 1988, the Comptroller General shall submit a final report to the Congress on the results of the investigation. This report shall include such recommendations for administrative or legislative action as the Comptroller General finds appropriate based on the investigation.

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SEC. 2010. ISSUANCE OF DIPLOMATIC PASSPORTS FOR DRUG ENFORCEMENT ADMINISTRATION AGENTS ABROAD.

The Congress commends the decision of the Secretary of State to issue diplomatic passports, rather than official passports, to officials and employees of the Drug Enforcement Administration who are assigned abroad. The Secretary shall report to the Congress before making any change in this policy.

SEC. 2011. INFORMATION-SHARING SO THAT VISAS ARE DENIED TO DRUG TRAFFICKERS.

(a) NEED FOR COMPREHENSIVE INFORMATION SYSTEM.—The Congress is concerned that the executive branch has not established a comprehensive information system on all drug arrests of foreign nationals in the United States so that information may be communicated to the appropriate United States embassies, even though the establishment of such a system is required by section 132 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987.

(b) ESTABLISHMENT OF SYSTEM.—The executive branch shall act expeditiously to establish the comprehensive information system required by section 132 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987, and submit to the Congress a report that the system has been established.

SEC. 2012. CONDITIONS ON ASSISTANCE FOR BOLIVIA.

(a) OPERATION BLAST FURNACE.—(1) It is the sense of the Congress that—

(A) the Government of Bolivia's recent drug interdiction operation in cooperation with the United States (Operation Blast Furnace) evinced a determination to combat the growing power of the narcotics trade and narcotics traffickers;

(B) the operation has had a dramatic effect on the coca trade in that country by dropping the price of coca below the cost of production;

(C) as a result of this operation the coca trade has in the short term been sharply constricted:

(D) the restoration of non-coca dependent economic growth in Bolivia is crucial to the achievement of long-term progress in controlling illicit narcotics production; and

(E) control of illicit drug production is crucial to the survival of democratic institutions and democratic government in Bolivia.

(2) The Congress, therefore, applauds the demonstrated willingness of the Paz Estenssoro government, despite the risks of severe domestic criticism and disruptive economic consequences, to cooperate with the United States in Operation Blast Furnace.

(b) * * *

(c) * * *

SEC. 2013. REPORTS AND RESTRICTIONS CONCERNING CERTAIN COUNTRIES.

(a) Reports.—Not later than 6 months after the date of enactment of this Act and every 6 months thereafter, the President shall prepare and transmit to the Congress a report—

(1) listing each major illict drug producing country and each major drug-transit country—

(A) which, as a matter of government policy, encourages or facilitates the production or distribution of illegal drugs;

(B) in which any senior official of the government of such country engages in, encourages, or facilitates the production or distribution of illegal drugs;

(C) in which any member of an agency of the United States Government engaged in drug enforcement activities since January 1, 1985, has suffered or been threatened with violence, inflicted by or with the complicity of any law enforcement or other officer of such country or any political subdivision thereof; or

(D) which, having been requested to do so by the United States Government, fails to provide reasonable cooperation to lawful activities of United States drug enforcement agents, including the refusal of permission to such agents engaged in interdiction of aerial smuggling into the United States to pursue suspected aerial smugglers a resonable distance into the airspace of the requested country; and

(2) describing for each country listed under paragraph (1) the activities and identities of officials whose activities caused such country to be so listed.

(b) Restrictions.—No United States assistance may be furnished to any country listed under subsection (a)(1), and the United States representative to any multilateral development bank shall vote to oppose any loan or other use of the funds of such bank for the benefit of any country listed under subsection (a)(1), unless the President certifies to the Congress that—

(1) overriding vital national interests require that provision of such assistance;

(2) such assistance would improve the prospects for cooperation with such country in halting the flow of illegal drugs; and

(3) the government of such country has made bona fide efforts to investigate and prosecute appropriate charges for any crime described in subsection (a)(1)(C) which may have been committed in such country.

(c) RELATION TO OTHER PROVISIONS.—The restrictions contained in subsection (b) are in addition to the restrictions contained in section 481(h) of the Foreign Assistance Act of 1961 or any other provision of law.

(d) DEFINITIONS.—For purposes of this section, the terms "major illicit drug producing country", "major drug-transit country", and "United States assistance" have the same meaning as is given to those terms by section 481(i) of the Foreign Assistance Act of 1961.

SEC. 2014. COMBATING NARCOTERRORISM.

(a) FINDING.—The Congress finds that the increased cooperation and collaboration between narcotics traffickers and terrorist groups constitutes a serious threat to United States national security interests and to the political stability of numerous other countries, particularly in Latin America.

(b) IMPROVED CAPABILITY FOR RESPONDING TO NARCOTERRORISM.—The President shall take concrete steps to improve the capability of the executive branch—

(1) to collect information concerning the links between narcotics traffickers and the acts of terrorism abroad, and

(2) to develop an effective and coordinated means for responding to the threat which those links pose.

Not later than 90 days after the date of enactment of this Act, the President shall report to the Congress on the steps taken pursuant to this subsection.

(c) ADMINISTRATION OF JUSTICE PROGRAM.—Of the amounts made available for fiscal year 1987 to carry out section 534 of the Foreign Assistance Act of 1961 (22 U.S.C. 2346c; relating to the administration of justice program), funds may be used to provide to Colombia or other countries in the region such assistance as they may request for protection of judicial or other officials who are targets of narcoterrorist attacks.

(d) REWARD CONCERNING JORGE LUIS OCHOA VASQUEZ.—It is the sense of the Congress that the authority of section 36(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(b)), as amended by section 502(a) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (Public Law 99-399; enacted August 27, 1986), should be used expeditiously to establish a reward of up to $500,000 for information leading to the arrest or conviction of Jorge Luis Ochoa Vasquez for narcotics-related offenses.

SEC. 2015. INTERDICTION PROCEDURES FOR VESSELS OF FOREIGN REGISTRY.

(a) FINDINGS.—The Congress finds that—

(1) the interdiction by the United States Coast Guard of vessels suspected for carrying illicit narcotics can be a difficult procedure when the vessel is of foreign registry and is located beyond the customs waters of the United States;

(2) before boarding and inspecting such a vessel, the Coast Guard must obtain consent from either the master of the vessel or the country of registry; and

(3) this process, and obtaining the consent of the country of registry to further law enforcement action, may delay the interdiction of the vessel by 3 or 4 days.

(b) NEGOTIATIONS CONCERNING INTERDICTION PROCEDURES.—

(1) The Congress urges the Secretary of State, in consultation with the Secretary of the department in which the Coast Guard is operating, to increase effects to negotiate with relevant countries procedures which will facilitate interdiction of vessels suspected of carrying illicit narcotics.

(2) If a country refuses to negotiate with respect to interdiction procedures, the President shall take appropriate actions directed against that country, which may include the denial of access to United States ports to vessels registered in that country.

(3) The Secretary of State shall submit reports to the Congress semiannually identifying those countries which have failed to negotiate with respect to interdiction procedures.

SEC. 2016. ASSESSMENT OF NARCOTICS TRAFFICKING FROM AFRICA.

The President shall direct that an updated threat assessment of narcotics trafficking from Africa be prepared. If it is determined that an increased threat exists, the assessment shall examine the need for the United States to provide increased narcotics control training for African countries.

SEC. 2017. * * *

SEC. 2018. MULTILATERAL DEVELOPMENT BANK ASSISTANCE FOR DRUG ERADICATION AND CROP SUBSTITUTION PROGRAMS.

(a) MDB ASSISTANCE FOR DEVELOPMENT AND IMPLEMENTATION OF DRUG ERADICATION PROGRAM.—The Secretary of the Treasury shall instruct the United States Executive Directors of the multilateral development banks to initate discussions with other Directors of their respective banks and to propose that all possible assistance be provided to each major illicit drug producting country for the development and implementation of a drug eradication program, including technical assistance, assistance in conducting feasibility studies and economic analyses, and assistance for alternate economic activities.

(b) INCREASES IN MULTILATERAL DEVELOPMENT BANK LENDING FOR CROP SUBSTITUTION PROJECTS.—The Secretary of the Treasury shall instruct the United States Executive Directors of the multilateral development banks to initiate discussions with other Directors of their respective banks and to propose that each such bank increase the amount of lending by such bank for crop subsitition programs which will provide an economic alternative for the cultivation or production of illicit narcotic drugs or other controlled substances in major illicit drug producing countries, to the extent such countries develop and maintain adequate drug eradication programs.

(c) NATIONAL ADVISORY COUNCIL REPORT.—The Secretary of the Treasury shall include in the annual report to the Congress by the National Advisory Council on International Monetary and Financial Policies a detailed accounting of the manner in which and the extent to which the provisions of this section have been carried out.

(d) DEFINITIONS.—For purposes of this section—

(1) MULTILATERAL DEVELOPMENT BANK.—The term "multilateral development bank" means the International Bank for Reconstruction and Development, the International Development Association, the Inter-American Development Bank, the African Development Bank, and the Asian Development Bank.

(2) MAJOR ILLICIT DRUG PRODUCING COUNTRY.—The term "major illicit drug producing country" has the meaning provided in section 481(i)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 229(i)(2)).

(3) NARCOTIC DRUG AND CONTROLLED SUBSTANCE.—The terms "narcotic drug" and "controlled substance" have the meanings given to such terms in section 102 of the Controlled Substances Act (21 U.S.C. 802).

SEC. 2019. DRUGS AS A NATIONAL SECURITY PROBLEM.

The Congress hereby declares that drugs are a national security problem and urgers the President to explore the possibility of engaging such essentially security-oriented organizations as the North Atlantic Treaty Organization in cooperative drug programs.

SEC. 2020. FINDINGS CONCERNING GREATER INTERNATIONAL EFFORT TO ADDRESS DRUG THREAT.

The Congress finds that—

(1) in response to the growing narcotics threat to the international community—

(A) the single Convention on Narcotic Drugs, 1961, the 1972 Protocol amending that Convention, and the Convention on Psychotropic Substances were adopted under United Nations auspices and

(B) the United Nations has created various entities to deal with drug abuse control and prevention; and

(2) a greater international effort to address this threat, such as additional or increased contributions by other countries to the United Nations Fund for Drug Abuse and Control and greater coordination of enforcement and eradication efforts.

SEC. 2021. INTERNATIONAL CONFERENCE ON DRUG ABUSE AND ILLICIT TRAFFICKING.

(a) CONGRESSIONAL SUPPORT.—The Congress hereby declares its support for United Nations General Assembly Resolution 40/122 adopted on December 13, 1985, in which the General Assembly decided to convene in 1987, an International Conference on Drug Abuse and Illicit Trafficking in order to generate universal action to combat the drug problem in all its forms at the national, regional, and international levels, and to adopt a comprehensive outline of future activities.

(b) UNITED STATES PARTICIPATION.—With respect to United States participation in the International Conference on Drug Abuse and Illicit Trafficking, the Congress calls on the President—

(1) to appoint the head of the United States delegation well in advance of the conference; and

(2) to ensure that necessary resources are available for United States preparation and participation.

(c) REPORT TO CONGRESS.—Not later than April 30, 1987, the President shall report to the Congress on the status of United States preparations for the International Conference on Drug

Abuse and Illicit Trafficking, including the status of naming the delegation, the issues expected to arise, and United States policy initiatives to be taken at the conference.

SEC. 2022. EFFECTIVENESS OF INTERNATIONAL DRUG PREVENTION AND CONTROL SYSTEM.

(a) Study.—The United States seek to improve the program and budget effectiveness of United Nations entities related to narcotics prevention and control by studying the capability of existing United Nations drug-related declarations, conventions, and entities to heighten international awareness and promote the necessary strategies for international action, to strengthen international cooperation, and to make effective use of available United Nations funds.

(b) Report to Congress.—Not later than April 30, 1987, the President shall report to the Congress any recommendations that may result from this study.

SEC. 2023. NARCOTICS CONTROL CONVENTIONS.

The Congress—

(1) urges that the United Nations Commission on Narcotic Drugs complete work as quickly as possible, consistent with the objective of obtaining an effective agreement, on a new draft convention against illicit traffic in narcotic drugs and psychotropic substances, in accordance with the mandate given the Commission by United Nations General Assembly Resolution 39/141; and

(2) calls for more effective implementation of existing conventions relating to narcotics.

SEC. 2024. MEXICO-UNITED STATES INTERGOVERNMENTAL COMMISSION.

(A) Negotiations To Establish.—In accordance with the resolution adopted by the 26th Mexico-United States Interparliamentary Conference which recommended that the Government of Mexico and the Government of the United States establish a Mexico-United States Intergovernmental Commission on Narcotics and Psychotropic Drug Abuse and Control, the President should direct the Secretary of State, in conjunction with the National Drug Enforcement Policy Board, to enter into negotiations with the Government of Mexico to create such a joint intergovernmental commission.

(b) Membership.—The commission which should meet semiannually, should include members of the Mexican Senate and Chamber of Deputies and the United States House of Representatives and Senate, together with members of the Executive departments of each Government responsible for drug abuse, education, prevention, treatment, and law enforcement.

(c) Report to Congress.—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall report to the Congress on the progress being made in establishing a commission in accordance with subsection (a).

SEC. 2025. OPIUM PRODUCTION IN PAKISTAN.

(a) Findings.—The Congress finds that—

(1) the production of opium in Pakistan is expected to more than double in the 1985–1986 growing season, posing an in-

creased threat to the health and welfare of the people of Pakistan and the people of the United States; and

(2) despite past achievements, the current eradication program in Pakistan, which employs manual eradication of opium poppies, has proven inadequate to meet this new challenge.

(b) NEED FOR MORE EFFECTIVE DRUG CONTROL PROGRAM.—The Congress urges that the Government of Pakistan adopt and implement a comprehensive narcotics control program which would provide for more effective prosecution of drug traffickers, increased interdiction, and aerial eradication of opium poppies.

(c) REPORT TO CONGRESS.—The Secretary of State shall report to the Congress not later than 60 days after the date of enactment of this Act with Respect to the adoption and implementation by the Government of Pakistan of a comprehensive narcotics control program in accordance with subsection (b).

SEC. 2026. OPIUM PRODUCTION IN IRAN, AFGHANISTAN, AND LAOS.

The Congress calls on the President to instruct the United States Ambassador to the United Nations to request that the United Nations Secretary General raise with delegations to the International Conference on Drug Abuse and Illicit Trafficking the problem of illicit drug production in Iran, Afghanistan, and Laos, the largest opium poppy producing countries which do not have narcotics control programs.

SEC. 2027. INCREASED FUNDING FOR USIA DRUG EDUCATION PROGRAMS.

In addition to amounts otherwise authorized to be appropriated, there is authorized to be appropriated for the United States Information Agency for fiscal year 1987 $2,000,000 which shall be available only for increasing drug education programs abroad. These programs may include—

(1) the distribution of films and publications which demonstrate the impact of drugs on crime and health; and

(2) exchange of persons programs and international visitor programs involving students, educators, and scientists.

SEC. 2028. INCREASED FUNDING FOR AID DRUG EDUCATION PROGRAMS.

In addition to amounts otherwise authorized to be appropriated, there are authorized to be appropriated to the President for fiscal year 1987 $3,000,000 to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, which amount shall be pursuant to section 126(b)(2) of that Act for additional activities aimed at increasing awareness of the effects of production and trafficking of illicit narcotics on source and transit countries.

SEC. 2029. REPORTS TO CONGRESS ON DRUG EDUCATION PROGRAMS ABROAD.

The Director of the United States Information Agency and the Administrator of the Agency for International Development shall include in their annual reports to the Congress a description of the drug education programs carried out by their respective agencies.

SEC. 2030. NARCOTICS CONTROL EFFORTS IN MEXICO.

(a) CONGRESSIONAL FINDINGS.—The Congress finds—

(1) in their meeting in August 1986, President de la Madrid Hurtado and President Reagan recognized the unique relation-

ship between our two countries and the importance and the desire to respect the sovereignty of each nation;

(2) further, the United States government has actively worked to support the Mexican government in easing its international debt burden;

(3) both Presidents pledged their cooperation in drug eradication, enforcement and education;

(4) this pledge of cooperation has not been realized fully because of the inadequate response of the Mexican government in:

(A) fully investigating the 1985 murders of U.S. Drug Enforcement Administration agent Enrique Camarena Salazar and his pilot, Alfredo Zavala Avelar;

(B) fully investigating the 1986 detention and torture of U.S. Drug Enforcement Administration agent Victor Cortez, Junior;

(C) bringing to trial and effectively prosecuting those responsible for the Camarena and Zavala murders and those responsible for the detention and torture of Cortez;

(D) using effectively and efficiently the fleet of aircraft provided by the United States government for drug eradication and interdiction; and

(E) preventing drug trafficking and drug-related violence on the United States-Mexican border.

(b) MEASURES TO BE CONSIDERED.—Therefore, it is the sense of Congress that unless substantial progress is demonstrated in the near future on the issues described in subsection (A)(4), the President should consider taking one or more of the following measures:

(1) imposition of a mandatory travel advisory for all of Mexico;

(2) restrictions on foreign assistance (including further disbursements from the Exchange Stabilization Fund and Federal Reserve Bank;

(3) denial of favorable tariff treatment for Mexican products;

(4) denial of favorable U.S. votes in multilateral development banks.

(c) PROSECUTION OF THOSE RESPONSIBLE FOR THE TORTURE AND MURDER OF DEA AGENTS.—Of the funds allocated for assistance for Mexico for fiscal year 1987 under chapter 8 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2291 et seq.; relating to international narcotics control), $1,000,000 shall be withheld from expenditure until the President reports to the Congress that the Government of Mexico—

(1) has fully investigated the 1985 murders of Drug Enforcement Administration agent Enrique Camarena Salazar and his pilot Alfredo Zavala Avelar;

(2) has fully investigated the 1986 detention and torture of Drug Enforcement Administration agent Victor Cortez, Junior; and

(3) has brought to trial and is effectively prosecuting those responsible for those murders and those responsible for that detention and torture.

4. Executive Orders, Delegations of Authority and Reorganization Plans Relating to Foreign Assistance and Arms Exports

a. Executive Order 12163, September 29, 1979, 44 F.R. 56673, as amended by Executive Order 12226, July 22, 1980, 45 F.R. 49235; Executive Order 12321, September 14, 1981, 46 F.R. 46109; Executive Order 12365, May 24, 1982, 47 F.R. 22933; Executive Order 12423, May 26, 1983, 48 F.R. 24025; Executive Order 12458, January 14, 1984, 49 F.R. 1977; Executive Order 12500, January 24, 1985, 50 F.R. 3733; and by Executive Order 12560, May 24, 1986, F.R. 19159

ADMINISTRATION OF FOREIGN ASSISTANCE AND RELATED FUNCTIONS

By virtue of the authority vested in me by the Foreign Assistance Act of 1961, Reorganization Plan No. 2 of 1979, the International Development Cooperation Act of 1979, and section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

1-1. UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

1-101. Establishment of the United States International Development Cooperation Agency. Sections 1, 5, 6, and 8 of Reorganization Plan No. 2 of 1979 are declared effective and the United States International Development Cooperation Agency (hereinafter referred to as "IDCA") is hereby established.[1]

1-102. Delegation of Functions. (a) Exclusive of the functions otherwise delegated, or reserved to the President, by this order, and subject to the provisions of this order, there are hereby delegated to the Director of IDCA (hereinafter referred to as the "Director") all functions conferred upon the President by:

(1) the Foreign Assistance Act of 1961 (22 U.S.C. 2151 *et seq.*); (hereinafter referred to as the "Act");

(2) the Latin American Development Act (22 U.S.C. 1942 *et seq.*);

(3) section 402 of the Mutual Security Act of 1954 (22 U.S.C. 1922);

(4) section 413(b) of the International Security Assistance and Arms Export Control Act of 1976 (22 U.S.C. 2431); and

(5) title IV of the International Development Cooperation Act of 1979 (22 U.S.C. 3501 *et seq.*) (hereinafter referred to as the "IDC Act of 1979").

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[1] Executive Order 12147 of July 19, 1979 (44 F.R. 42957) declared that secs. 2, 3, and 4 of Reorganization Plan No. 2 of 1979, providing for the offices of Director, Deputy Director and Associate Directors, were immediately effective. For text of the plan, see page 594.

(6) [2] section 903(b) of the International Security and Development Cooperation Act of 1985 (hereinafter referred to as "ISDCA of 1985");

(7) section 709 of the ISDCA of 1985, which authority shall be exercised in consultation with the Secretary of State and the Secretary of Defense;

(8) sections 1205(b) and 1210 of the ISDCA of 1985;

(9) section 541 of the Foreign Assistance and Related Programs Appropriations Act, 1986 (as enacted in Public Law 99-190), to be exercised by the Administrator of the Agency for International Development within IDCA; and

(10) the first proviso under the heading "Population, Development Assistance" contained in Title II of the Foreign Assistance and Related Programs Appropriations Act, 1986 (as enacted in Public Law 99-190), to be exercised by the Administrator for the Agency for International Development within IDCA.

(b) The functions under sections 116(e), 491(b), 491(c), 607, 627, 628, 630(3), and 666 of the Act, and section 403(e) of the IDC Act of 1979, delegated to the Director shall be exercised in consultation with the Secretary of State.

(c) The functions under section 125(b) of the Act delegated to the Director shall be exercised in consultation with the Secretary of the Treasury and, with regard to the United Nations Development Program, in consultation with the Secretary of State.

(d) The Director shall exercise the functions of the President under sections 301(a), 301(e)(1),[3] and 305 of the Act only insofar as they pertain to the United Nations Development Program, UNICEF, the Organization of American States Technical Assistance Funds, the United Nations Capital Development Fund, the United Nations Educational and Training Program for Southern Africa, the United Nations/Food and Agriculture Organization World Food Program, the Food and Agriculture Organization Post-Harvest Losses Fund, the United Nations Disaster Relief Organization, and any other international programs whose purpose is primarily developmental.

(e) In carrying out the functions under section 653 of the Act that are delegated to the Director, the Director shall consult with the Director of the Office of Management and Budget.

(f) To the extent practicable, the Director will exercise functions relating to Foreign Service personnel in a manner that will assure maximum compatibility among agencies authorized by law to utilize the Foreign Service personnel system. To this end he shall consult regularly with the Secretary of State.

(g) In exercising functions under the Act arising from later-enacted amendments to any law specified in subsection (a) of this section that relate directly to matters of foreign policy, the Director shall consult with the Secretary of State to determine whether such function should more appropriately be exercised by the Secretary or reserved to the President.

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[2] Sec. 1 of E.O. 12560, May 24, 1986, 51 F.R. 19159, deleted par. (6) (which concerned sec. 533 of the Foreign Assistance and Related Programs Appropriations Act, 1985) and added new pars. (6), (7), (8), (9), and (10).

[3] A reference to sec. 301(e)(3), which previously appeared at this point, was struck out by sec. 1(c) of E.O. 12365, May 24, 1982, 47 F.R. 22933.

1-103. Agency for International Development. (a) The Director shall continue within IDCA the Agency for International Development, heretofore established in the Department of State.

(b) The Agency for International Development shall be headed by an Administrator appointed pursuant to section 624(a) of the Act.

(c) The officers provided for in section 624(a) of the Act shall serve in the Agency for International Development.

1-104. Office of Small Business. The Office of Small Business provided for in section 602(b) of the Act shall be in the Agency for International Development.

1-2. DEPARTMENT OF STATE

1-201. Delegation of Functions. (a) Subject to the provisions of this order, there are hereby delegated to the Secretary of State (hereafter in this Part referred to as the "Secretary") all functions conferred upon the President by:

(1) sections 239(g), 301(a), 301(c), 301(e)(1), 302(a)(1) as it relates to the Presidential certification concerning the United Nations Relief and Works Agency, section 305, of the Act; [4]

(2) section 495F of the Act, insofar as they relate to policy decisions pertaining to refugee programs under such section;

(3) [5] section 505(a) relating to other provisions which may be required by the President, and sections 505 (d), (e), (f), and (g) of the Act;

(4) section 505(a) (1) and (4) of the Act relating to consent;

(5) section 505(b) of the Act to the extent that it pertains to countries that agree to the conditions set forth therein;

(6) chapter 4 of Part II of the Act, insofar as they relate to policy decisions and justifications for economic support programs under such chapter, including determinations of whether there will be an economic support program for a country and the amount of the program for each country. Such functions shall be exercised in cooperation with the Director;

(7) [6] chapter 6 of part II of the Act;

(8) section 601(b) (3), (4), and (6) of the Act;

(9) section 614(b) of the Act, except that the function of determining which provisions of law should be disregarded to achieve the purpose of the provision is reserved to the President;

(10) section 620 (c), (e), (f), (g), (j), (q), and (s) of the Act; [7]

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[4] References to secs. 301(b), 301(e)(3), and 302(a)(3), which previously appeared in this paragraph, were struck out by sec. 1(d) of E.O. 12365, May 24, 1982, 47 F.R. 22933. References to secs. 481 and 502B, which previously appeared in this paragraph were struck out be sec. 3 of E.O. 12560, May 24, 1986, 51 F.R. 19159, which substituted the words "section 305" in lieu thereof, and added new pars. (26), (27), and (28).

[5] Sec. 4 of E.O. 12560, May 24, 1986, 51 F.R. 19159, restated par. (3) and struck out the reference to sec. 504(a) and added the reference to sec. 505(f).

[6] Sec. 2 of E.O. 12560, May 24, 1986, 51 F.R. 19159, deleted pars. (7), (22), (23), (25), (26), and (27), renumbered the remaining paragraphs accordingly, and added new paragraphs (23), (24), and (25).

[7] References to sec. 620 (b) and (i), which previously appeared in this paragraph, were struck out by sec. 1(e) of E.O. 12365, May 24, 1982, 47 F.R. 22933.

(11) section 620C(d) of the Act;

(12) section 625(d) of the Act, insofar as it relates to personnel in the Department of State;

(13) section 625(k)(1) of the Act;

(14) section 634B of the Act, insofar as it relates to functions delegated to the Secretary under this order;

(15) sections 617 and 653 of the Act, insofar as they relate to chapter 8 of part I and part II of the Act;

(16) [8] other provisions of the Act that relate directly and necessarily to the conduct of programs and activities vested in or delegated to the Secretary;

(17) [9] section 8(d) of the Act of January 12, 1971 (22 U.S.C. 2321b(d)); and

(18) [9] section 607 of the International Security Assistance and Arms Export Control Act of 1976 (22 U.S.C. 2394a).

(19) [10] section 725 of the International Security and Development Cooperation Act of 1981;

(20) [10] section 726 of the International Security and Development Cooperation Act of 1981;

(21) [11] Chapter 8 of Part II of the Act, except that such functions shall be exercised consistent with Section 573(d)(3) thereof;

(22) [12] Sec. 1540 of the Department of Defense Authorization Act, 1985, (Public Law 98-525), as amended by section 306 of the Department of Defense Authorization Act, 1986 (Public Law 99-145),[13] which shall be exercised in consultation with the Secretary of Defense.

(23) [6] sections 462, 464(d)(2), 620E(e), and 660(d) of the Act;

(24) [6] section 129(b) of the ISDCA of 1985, which shall be exercised in consultation with the Secretary of Defense and the Director of the Arms Control and Disarmament Agency;

(25) [6] sections 207, 552(b), 611, 612(a), 617(c), 702(c), 703(a), 705 (b) and (c), 706, 722(j), 813(b) and 1008 of the ISDCA of 1985;

(26) [4] chapter 8 of part I of the Act, except for section 481(h), which is reserved to the President;

(27) [4] section 502B of the Act; and

(28) [4] sections 527, 528, 537, 543 and 547 of the Foreign Assistance and Related Programs Appropriations Act, 1986 (as enacted in Public Law 99-190).

(b) The functions under sections 239(g), 620(e), 620(g),[14] 620(j), 620(q), 620(s), and 625(k)(1) of the Act delegated to the Secretary shall be exercised in consultation with the Director.

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[8] Sec. 6 of E.O. 12560, May 24, 1986, 51 F.R. 19160, deleted the words "other than chapter 4 thereof".

[9] (f) of E.O. 12365, May 24, 1982, 47 F.R. 22933, deleted original pars. (17) and (19) (which concerned sec. 657 and 668 of the Foreign Assistance Act of 1961 and the Mutual Defense Assistance Control Act of 1951, respectively) and renumbered the remaining paragraphs accordingly.

[10] Pars. (19), and (20), previously numbered (20), and (21) were added by sec. 1(a) of E.O. 12365, May 24, 1982, 47 F.R. 22933.

[11] Par. (21) was added by sec. 1 of E.O. 12458, Jan. 14, 1984, 49 F.R. 1977.

[12] Sec. 1, of E.O. 12500, Jan. 24, 1985, 50 F.R. 3733, added par. 22.

[13] The words to this point, beginning with "as amended by section 306 . . ." were added by sec. 5 of E.O. 12560, May 24, 1986, 51 F.R. 19160.

[14] A reference to sec. 620(i), which previously appeared at this point, was struck out by sec. 1(g) of E.O. 12365, May 24, 1982, 47 F.R. 22933.

(c) The functions under section 653 of the Act delegated to the Secretary shall be exercised in consultation with the Secretary of Defense, insofar as they relate to functions under the Act administered by the Department of Defense, and the Director of the Office of Management and Budget.

(d) The Secretary may redelegate to the Director or to any other officer or agency of the Executive branch functions delegated to the Secretary by this order.

1-3. DEPARTMENT OF DEFENSE

1-301. Delegation of Functions. Subject to the provisions of this order, there are hereby delegated to the Secretary of Defense:

(a) The functions conferred upon the President by Part II (except chapters 4, 6, and 8 thereof [15] of the Act not otherwise delegated or reserved to the President.

(b) To the extent that they relate to other functions under the Act administered by the Department of Defense, the functions conferred upon the President by sections 602(a), 605(a), 625(a), 625(d)(1), 625(h), 627, 628, 630(3), 631(a), 634B, 635(b) (except with respect to negotiation, conclusion, and termination of international agreements), 635(d), 635(g), and 636(i) of the Act.[16]

(c) Those functions under section 634A of the Act, to the extent they relate to notifications to the Congress concerning changes in programs under part II of the Act (except chapters 4, 6, and 8 thereof) [15] and under the Arms Export Control Act, as amended,[17] subject to prior consultation with the Secretary of State.

(d) The functions under sections 627, 628, and 630(3) of the Act delegated to the Secretary of Defense shall be exercised in consultation with the Secretary of State.

(e) [18] Those functions conferred upon the President under section 616 of the ISDCA of 1985.

1-302. Reports and Information. In carrying out the functions under section 514 of the Act delegated to him by section 301 of this order, the Secretary of Defense shall consult with the Secretary of State.

1-4. INSTITUTE FOR SCIENTIFIC AND TECHNOLOGICAL COOPERATION

1-401. Establishment of Institute for Scientific and Technological Cooperation. There is established within IDCA the Institute for Scientific and Technological Cooperation (hereinafter referred to as the Institute).

1-402. Establishment of the Council on International Scientific and Technological Cooperation. There is established the Council on International Scientific and Technological Cooperation pursuant to section 407(a) of the IDC Act of 1979.

1-403. There are hereby established two additional positions in the Institute pursuant to section 406(c) of the IDC Act of 1979. The officers appointed to these positions shall perform such duties and exercise such powers as the Director of the Institute may prescribe.

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[15] The reference to ch. 8 was added by E.O. 12458, Jan. 14, 1984, 49 F.R. 1977.

[16] Sec. 1 of E.O. 12423, May 26, 1983, 48 F.R. 24025, added the reference to sec. 636(i).

[17] The reference to the Arms Control Export Act, as amended, were added by sec. 8 of E.O. 12560, May 24, 1986, 51 F.R. 19160.

[18] Par. (e) was added by sec. 7 of E.O. 12560, May 24, 1986, 51 F.R. 19160.

1-5. OTHER AGENCIES

1-501. Department of the Treasury. (a) There are delegated to the Secretary of the Treasury the functions conferred upon the President by:

(1) [19] section 305, insofar as it relates to the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the Asian Development Bank, the African Development Fund, and the International Monetary Fund;

(2) [19] the second sentence of section 612(a) of the Act; and

(3) [19] section 502 of the Mutual Security Act of 1954 (22 U.S.C. 1754).

(b) The Secretary of the Treasury shall continue to administer any open special foreign country accounts established pursuant to former section 514 of the Act as enacted by section 201(f) of Public Law 92-226 (86 Stat. 25) and repealed by Section 12(b)(5) of Public Law 93-189 (87 Stat. 722).

(c) The functions under section 305 of the Act delegated to the Secretary of the Treasury shall be exercised in consultation with the Director, as provided in Executive Order No. 11269 of February 14, 1966, as amended.

1-502. Department of Commerce. There is hereby delegated to the Secretary of Commerce so much of the functions conferred upon the President by section 601(b)(1) of the Act as consists of drawing the attention of private enterprise to opportunities for investment and development in less developed friendly countries and areas.

1-503. Office of Personnel Management. There is hereby delegated to the Director of the Office of Personnel Management the function of prescribing regulations conferred upon the President by the proviso contained in section 625(b) of the Act.

1-504. International Communication Agency. The International Communication Agency shall perform all public information functions abroad with respect to the foreign assistance, aid, and development programs of the United States Government.

1-505. Development Loan Committee. There is hereby established a Development Loan Committee in accordance with section 122(e) of the Act which shall consist of the Director of IDCA, who shall be Chairman, the Administrator of the Agency for International Development, the Chairman of the Board of Directors of the Export-Import Bank of the United States, the Assistant Secretary of State for Economic Affairs, the Assistant Secretary of the Treasury dealing with international finance, the Assistant Secretary of Commerce for Industry and Trade, and the officer of the Agency for International Development dealing with development financing.

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[19] Sec. 1(h) of E.O. 12365, May 24, 1982, 47 F.R. 22933, struck out par. (1) (which concerned sec. 301(e)(3) of the Foreign Assistance Act of 1961) and renumbered the remaining paragraphs accordingly.

1-506. Development Coordination Committee. (a) In accordance with section 640B of the Act, there is hereby established a Development Coordination Committee (hereinafter referred to as the Committee). The Committee shall consist of the Director of IDCA, who shall be Chairman; the Administrator of the Agency for International Development, the Director of the Institute for Scientific and Technological Cooperation; the Under Secretary of State for Economic Affairs; the Under Secretary of the Treasury for Monetary Affairs; the Under Secretary of Commerce; the Under Secretary of Agriculture; the Under Secretary of Labor; the Under Secretary of Energy; a Deputy Special Representative for Trade Negotiations; an Associate Director of the Office of Management and Budget; a representative of the Assistant to the President for National Security Affairs; the President of the Export-Import Bank of the United States; the Director of the Peace Corps;[20] and the President of the Overseas Private Investment Corporation.

(b) Whenever matters within the jurisdiction of the Committee may be of interest to Federal agencies not represented on the Committee under subsection (a) of this section, the Chairman of the Committee may consult with such agencies and may invite them to designate representatives to participate in meetings and deliberations of the Committee.

(c) The Chairman of the Committee may establish subcommittees of the Committee and designate the chairman thereof.

(d) Subject to the foreign policy guidance of the Secretary of State, the Committee shall advise the President with respect to coordination of United States policy and programs affecting the development of developing countries, including programs of bilateral and multilateral development assistance.

(e) All agencies and officers of the Government shall keep the Committee informed in necessary detail as to the policies, programs and activities referred to in subsection (d) of this section.

(f) Nothing herein shall be deemed to derogate from the responsibilities of the Secretary of State or the Secretary of the Treasury, or from responsibilities vested elsewhere by law or other Executive orders.

1-6. ADDITIONAL DELEGATIONS AND LIMITATIONS OF AUTHORITY; CONSULTATION

1-601. General Delegation of Functions. There are hereby delegated to the heads of agencies having responsibilities for carrying out the provisions of the Act all functions conferred upon the President by:

(a) section 654 (except as reserved to the President); and

(b) those provisions of acts appropriating funds under the authority of the Act that relate to the Act, or other acts authorizing such funds, insofar as they relate to the functions delegated by this order.

1-602. Personnel. (a) In carrying out the functions conferred upon the President by the provisions of section 625(d)(1) of the Act, and by this order delegated to the Director of IDCA, the Director shall authorize such of the agencies that administer programs under the Act as he may deem appropriate to perform any of the functions under section 625(d)(1) of the Act to the extent that the said functions relate to the programs administered by the respective agencies.

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[20] The Peace Corps was added to the membership of the Development Coordination Committee by E.O. 12226, July 22, 1980, 45 F.R. 49235.

(b) Persons appointed, employed, or assigned after May 19, 1959, under section 527(c) of the Mutual Security Act of 1954 or section 625(d) of the Act for the purpose of performing functions under such Acts outside the United States shall not, unless otherwise agreed by the agency in which such benefits may be exercised, be entitled to the benefits provided by section 528 of the Foreign Service Act of 1946 in cases in which their service under the appointment, employment, or assignment exceeds thirty months.

1-603. Special Missions and Staffs Abroad. The maintenance of special missions or staffs abroad, the fixing of the ranks of the chiefs thereof after the chiefs of the United States diplomatic missions, and the authorization of the same compensation and allowances as the chief of mission, class 3 and class 4, within the meaning of the Foreign Service Act of 1946 (22 U.S.C. 801 *et sec.*), all under section 631 of the Act, shall be subject to the approval of the Secretary of State.

1-604. International Agreements. The negotiation, conclusion, and termination of international agreements pursuant to the Act, title IV of the IDC Act of 1979, or section 402 of the Mutual Security Act of 1954 shall be subject to the requirements of 1 U.S.C. 112b and to applicable regulations and procedures.

1-605. Interagency Consultation. Each officer to whom functions are delegated by this order, shall, in carrying out such functions, consult with the heads of other departments and agencies, including the Director of the Office of Management and Budget, on matters pertaining to the responsibilities of departments and agencies other than his or her own.

1-7. RESERVED FUNCTIONS

1-701. Reservation of Functions to the President. There are hereby excluded from the functions delegated by the foregoing provisions of this order:

(a) The functions conferred upon the President by sections 122(e), 298(a), 451, 504(b), 613(a), 614(a), 620(a), 620(d), 620(x), 620A, 620C(c), 621(a), 622(b), 622(c), 633(a), 633(b), 640B, 662(a), and 663(b) of the Act.

(b) The functions conferred upon the President by sections 402, 405(a), 406 and 407 of the IDC Act of 1979.

(c) The functions conferred upon the President by the Act and section 408(b) of the Mutual Security Act of 1954 with respect to the appointment of officers required to be appointed by and with the advice and consent of the Senate and with respect to the appointment of officers pursuant to sections 233(b) and 624(c) of the Act.

(d) The functions conferred upon the President with respect to determinations, certifications, directives, or transfers of funds, as the case may be, by sections 303, 465(b),[21] 481(h),[22] 505(d)(2)(A), 505(d)(3), 506(a),[23] 552(c), 552(e),[21] 604(a), 610, 614(c), 632(b), 633A, 663(a), 669(b)(1), 620E, 670(a)(2), 670(b)(2), and 670(b)(3) [24] of the Act.

(e) The following-described functions conferred upon the President:

(1) Those under section 503(a) that relate to findings: *Provided,* That the Secretary of State, in the implementation of the functions delegated to him under sections 505(a)(1), (a)(4), and (e) of the Act, is authorized to find, in the case of a proposed transfer of a defense article or related training or a related defense service by a foreign country or international organization to a foreign country or international organization not otherwise eligible under section 503(a) of the Act, whether the proposed transfer will strengthen the security of the United States and promote world peace.

(2) Those under section 505(b) in respect of countries that do not agree to the conditions set forth therein.

(3) That under section 614(b) with respect to determining any provisions of law to be disregarded to achieve the purpose of that section.

(4) That under the second sentence of section 654(c) with respect to the publication in the Federal Register of any findings or determination reserved to the President: *Provided,* That any officer to whom there is delegated the function of making any finding or determination within the purview of section 654(a) is also authorized to reach the conclusion specified in performance of the function delegated to him.

(f) [25] That under section 523(d) of the Mutual Security Act of 1954 (22 U.S.C. 1783(d)).

(g) [26] Those under sections 130, 131, 504 and 505 of the ISDCA of 1985 and under section 529 of the Foreign Assistance and Related Programs Appropriations Act, 1986.

1-702. Subsequent Amendments. Functions conferred upon the President by subsequent amendments to the Act are delegated to the Director only insofar as they do not relate directly and necessarily to the conduct of programs and activities that either the President or an agency other than IDCA is authorized to administer pursuant to express reservation or delegation of authorities in a statute or in this or another Executive order.

1-8. FUNDS

1-801. Allocation of Funds. Funds appropriated or otherwise made available to the President for carrying out the Act shall be deemed to be allocated without any further action of the President, as follows:

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[21] References to secs. 465(b), 552(c), and 552(e) were added by sec. 9 of E.O. 12560, May 24, 1986, 51 F.R. 19160.

[22] Section 3 of E.O. 12500, Jan. 24, 1985, 50 F.R. 3733 inserted the reference to section 481(h) in lieu of a reference to 481(a).

[23] A reference to sec. 515(f), which previously appeared at this point, was deleted by sec. 1 of E.O. 12321, Sept. 14, 1981, 46 F.R. 46109.

[24] Sec. 1(b) of E.O. 12365, May 24, 1982, 47 F.R. 22933, deleted references to sec. 659 and 670(b)(1), which previously appeared in this subsec., and added the references to sec. 620E, 670(a)(2), 670(b)(2), and 670(b)(3).

[25] Sec. 1(i) of E.O. 12365, May 24, 1982, 47 F.R. 22933, struck out subsec. (f), which contained references to sec. 103(b) (first proviso), 104, and 203 of the Mutual Defense Assistance Control Act of 1951, and renumbered the remaining subsections accordingly.

[26] Subsec. (g), originally added as subsec. (h), was amended and restated by sec. 10 of E.O. 12560, May 24, 1986, 51 F.R. 19160. Previously, this subsec. made reference to sec. 607 of the Foreign Assistance and Related Programs Appropriations Act, 1979.

(a) There are allocated to the Director (1) all funds made available for carrying out the Act except those made available for carrying out Part II of the Act (other than chapter 4 thereof), section 481 of the Act, and section 637(b) of the Act, and (2) all funds made available for carrying out title IV of the IDC Act of 1979.

(b) There are allocated to the Secretary of Defense funds made available for carrying out Part II of the Act (except chapters 4, 6, and 8 thereof).

(c) There are allocated to the Secretary of State funds made available for carrying out sections 481 and 637(b) and chapters 6 and 8 of Part II of the Act.[15]

1-802. Reallocation of Funds. The Director of IDCA, the Secretary of Defense, and the Secretary of State may allocate or transfer as appropriate any funds received under subsections (a), (b), and (c), respectively of section 1-801 of this order, to any agency or part thereof for obligation or expenditure thereby consistent with applicable law.

1-9. GENERAL PROVISIONS

1-901. Definition. As used in this order, the word "function" includes any duty, obligation, power, authority, responsibility, right, privilege, discretion, or activity.

1-902. References to Orders and Acts. Except as may for any reason be inappropriate:

(a) References in this order or in any other Executive order to (1) the Foreign Assistance Act of 1961 (including references herein to "the Act"), (2) unrepealed provisions of the Mutual Security Act of 1954, or (3) any other act that relates to the subject of this order shall be deemed to include references to any subsequent amendments thereto.

(b) References in any prior Executive order to the Mutual Security Act of 1954 or any provisions thereof shall be deemed to be references to the Act or the corresponding provision, if any, thereof.

(c) [27] References in this order to provisions of any Act, and references in any other Executive order or in any memorandum delegation to provisions of any Act related to the subject of this order shall be deemed to include references to any hereafter-enacted provision of law that is the same or substantially the same as such provisions, respectively.

(d) References in this order or in any other Executive order to this order or to any provision thereof shall be deemed to include references thereto, respectively, as amended from time to time.

(e) References in any prior Executive order not superseded by this order to any provisions of any Executive order so superseded shall hereafter be deemed to be references to the corresponding provisions, if any, of this order.

1-903. Prior Executive Orders. (a) The following are revoked:

(1) Executive Order No. 10973 of November 3, 1961, as amended;

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[27] Sec. 4 of E.O. 12500, Jan. 24, 1985, 50 F.R. 3733, amended and restated subsec. (c).

(2) section 2(a) of Executive Order No. 11579 of January 19, 1971; and

(3) Executive Order No. 10893 of November 8, 1960.

(b) The following are amended:

(1) section 3(a) of Executive Order No. 11846 of March 27, 1975, as amended, by adding the following new paragraph (12) after paragraph (11):

"(12) The Director of the United States International Development Cooperation Agency";

(2) section 1-202 of Executive Order 12065 of June 28, 1978, by striking out "The Administrator, Agency for International Development" and inserting in lieu thereof "The Director of the United States International Development Cooperation Agency";

(3) section 2(a) of Executive Order No. 11958 of January 18, 1977, by striking out "the Administrator of the Agency for International Development" and inserting in lieu thereof "the Director of the United States International Development Cooperation Agency";

(4) section 3 of Executive Order 10900 of January 5, 1961, by adding thereto the following new subsection:

"(d) The Secretary of State may redelegate to the Director of the United States International Development Cooperation Agency, or to any other officer or agency of the Executive branch, functions delegated to such Secretary by this order.";

(5) section 4 of Executive Order 11223 of May 12, 1965, by inserting immediately following "the Secretary of State" the words "or the Director of the United States International Development Cooperation Agency (with respect to functions vested in or delegated to the Director)"; and

(6) the President's memorandum of October 18, 1961, entitled "Determination Under Section 604(a) of the Foreign Assistance Act of 1961" (26 F.R. 10543) is amended by inserting after "the Secretary of State" each time it appears in such memorandum the words "or the Director of the United States International Development Cooperation Agency (with respect to non-military programs administered by such Agency)".

(c) Any reference in any other Executive order to the Agency for International Development or the Administrator thereof shall be deemed to refer also to the International Development Cooperation Agency or the Director thereof, respectively.

(d) As authorized by section 403(c) of the IDC Act of 1979, the reference in Executive Order No. 11223 of May 12, 1965 to "the performance of functions authorized by this Act" shall be deemed to include the performance of functions authorized by section 403 of the IDC Act of 1979.

1-904. Saving Provisions. Except to the extent inconsistent with this order, all delegations of authority, determinations, authorizations, regulations, rulings, certificates, orders, directives, contracts, agreements, and other actions made, issued, or entered into with respect to any function affected by this order and not revoked, superseded, or otherwise made inapplicable before the date of this order, shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

1-905. Effective Date. The provisions of this order shall become effective as of October 1, 1979.

b. State Department Delegation of Authority No. 145

State Department Delegation of Authority No. 145, February 4, 1980, 45 F.R. 11655, as amended by Delegation of Authority No. 145-1, July 15, 1980, 45 F.R. 51974; and by Delegation of Authority No. 145-2, February 4, 1984, 49 F.R. 7018

FOREIGN ASSISTANCE ACT OF 1961 AND CERTAIN RELATED ACTS

DELEGATION OF AUTHORITY

By virtue of the authority vested in me by the Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2151 *et seq.* (hereinafter "the Act"), Executive Order No. 12163 of September 29, 1979, 44 F.R. 56673 (hereinafter "the Order"), and section 4 of the Act of May 26, 1949 (63 Stat. 111, 22 U.S.C. 2658), the following functions are hereby delegated:

Section 1. Functions Delegated to Officers of the Department of State

The following functions are delegated to officers of the Department of State as indicated:

(a) To the Under Secretary for Security Assistance, Science and Technology:

(1) Exclusive of the functions reserved to the Secretary of State herein or otherwise delegated, the functions conferred upon the Secretary by section 1-201 of the order insofar as such functions relate to programs under part II of the Act (including chapters 4 and 6 thereof), and by Executive Order 11958 of January 18, 1977 (42 F.R. 4311), relating to sales and exports under the Arms Export Control Act (22 U.S.C. 2751 *et seq.*).

(2) Subject to section 3(a) of this delegation of authority, the functions conferred upon the Secretary of State by sections 531(a)(2) and 622(c) of the Act and by section 2(b) of the Arms Export Control Act relating to continuous supervision and general direction of economic assistance and military assistance and sales programs and exports, including, but not limited to, whether there shall be an economic support program for a country and the amount thereof, a military assistance program for a country and the value thereof or a military sale to a country and the amount thereof, and whether there shall be delivery or other performance under such program, sale or export, to the end that such programs, sales and exports are effectively integrated both at home and abroad and the foreign policy of the United States is best served thereby.

(3) The functions conferred upon the Secretary of State by—

(A) sections 39 and 42(b) of the Arms Export Control Act, and

(B) section 504 of the Foreign Relations Authorization Act, fiscal year 1979 (22 U.S.C. 2656d).

(4) The functions conferred on the President by—

(A) section 8(d) of the act of January 12, 1971 (22 U.S.C. 2321b (d)); and

(B) section 607 of the International Security Assistance and Arms Export Control Act of 1976 (22 U.S.C. 2394a).

(5) The function of consultation, pursuant to the order and Executive Order 11958, with the Secretary of Defense, the Director of the Office of Management and Budget and the Director of the International Development Cooperation Agency (hereinafter "IDCA").

(b) To the Under Secretary for Management:

(1) The function of consultation with the Director of IDCA under the Order with respect to maximum compatibility in the administration of the Foreign Service personnel system.

(2) The function conferred on the Secretary of State by section 514 of the Mutual Security Act of 1954 (22 U.S.C. 1766).

(c) To the Assistant Secretary for Economic and Business Affairs:

(1) [1] Those functions conferred upon the Secretary of State by sections 5(k) and 6(k) of the Export Administration Act of 1979 (50 U.S.C. App. 2404(k), 2405(k)) and the functions under sections 5(f)(4), 5(i), and 6(g) of such Act conferred upon the Secretary of State by section 1-102(b) of Executive Order 12214 of May 2, 1980, 45 F.R. 29783, relating to negotiations with other countries, subject to the concurrences required by the Department of State Circular 175 Procedure.

(2) Those functions conferred upon the President by section 601(b)(6) of the act.

(3) The function conferred upon the Secretary of State by section 3(b) of Executive Order 10900 of January 5, 1961 (26 F.R. 143) of insuring that all functions exercised under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1701 *et seq.*) are consistent with the foreign policy of the United States.

(d) To the Assistant Secretary for International Organization Affairs:

Those functions conferred upon the President by sections 301(a), 301(b), 301(c), 301(e)(1), 301(e)(3), 302(a)(1) as it relates to the Presidential certifications concerning the United Nations Relief and Works Agency 302(a)(3), and 305 of the act.

(e) To the Assistant Secretaries:

Principal responsibility consistent with section I-604 of the order for concurrence of the Department of State, with the approval of the legal adviser and in accordance with the Circular 175 Procedure, in the negotiation, conclusion and termination of international agreements relevant to their respective areas of responsibility by IDCA and its component agencies pursuant to international agreement authorities conferred upon IDCA and its component agencies by statute, reorganization plan, Executive Order, or delegation of authority.

(f) To the legal adviser:

(1) Those functions conferred upon the President by sections 601(b)(3), 601(b)(4), and 620(e)(2) of the act.

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[1] The amendments of July 15, 1980 (45 F.R. 51974) added all the functions listed under par. (1) except for those under sec. 5(k) of the Export Administration Act of 1979.

(2) Responsibility for insuring compliance with the Case Act (1 U.S.C. 112b) and applicable regulations and procedures, including the Circular 175 Procedure, with respect to international agreements.

(g) To the Assistant Secretary for International Narcotics Matters:

(1) Those functions conferred upon the President by section 481 of the act, together with all those authorities contained in the act, to the extent necessary or appropriate to accomplish the purpose of section 481 of the act: *Provided,* That Department of State procurement for the International Narcotics Control Program shall be carried out in accordance with Department of State Procurement Regulations (41 CFR Chapter 6).

(2) Those functions conferred upon the Secretary of state by the determination of the President pursuant to section 604(a) of the act, dated October 18, 1961 (26 F.R. 10543), and by section 4 of the Executive Order 11223 of May 12, 1965 (30 F.R. 6635).

(3) The functions of negotiating, concluding and terminating international agreements relating to international narcotics control programs subject to the concurrences required by the Circular 175 Procedure.

(h) To the Coordinator for Refugee Affairs:

Those functions conferred upon the President by section 495F and by Chapter 4 of part II of the act insofar as they relate to refugees, together with all those authorities contained in the act, to the extent necessary or appropriate to accomplish such purposes of section 495F and of chapter 4 of part II.

(i) [2] To the Director of the Office for Combatting Terrorism:

Those functions conferred upon the President by Chapter 8 of Part II of the act, together with all those authorities contained in the act, to the extent necessary or appropriate to accomplish the purposes of Chapter 8 of Part II of the act, except that such functions shall be exercised consistent with Section 573(d)(3) thereof.

Section 2. Functions Delegated to Other Agencies

The functions conferred on the President by section 620(s) of the Act are hereby delegated to the Director of the United States International Development Cooperation Agency,[3] who shall exercise such functions in consultation with the Under Secretary of State for Security Assistance, Science and Technology.

Section 3.[4] Functions Reserved to the Secretary of State

There are hereby reserved to the Secretary of State:

(a) The functions conferred on the President by sections 239(g), 502B(a)(2), 505(b), 533(b), 614(b), 620(b), 620(c), 620(e)(1), 620(f), 620(g), 620(i), and 620(q) of the act.

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[2] The amendments of February 4, 1984 (49 F.R. 7018) added subsec. (i). Such amendments further stated that "Actions within the scope of this delegation heretofore taken by the official designated in such delegation are hereby ratified and confirmed."

[3] Pursuant to IDCA Delegation of Authority No. 7 of July 29, 1980 (45 F.R. 52470) this function was redelegated to the Administer of AID.

[4] The amendments of July 15, 1980 (45 F.R. 51974) redesignated existing secs. 2 and 3 as secs. 3 and 4, respectively, and added a new sec. 2.

(b) The functions of determining which are friendly nations within the meaning of section 107 of the Agricultural Trade Development and Assistance Act of 1954 for the purpose of negotiating and concluding agreements pursuant to the authority contained in section 3(a) of Executive Order 10900 of January 5, 1961.

Section 4.[4] General Provisions

(a) As used in this delegation of authority, the word "function" includes any duty, obligation, power, authority, responsibility, right, privilege, discretion, or activity.

(b) Any reference in this delegation of authority to any act, order, determination, delegation of authority, regulation, or procedure shall be deemed to be a reference to such act, order, determination, delegation of authority, regulation, or procedure as amended from time to time.

(c) Any reference in this delegation of authority to security assistance, shall be deemed to include all forms of security assistance, including assistance and training under part II of the act (including chapters 4 and 6 thereof), sales, exports, credits, and guaranties under the Arms Export Control Act, and naval vessel transfer as authorized by law.

(d) Notwithstanding any provision of this delegation of authority, the Secretary of State or the Deputy Secretary of State may at any time exercise any function delegated or reserved [5] by this delegation of authority.

(e) Any officer to whom functions are delegated [6] by this delegation of authority may, to the extent consistent with law:

(1) redelegate such functions and authorize their successive redelegation; and

(2) promulgate such rules and regulations as may be necessary to carry out such functions.

(f) State Department Delegation of Authority No. 104 of November 3, 1961 (26 F.R. 10608), as amended, is revoked.

(g) Except to the extent inconsistent with this delegation of authority, all delegations of authority, determinations, authorizations, regulations, rulings, certificates, orders, directives, contracts, agreements, and other actions made, issued, or entered into with respect to any function affected by this delegation of authority and not revoked, superseded, or otherwise made inapplicable before the effective date of this delegation of authority, shall continue in full force and effect until modified, amended, or terminated by appropriate authority.

CYRUS R. VANCE,
Secretary of State.

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[5] The words "to any officer of the Department of State" which previously appeared at this point, were struck out by the amendments of July 15, 1980 (45 F.R. 51974).

[6] The amendments of February 4, 1984 (49 F.R. 7018) added the words "or reserved".

c. International Development Cooperation Agency Delegation of Authority No. 1, October 1, 1979, 44 F.R. 57521; as amended by amendment of October 31, 1980, 45 F.R. 74090

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY: FOREIGN ECONOMIC ASSISTANCE

By virtue of the authority vested in me by the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2151 *et seq.*) (hereinafter referred to as the Act), title IV of the International Development Cooperation Act of 1979 (22 U.S.C. 3501 *et seq.*), Executive Order No. 12163 of September 29, 1979 entitled "Administration of Foreign Assistance and Related Functions" (hereinafter referred to as the Executive Order), and Reorganization Plan No. 2 of 1979 (44 F.R. 41185), it is ordered as follows:

1-1. Concurrent Authority

1-101. Notwithstanding any provision of this Delegation of Authority, the Director of the United States International Development Cooperation Agency (hereinafter referred to as IDCA) may at any time exercise any function delegated by this Delegation of Authority.

1-2. Continuation of the Agency For International Development

1-201. The Agency for International Development (hereinafter referred to as AID), which was established in the Department of State pursuant to State Department Delegation of Authority No. 104, as amended, shall be continued in existence within IDCA headed by an Administrator (hereinafter referred to as the Administrator), as provided in sections 103(a) and 103(b) of the Executive Order. All delegations of authority, determinations, authorizations, regulations, rulings, certificates, orders, directives, contracts, agreements, designations, and other actions made, issued or entered into under authority existing prior to the date of the Executive Order and not revoked, superseded, or otherwise made inapplicable before the effective date of this Delegation of Authority shall continue in full force and effect until amended, modified or terminated by appropriate authority.

1-202. The officers provided for in section 1-103(c) of the Executive Order shall continue to exercise such functions as the Administrator deems appropriate.

1-3. Functions of the Administrator

1-301. Exclusive of the functions otherwise delegated or reserved to the Director of IDCA herein, there are hereby delegated to the Administrator:

(a) The functions conferred upon the Director of IDCA by subsections 1-102(a)(1)-(4) and section 1-601 of the Executive Order.

(b) The functions and authorities contained in sections 125(a), 601(a) through (d), and 601(e)(2) of the Act conferred upon the Director of IDCA by Section 6 of Reorganization Plan No. 2 of 1979.

1-4. Functions of the Director of the Institute for Scientific and Technological Cooperation

1-401. Exclusive of the functions otherwise delegated, or reserved to the Director of IDCA herein, there are hereby delegated to the Director of the Institute for Scientific and Technological Cooperation (hereinafter referred to as the Institute) the functions conferred upon the Director of IDCA by subsection 1-102(a)(5) of the Executive Order.

1-5. Functions Delegated to the Administrator and to the Director of the Institute

1-501. There are hereby delegated to the Administrator and to the Director of the Institute, respectively, the functions that relate to the administration of the programs of AID and the Institute, respectively, as follows:

(a) The functions under sections 297(d), 299(a) and 625(a) of the Act.

(b) The functions under section 625(d)(1) of the Act, as provided in section 1-602(a) of the Executive Order.

(c) The functions conferred upon the Director of IDCA by section 4 of Executive Order 11223, as amended.

(d) The functions conferred upon the Director of IDCA by the Determination of the President pursuant to section 604(a) of the Act, dated October 18, 1961, as amended.

(e) The functions of negotiating, concluding, and terminating international agreements pursuant to the Act, Title IV of the International Development Cooperation Act of 1979, or the Latin American Development Act, shall be subject to the requirements of 1 U.S.C. 112b and to applicable regulations and procedures.

1-6. Functions Delegated to the Overseas Private Investment Corporation

1-601. Exclusive of the functions otherwise delegated, or reserved to the Director of IDCA herein, there are hereby delegated to the Overseas Private Investment Corporation:

(a) The functions under sections 621(b), 625(d)(1), 627, 628, 629(b), 630 and 635(d) of the Act insofar as such functions relate to the operations of the Overseas Private Investment Corporation, its activities, or personnel.

(b) The functions under section 237(a) of the Act, provided that such functions shall be exercised in consultation with the Director of IDCA.

1-7. Allocation of Funds

1-701. There are hereby allocated to the Administrator all funds made available for carrying out the Act allocated to the Director of IDCA by section 1-801(a) of the Executive Order.

1-702. There are hereby allocated to the Director of the Institute all funds made available for carrying out title IV of the International Development Cooperation Act of 1979, allocated to the Director of IDCA by section 1-801(a) of the Executive Order.

1-8. Functions Reserved to the Director of IDCA

1-801. There are hereby reserved to the Director of IDCA the functions conferred upon the President by:

(a) Sections 102(c), 120(b), 125(b), 209(c)-(d), 298(c)(6), 298(d), 300, 305, 493, 621A, 631(c) and 634B of the Act.

(b) Section 625(a) of the Act, with respect to personnel in IDCA, other than as delegated in section 1-5 of this delegation.

(c) Sections 403(e) and 411 of the International Development Cooperation Act of 1979.

1-802. The functions contained in sections 109, 632(a) (insofar as they relate to allocation or transfer of funds) and 653 of the Act delegated herein shall be exercised in consultation with the Director of IDCA.

1-9.[1] Personnel Authorities

1-901. The authority of the Administrator and the Director under section 625(a) of the Act, with respect to personnel in AID and the Institute respectively, shall include any authority available to me under any statute, regulation, or delegation of authority, relating to any aspect of personnel authority or administration, including, but not limited to:

(a) The Act;

(b) The Foreign Service Act of 1980, Public Law 96-465, 94 Stat. 2071;

(c) Title 5 of the United States Code; and

(d) Delegations of Authority from the Office of Personnel Management.

1-10. General Provisions

1-1001. Any reference in this Delegation of Authority to any act, order, determination, or delegation of authority shall be deemed to be a reference to such act, order, determination, or delegation of authority as amended from time to time.

1-1002. Any reference in this Delegation of Authority to provisions of any appropriation act shall be deemed to include a reference to any hereafter enacted provisions of law which are the same or substantially the same as such appropriation act provisions.

1-1003. The Administrator and the Director of the Institute may, to the extent consistent with law:

(a) Delegate or assign any of the functions delegated or assigned to them by this Delegation of Authority to any other officer of IDCA, including any component agency thereof, or to any officer of the Department of State; and

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[1] The amendment of Oct. 31, 1980 (45 F.R. 74090) restated sec. 1-901. Such section formerly concerned only Foreign Service personnel authorities.

(b) Authorize any officer to whom functions are so delegated or assigned to successively redelegate or reassign any of such functions.

1-1004. Functions conferred by this delegation shall be carried out in consultation with the heads of other departments and agencies as provided in Section 605 of the Executive Order.

1-11. Effective Date

1-1101. This delegation shall become effective as of October 1, 1979, except that delegations to the Director of the Institute contained herein shall not become effective until so ordered by the Director of IDCA.

THOMAS EHRLICH,
Director, United States International
Development Cooperation Agency.

d. International Development Cooperation Agency Delegation of Authority No. 2, October 29, 1979, 44 F.R. 65485 as amended and restated by amendment No. 1 of January 19, 1981, 46 F.R. 9261

SUCCESSION TO THE OFFICE OF DIRECTOR

Pursuant to the authority vested in the Director of the United States International Development Cooperation Agency by Section 2 of Reorganization Plan No. 2 of 1979 (44 F.R. 41165), it is directed as follows:

In the event of the absence or disability of the Director and the Deputy Director of the United States International Development Cooperation Agency (IDCA) or of vacancies in both such offices, the following IDCA officials shall act as Director: the Administrator or Acting Administrator of the Agency for International Development, or an IDCA official formally designated by said Administrator or Acting Administrator.

This amendment is effective immediately.

Dated: January 19, 1981.

THOMAS EHRLICH, *Director.*

e. Reorganization Plan No. 2 of 1979

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, April 10, 1979, pursuant to the provisions of chapter 9 of title 5 of the United States Code [1]

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Section 1. Establishment of the United States International Development Cooperation Agency.—There is hereby established in the executive branch an independent agency to be known as the United States International Development Cooperation Agency (hereinafter referred to as the "Agency").

Sec. 2. Director.—The Agency shall be headed by the Director of the United States International Development Cooperation Agency (hereinafter referred to as the "Director"), who shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive compensation at the rate prescribed by law for Level II of the Executive Schedule. The Director shall have primary responsibility for establishing overall development assistance policy and coordinating international development activities supported by the United States. The Director shall serve as the principal advisor to the President and the Secretary of State on international development matters and also shall advise the President on all trade, science and technology, and other matters significantly affecting the developing nations. The Director shall report to the President and, on matters relating to foreign policy, to the Secretary of State. The Director shall designate the order in which other officials shall act for and exercise the powers of the Director during the absence or disability of the Director and the Deputy Director or in the event of vacancies in both such offices.

Sec. 3.[1] Deputy Director.—The President, by and with the advice and consent of the Senate, may appoint a Deputy Director of the Agency, who shall receive compensation at the rate prescribed by law for Level III of the Executive Schedule. The Deputy Director shall perform such duties and exercise such powers as the Director may from time to time prescribe and, in addition, shall act for and exercise the powers of the Director during the absence or disability of the Director or during a vacancy in such office.

Sec. 4.[1] Associate Directors.—The President, by and with the advice and consent of the Senate, may appoint two Associate Directors of the Agency, who shall perform such duties and exercise such powers as the Director may from time to time prescribe and who shall receive compensation at the rate prescribed by law for Level IV of the Executive Schedule.

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[1] As amended May 21, 1979. Executive Order 12147, July 19, 1979 (44 F.R. 42957) specified that secs. 2, 3, and 4 of this plan would become effective immediately. Secs. 1, 5, 6, and 8 of the Plan became effective on Oct. 1, 1979 pursuant to Executive Order 12163, Sept. 29, 1979 (44 F.R. 56673). See page 620 for complete text of Executive Order 12163, Administration of Foreign Assistance and Related Functions.

Sec. 5. Performance of functions.—The Director may from time to time establish, alter, consolidate, or discontinue organizational units within the Agency (other than units expressly established by statute or reorganization plan). The Director may from time to time delegate responsibility for carrying out any function or authority of the Director of the Agency to any officer, employee, or unit of the Agency, or any other officer or agency of the executive branch.

Sec. 6. Transfers of functions.—(a) There are hereby transferred to the Director all functions and authorities vested in the Agency for International Development or in its administrator pursuant to the following:

(1) sections 233(b), 239(i), 296(e), 297(d), 298(c)(6), 299(d), 601 (a) through (d), and 624(f)(2)(C) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2193(b), 2199(i), 2220a(e), 2220b(d), 2220c(c)(6), 2220d(d), 2351 (a) through (d), and 2384(f)(2)(C));

(2) section 407 of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1736a); and

(3) section 706 of the Foreign Relations Authorization Act, Fiscal Year 1979 (49 U.S.C. 1518).

(b) There are hereby transferred to the Director all functions and authorities vested in the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961, as amended, or in its Administrator pursuant to the following:

(1) sections 101(b), 119, 125, 531(a)(2), 601(e)(2), and 640B of such Act (22 U.S.C. 2151(b), 2151q, 2151w, 2346(a)(2), 2351(e)(2), and 2399c); and

(2) section 602 of the International Security Assistance and Arms Control Act of 1976 (22 U.S.C. 2352 note).

(c) There are hereby transferred to the Director all functions and authorities vested in the Secretary of State pursuant to the following:

(1) section 101(b) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2151(b)), insofar as it relates to policy guidance other than foreign policy guidance, and section 622(c) of such Act (22 U.S.C. 2382(c)), insofar as it relates to development assistance; and

(2) section 901 of Public Law 95-118 (22 U.S.C. 262g).

Sec. 7. Abolition.—One of the positions that the President may appoint under section 624(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2384(a), 5 U.S.C. 5315(5)) is hereby abolished.

Sec. 8. Other transfers; interim officers.—(a) So much of the personnel, property, records, and unexpended balances of appropriations, allocations and other funds employed, used, held, available, or to be made available in connection with the functions and authorities affected by the establishment of the Agency, as the Director of the Office of Management and Budget shall determine, shall be transferred to the appropriate agency or component at such time or times as the Director of the Office of Management and Budget shall provide, except that no such unexpended balances transferred shall be used for purposes other than those for which the appropriation was originally made. The Director of the Office of Management and Budget shall provide for terminating the affairs of any agency abolished herein and for such further measures and dispositions as such Director deems necessary to effectuate the purposes of this reorganization plan.

(b) Pending the initial appointment of the Director, Deputy Director, and Associate Directors of the Agency, their functions and authorities may be performed, for up to 60 days after section 1 of this reorganization plan becomes effective, by such individuals as the President may designate. Any individual so designated shall be compensated at the rate provided herein for the position whose functions and authorities such individual performs.

Sec. 9. Effective date.—This reorganization plan shall become effective on July 1, 1980, or as such earlier time or times as the President shall specify, but not sooner than the earliest time allowable under section 906 of title 5 of the United States Code.

f. Executive Order 11223

May 12, 1965, 30 F.R. 6635, as amended by Executive Order 12163, September 29, 1979, 44 F.R. 56673; and by Executive Order 12178, December 10, 1979, 44 F.R. 71807

RELATING TO THE PERFORMANCE OF FUNCTIONS AUTHORIZED BY THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED

By virtue of the authority vested in me by section 633 of the Foreign Assistance Act of 1961, as amended, 75 Stat. 454 (22 U.S.C. 2393), it is hereby determined that, to the extent hereinafter indicated, the performance of functions authorized by that Act,[1] as amended, and any predecessor legislation, without regard to the laws specified in the numbered subdivisions of sections 1 and 2 of this order and without regard to consideration as specified in sections 3 and 4 of this order will further the purposes of the Foreign Assistance Act of 1961, as amended:

Section 1. With respect to functions authorized by the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2151 et seq.), and any predecessor legislation except those functions exercised by the Department of Defense under authority of sections 621 and 623 of the Foreign Assistance Act of 1961 (22 U.S.C. 2381 and 2383):

(1) The Act of March 26, 1934, 48 Stat. 500, as amended (15 U.S.C. 616a).

(2) Section 3648 of the Revised Statutes, as amended, 60 Stat. 809 (31 U.S.C. 529).

(3) Section 305 of the Federal Property and Administrative Services Act of 1949, 63 Stat. 396, as amended (41 U.S.C. 255).

(4) Section 3709 of the Revised Statutes, as amended (41 U.S.C. 5).

(5) Section 3710 of the Revised Statutes (41 U.S.C. 8).

(6) Section 2 of title III of the Act of March 3, 1933, 47 Stat. 1520 (41 U.S.C. 10a).

(7) Section 3735 of the Revised Statutes (41 U.S.C. 13).

(8) Section 304(c) of the Federal Property and Administrative Services Act of 1949, as added by the Act of October 31, 1951, 65 Stat. 700 (41 U.S.C. 254(c)), but only with respect to contracts entered into with foreign governments or agencies thereof for the rendering of services to the United States or an agency thereof within the continental limits of the United States.

(9) Section 901(a) of the Merchant Marine Act, 1936, 49 Stat. 2015, as amended (46 U.S.C. 1241(a)).

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[1] Sec. 1-903(d) of Executive Order 12163 provided that the reference in this Executive Order "to 'the performance of functions authorized by this Act' shall be deemed to include the performance of functions authorized by sec. 403 of the IDC Act of 1979." Such sec. 403 of the International Development Cooperation Act of 1979 specifies the functions of the Institute for Scientific and Technological Cooperation.

Sec. 2. With respect to purchases authorized to be made outside the limits of the United States or the District of Columbia under the Foreign Assistance Act of 1961, as amended, and any predecessor legislation:

(1) Section 2276(a) of Title 10 of the United States Code.

(2) Section 2313(b) of Title 10 of the United States Code.

(3) Section 304(c) of the Federal Property and Administrative Services Act of 1949, as added by the Act of October 31, 1951, 65 Stat. 700 (41 U.S.C. 254(c)).

(4) Section 1301 of the Second War Powers Act, 1942, 56 Stat. 185 (50 U.S.C. App. 643), as extended by the provisions of the Act of June 30, 1953, 67 Stat. 120.

(5) Section 3(b) of the Act of August 28, 1958, 72 Stat. 972 (50 U.S.C. 1433(b)), but only with respect to contracts in which the inclusion of the clause required by section 3(b), or the compliance with that clause, if included in a contract, is deemed by the executive or military department concerned to be impracticable.

Sec. 3. With respect to cost-type contracts heretofore or hereafter made with non-profit institutions under which no fee is charged or paid, amendments and modifications of such contracts may be made with or without consideration and may be utilized to accomplish the same things as any original contract could have accomplished, irrespective of the time or circumstances of the making, or the form of the contract amended or modified, or of the amending or modifying contract and irrespective of rights which may have accrued under the contract or the amendments or modifications thereof.

Sec. 4. With respect to contracts heretofore or hereafter made, other than those described in section 3 of this order, amendments and modifications of such contracts may be made with or without consideration and may be utilized to accomplish the same things as any original contract could have accomplished, irrespective of the time or circumstances of the making, or the form of the contract amended or modified, or of the amending or modifying contract, and irrespective of rights which may have accrued under the contract or the amendments or modifications thereof, if the Secretary of State or the Director of the United States International Development Cooperation Agency (with respect to functions vested in or delegated to the Director)[2] determines in each case that such action is necessary to protect the foreign policy interests of the United States.

Sec. 5. Executive Order No. 10784 of October 1, 1958, and Executive Order No. 10845 of October 12, 1959, are hereby superseded.

Sec. 6.[3] I determine it to be in furtherance of the purposes of the Foreign Assistance Act of 1961, as amended, and in the national security interest of the United States that the functions authorized by chapter 7 of Part II of that Act, relating to air base construction in Israel, be performed without regard to the following additional specified provisions of law:

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[2] The reference to the Director of IDCA was added by sec. 1-903(b)(5) of Executive Order 12163, Sept. 29, 1979, 44 F.R. 59673.

[3] Sec. 6 was added by Executive order 12178, Dec. 10, 1979, 44 F.R. 71807.

(1) Title IX of the Federal Property and Administration Services Act of 1949, as amended (40 U.S.C. 541–544);

(2) Section 612 of the Military Construction Authorization Act, 1967, as amended (31 U.S.C. 723a);

(3) Section 719 of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2168); and

(4) Section 111 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 759).

LYNDON B. JOHNSON.

THE WHITE HOUSE, *May 12, 1965.*

g. Executive Order 11579

January 19, 1971, 36 F.R. 969, January 21, 1971, as amended by Executive Order 12163, September 29, 1979, 44 F.R. 56673

OVERSEAS PRIVATE INVESTMENT CORPORATION

By virtue of the authority vested in me by the Foreign Assistance Act of 1961 (75 Stat. 424), as amended (hereinafter the "Act"), and section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

Section 1. Transfer to Overseas Private Investment Corporation. All obligations, assets and related rights and responsibilities arising out of, or related to, predecessor programs and authorities similar to those provided for in section 234 (a), (b) and (d) of the Act are hereby transferred to the Overseas Private Investment Corporation (hereinafter the "Corporation").

Sec. 2. Delegation of functions. (a)[1] * * * [Revoked—1979]

(b) The function of prescribing regulations relating to the reinstatement or restoration of officers and employees of the Corporation to other government positions, when their appointment to a position in the Corporation was made from another government position and their separation from the Corporation was not made for cause, is hereby delegated to the Civil Service Commission.

Sec. 3. Allocation and transfer of funds. Funds made available under section 232 of the Act (repealed by section 105 of the Foreign Assistance Act of 1969) which are obligated but unexpended are hereby transferred to the Corporation.

Sec. 4. General provisions. (a) As used in this order, the words "function" or "functions" include any duty, obligation, power, authority, responsibility, right, privilege, discretion, or activity.

(b) The Corporation shall be deemed to be the successor of the Agency for International Development and the Administrator thereof, with respect to all functions vested in the Corporation pursuant to law.

(c) Except to the extent that they may be inconsistent with this order, all determinations, authorizations, regulations, rulings, certificates, orders, directives, contracts, agreements, and other actions made, issued, or entered into with respect to any function affected by this order and not revoked, superseded or otherwise made inapplicable before the date of this order, shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

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[1] Subsec. (a) was revoked by sec. 1-903(a)(2) of Executive Order 12163, Sept. 29, 1979, 44 F.R. 56673.

(d) Executive Order No. 10973 of November 3, 1961, as amended,[2] is hereby superseded insofar as any provision therein is in conflict with any provision herein.

(e) The provisions of this order shall become effective upon adoption by the Board of Directors of bylaws for the Corporation.

RICHARD NIXON.

THE WHITE HOUSE, *January 19, 1971.*

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[2] Revoked by Executive Order 12163, Sept. 29, 1979.

h. Executive Order 12066

June 29, 1978, 43 F.R. 28965

INSPECTION OF FOREIGN ASSISTANCE PROGRAMS

By the authority vested in me as President of the United States of America by Section 124 of the International Development and Food Assistance Act of 1977 (Public Law 95-88, 95 Stat. 541) and Section 301 of Title 3 of the United States Code, and in order to assist the Secretary of State in carrying out his responsibilities under Section 622(c) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2382(c)), hereafter referred to as the Act, it is hereby ordered as follows:

1-1. Assignment of Duties and Responsibilities.

1-101. I hereby direct the Secretary of State to assign to the Inspector General, Foreign Service, all duties and responsibilities vested in the Inspector General, Foreign Assistance by Section 624(d) of the Act (22 U.S.C. 2384(d)).

1-102. Having determined that all of the authorities vested in the Inspector General, Foreign Assistance, by Section 624(d) of the Act are necessary for the Inspector General, Foreign Service, to carry out the duties and responsibilities assigned to him pursuant to this Order, I hereby authorize the Inspector General, Foreign Service, to exercise all such authorities subject to the provisions of Section 1-2 of this Order.

1-2. Performance of Duties and Responsibilities.

1-201. In carrying out his duties and responsibilities and in exercising his authorities pursuant to this Executive order, the Inspector General, Foreign Service, shall not duplicate the scope of the audit, investigation and inspection authorities of the other agencies, including those of the Inspectors General of the armed services, and shall concentrate upon matters that have substantial and direct impact upon the responsibilities of the Secretary of State under Section 622(c) of the Act.

1-202. The authority described in Section 624(d)(6) of the Act shall be exercised by the Inspector General, Foreign Service, only with the specific consent of the Secretary of State and in accordance with regulations prescribed by the Secretary of State which, whenever practical, afford the head of any agency whose programs are subject to audit, review or inspection pursuant to such Section a reasonable opportunity to take corrective action before any suspension takes effect.

1-3. Administrative Matters.

1-301. The Secretary of State shall provide for the appropriate transfer of offices, entities, property, and records of the Office of the Inspector General, Foreign Assistance to the Office of the Inspector General, Foreign Service.

1-302. This Executive order is effective July 1, 1978.

JIMMY CARTER.

THE WHITE HOUSE, *June 29, 1978.*

i. Executive Order 11958

Executive Order 11958, January 18, 1977, 42 F.R. 4311,[1] as amended by Executive Order 12118, February 6, 1979, 44 F.R. 7939; Executive Order 12163, September 29, 1979, 44 F.R. 56673; Executive Order 12210, April 16, 1980, 45 F.R. 26313; Executive Order 12321, September 14, 1981, 46 F.R. 46109; Executive Order 12365, May 24, 1982, 47 F.R. 22933; Executive Order 12423, May 26, 1983, 48 F.R. 24025; and by Executive Order 12560, May 24, 1986, 51 F.R. 19160.

ADMINISTRATION OF ARMS EXPORT CONTROLS

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including the Arms Export Control Act, as amended (22 U.S.C. 2751 *et seq.*), and Section 301 of Title 3 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

Section 1. Delegation of Functions. The following functions conferred upon the President by the Arms Export Control Act (22 U.S.C. 2751 *et seq.*), hereinafter referred to as the Act, are delegated as follows:

(a) Those under Section 3 of the Act, with the exception of subsections (a)(1), (b), (c)(3), (c)(4), and (f),[2] to the Secretary of State: *Provided,* That the Secretary of State, in the implementation of the functions delegated to him under Sections 3 (a) and (d) of the Act, is authorized to find, in the case of a proposed transfer of a defense article or related training or other defense service by a foreign country or international organization not otherwise eligible under Section 3(a)(1) of the Act, whether the proposed transfer will strengthen the security of the United States and promote world peace.

(b) Those under Section 5 to the Secretary of State.

(c) Those under Section 21 of the Act, with the exception of the last sentence of subsection (d) and all of subsection (i), to the Secretary of Defense.[3]

(d) Those under Sections 22(a), 29, 30 and 30A of the Act to the Secretary of Defense.[4]

(e)[5] Those under Section 23 of the Act to the Secretary of Defense, to be exercised in consultation with the Secretary of State and the Secretary of the Treasury, except that the President shall determine any rate of interest to be charged which is less than the market rate of interest.

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[1] This Executive order supersedes Executive Order 11501, Dec. 22, 1969, 34 F.R. 20169, as amended by Executive Order 11685, Sept. 27, 1972, 37 F.R. 20155.

[2] The reference to subsec. (f) was added by sec. 1-107 of Executive Order 12118, Feb. 6, 1979, 44 F.R. 7939.

[3] The reference to subsec. (i) was substituted in place of a reference to subsec. (h) by sec. 1-101 of Executive Order 12210, Apr. 16, 1980, 45 F.R. 26313.

[4] The reference to sec. 29 was added by sec. 2 of Executive Order 12321, Sept. 14, 1981, 46 F.R. 46109. The reference to sec. 30 was added by sec. 2 of Executive Order 12423, May 26, 1983, 48 F.R. 24025. The reference to sec. 30A was added by sec. 11 of Executive Order 12560, May 24, 1986, 51 F.R. 19160.

[5] Sec. 12 of Executive Order 12560, May 24, 1986, 51 F.R. 19160, amended and restated sec. 1(e). Previously, sec. 1(e) read as follows: "Those under Section 23 of the Act, with the exception of the function of certifying a rate of interest to the Congress as provided by paragraph (2) of that Section, to the Secretary of Defense".

(f)[6] Those under Sections 24, 27 and 28 of the Act to the Secretary of Defense. The Secretary of Defense, in implementing the functions delegated to him under Sections 24[7] and 27, shall consult with the Secretary of State and the Secretary of the Treasury.

(g) Those under Section 25 of the Act to the Secretary of State. The Secretary of Defense and the Director of the Arms Control and Disarmament Agency, within their respective areas of responsibility, shall assist the Secretary of State in the preparation of materials for presentation to the Congress under that Section.

(h) Those under Section 34 of the Act to the Secretary of State. To the extent the standards and criteria for credit and guaranty transactions are based upon national security and financial policies, the Secretary of State shall obtain the prior concurrence of the Secretary of Defense and the Secretary of the Treasury, respectively.

(i) Those under Section 35(a) of the Act to the Secretary of State.

(j) Those under Sections 36(a) and 36(b)(1) of the Act, except with respect to the certification of an emergency as provided by subsection (b)(1), to the Secretary of Defense. The Secretary of Defense, in the implementation of the functions delegated to him under Sections 36 (a) and (b)(1) shall consult with the Secretary of State, who shall, with respect to matters related to subparagraphs (D) and (I) of Section 36(b)(1), consult with the Director of the Arms Control and Disarmament Agency. With respect to those functions under Sections 36(a) (5) and (6), the Secretary of Defense shall consult with the Director of the Office of Management and Budget.

(k) Those under Sections 36 (c) and (d) of the Act to the Secretary of State.

(l) Those under Section 38 of the Act:

(1) to the Secretary of State, except as otherwise provided in this subsection. Designations, including changes in designations, by the Secretary of State of items or categories of items which shall be considered as defense articles and defense services subject to export control under Section 38 shall have the concurrence of the Secretary of Defense;

(2) to the Secretary of the Treasury, to the extent they relate to the control of the import of defense articles and defense services. In carrying out such functions, the Secretary of the Treasury shall be guided by the views of the Secretary of State on matters affecting world peace, and the external security and foreign policy of the United States. Designations including changes in designations, by the Secretary of the Treasury of items or categories of items which shall be considered as defense articles and defense services subject to import control under Section 38 of the Act shall have the concurrence of the Secretary of State and the Secretary of Defense;

(3) to the Secretary of Commerce, to carry out on behalf of the Secretary of State, to the extent such functions involve Section 38(e) of the Act and are agreed to by the Secretary of State and the Secretary of Commerce.

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[6] The delegation of functions under secs. 27 and 28 were added by sec. 1-102 of Executive Order 12210, Apr. 16, 1980, 45 F.R. 26313.

[7] Section 24, and the reference to the Secretary of the Treasury were added by sec. 13 of Executive Order 12560, May 24, 1986, 51 F.R. 19160.

(m) Those under Section 39(b) of the Act to the Secretary of State. In carrying out such functions, the Secretary of State shall consult with the Secretary of Defense as may be necessary to avoid interference in the application of Department of Defense regulations to sales made under Section 22 of the Act.

(n) Those under Sections 42 (c) and (f) of the Act to the Secretary of Defense. The Secretary of Defense shall obtain concurrence of the Secretary of State and the Secretary of the Treasury on any determination proposed under the authority of Section 42(c) of the Act.[8]

(o)[9] Those under Sections 52(b) and 53 of the Act to the Secretary of Defense.

(p)[10] Those under Sections 61 and 62(a) of the Act to the Secretary of Defense.

Sec. 2. Coordination. (a) In addition to the specific provisions of Section 1 of this Order, the Secretary of State and the Secretary of Defense, in carrying out the functions delegated to them under this Order, shall consult with each other and with the heads of other departments and agencies, including the Secretary of the Treasury, the Director of the United States International Development Cooperation Agency,[11] and the Director of the Arms Control and Disarmament Agency, on matters pertaining to their responsibilities.

(b) In accordance with Section 2(b) of the Act and under the directions of the President, the Secretary of State, taking into account other United States activities abroad, shall be responsible for the continuous supervision and general direction of sales and exports under the Act, including but not limited to, the negotiation, conclusion, and termination of international agreements, and determining whether there shall be a sale to a country and the amount thereof, and whether there shall be delivery or other performance under such sale or export, to the end that sales and exports are integrated with other United States activities and the foreign policy of the United States is best served thereby.

Sec. 3. Allocation of Funds. Funds appropriated to the President for carrying out the Act shall be deemed to be allocated to the Secretary of Defense without any further action of the President.

Sec. 4. Revocation. Executive Order No. 11501, as amended, is revoked; except that, to the extent consistent with this Order, all determinations, authorizations, regulations, rulings, certificates, orders, directives, contracts, agreements and other actions made, issued, taken or entered into under the provisions of Executive Order No. 11501, as amended, and not revoked, superseded or otherwise made inapplicable, shall continue in full force and effect until amended, modified or terminated by appropriate authority.

GERALD R. FORD.

THE WHITE HOUSE, *January 18, 1977.*

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[8] This sentence was added by sec. 2(a) of E.O. 12365, May 24, 1982, 47 F.R. 22933.

[9] Subsec. (o), which was originally added by sec. 1-103 of E.O. 12210, was amended and restated by sec. 2(b) of E.O. 12365, May 24, 1982, 47 F.R. 22933. Previously, subsec. (o) delegated functions under sec. 43(c) of the Arms Export Control Act to the Secretary of Defense.

[10] Subsec. (p) was added by sec. 2(c) of E.O. 12365, May 24, 1982, 47 F.R. 22933.

[11] This reference to the Director of IDCA was substituted in lieu of a reference to the Administrator of AID by sec. 1-903(h)(4) of Executive Order 12163, Sept. 29, 1979, 44 F.R. 56679.

5. Armed Forces Legislation

a. Title 10, United States Code

§ 133. Secretary of Defense: appointment; powers and duties; delegation by * * *

(e) [1] After consulting with the Secretary of State, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives before February 1 of each year a written report on—

(1) the foreign policy and military force structure for the next fiscal year;

(2) the relationship of that policy and structure to each other; and

(3) the justification for the policy and structure.

§ 133a.[2] Secretary of Defense: annual report on North Atlantic Treaty Organization readiness

(a) The Secretary of Defense shall assess and make findings each year with respect to the readiness status of the military forces of the North Atlantic Treaty Organization. The Secretary shall submit a report of the assessment and findings to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives on the same date that the President submits the Budget to Congress.

(b) The report under subsection (a) shall include the assessment and findings of the Secretary with respect to—

(1) deficiencies in the readiness of the North Atlantic Treaty Organization (including an analysis of deficiencies in each member of the Organization) related to—

(A) war reserve stocks;

(B) command, control, and communications systems (including the susceptibility of those systems to degradation by potential overt activities of the Warsaw Pact);

(C) electronic warfare capabilities;

(D) chemical warfare capabilities;

(E) air defense capabilities (including ground and air systems and the integration of ground systems with air systems);

(F) armor and anti-armor capabilities;

(G) firepower capabilities;

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[1] Subsec. (e) was originally enacted as sec. 812 of Public Law 94-106 (DOD Authorization Act, 1976). Public Law 97-295 (96 Stat. 1287) amended and restated the text of sec. 812, codified it at 10 U.S.C. 133(e), and repealed sec. 812 of Public Law 94-106.

[2] Sec. 133a was originally enacted as sec. 808 of Public Law 96-107 (DOD Authorization Act, 1980). Public Law 97-295 (96 Stat. 1287) made technical changes to the text of sec. 808, codified it at 10 U.S.C. 133a, and repealed sec. 808 of Public Law 96-107. See also the NATO Mutual Support Act (sec. K, vol. II).

(H) forward deployed units and the proximity of those units to assigned general defensive positions;

(I) the availability of ammunition;

(J) the availability, responsiveness, and overall effectiveness of reserve forces;

(K) airlift capabilities to meet reinforcement and resupply requirements;

(L) the ability to protect, cross-service, and stage air assets from allied airfields;

(M) the maritime force capabilities (including sealift, minelaying, and minesweeping capabilities);

(N) logistical support arrangements (including the availability of ports, airfields, transportation, and host nation support);

(O) training (including the availability of the facilities and equipment needed to conduct realistic operational exercises); and

(P) the compatibility of operational doctrine and procedures among military forces of the member nations;

(2) planned corrections in the identified readiness deficiencies of the United States with respect to the Organization and that part of the Budget submitted to Congress by the President on the date the report is submitted that is allocated for the corrections; and

(3) commitments made by other members of the Organization to correct their own readiness deficiencies (including deficiencies in the items listed in paragraph (1)) and an identification of particular improvements to be made in readiness by weapon system, program, or activity.

§ 133b.[3] Sale or transfer of defense articles: reports to Congress

When there is a letter of offer to sell or a proposal to transfer defense articles that are valued at $50,000,000 or more from the inventories of a regular component of the armed forces or from current production, the Secretary of Defense shall submit a report to Congress stating—

(1) the impact of the sale or transfer on the current readiness of the armed forces;

(2) the adequacy of reimbursements to cover, at the time of replenishment of United States inventories, the replacement costs of those items sold or transferred; and

(3) for each article to be sold—

(A) the initial issue quantity requirement for the armed forces for that article;

(B) the percentage of that requirement already delivered to the armed forces or contracted for at the time of the report;

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[3] Sec. 133b was originally enacted as sec. 813 of Public Law 94–106 (DOD Authorization Act, 1976). Sec. 814 of Public Law 95–79 (DOD Authorization Act, 1978) amended sec. 813 by adding the requirement for information contained in par. (3). Sec. 1104 of Public Law 97–252 (DOD Authorization Act, 1983 further amended sec. 813 by increasing the dollar amount specified in the first sentence from $25,000,000 to $50,000,000. Public Law 97–295 (96 Stat. 1287) made technical changes to the text of sec. 813, codified it at 10 U.S.C. 133b, and repealed sec. 813 of Public Law 94–106, sec. 814 of Public Law 95–79, and sec. 1104 of Public Law 97–252.

(C) the timetable for meeting that requirement absent the proposed sale; and

(D) the timetable for meeting that requirement if the sale is approved.

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§ 138. Annual authorization of appropriations and personnel strengths for the armed forces; annual manpower requirements and operations and maintenance reports * * *

(g) [4] The size of the Special Defense Acquisition Fund established pursuant to chapter 5 of the Arms Export Control Act (22 U.S.C. 2795 et seq.) [5] may not exceed $1,000,000,000.

(h) [6] The Secretary of Defense shall submit to Congress a written report, not later than February 15 of each fiscal year, recommending the amount of funds to be appropriated to the Department of Defense for the next fiscal year for functions relating to the formulation and carrying out of Department of Defense policies on the control of technology transfer and activities related to the control of technology transfer. The Secretary shall include in that report the proposed allocation of the funds requested for such purpose and the number of personnel proposed to be assigned to carry out such activities during such fiscal year.

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§ 401.[6a] Armed forces participation in humanitarian and civic assistance activities

(a) Under regulations prescribed by the Secretary of Defense, the Secretary of a military department may carry out humanitarian and civic assistance activities in conjunction with authorized military operations of the armed forces in a country if the Secretary concerned determines that the activities will promote—

(1) the security interests of both the United States and the country in which the activities are to be carried out; and

(2) the specific operational readiness skills of the members of the armed forces who participate in the activities.

(b) Humanitarian and civic assistance activities carried out under this chapter shall complement, and may not duplicate, any other form of social or economic assistance which may be provided to the country concerned by any other department or agency of the United States. Such activities shall serve the basic economic and social needs of the people of the country concerned.

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[4] Subsec. (g) was enacted by sec. 108(b) of the International Security and Development Cooperation Act of 1981 (Public Law 97–113; 96 Stat. 1519). Earlier limits included program ceilings of $300,000,000 for fiscal year 1982; $600,000,000 for fiscal year 1983 and $900,000 for fiscal year 1984 and any fiscal year thereafter. The Department of Defense Authorization Act, 1986, sec. 1403, (Public Law 99–145; 99 Stat. 743) changed the amount of the program ceiling to $1,000,000,000. For the text of chapter 5 of the Arms Export Control Act, see page 285.

[5] The reference to 22 U.S.C. 2795 was added by sec. 1405(2) of the Dept. of Defense Authorization Act, 1985 (Public Law 98–525; 98 Stat. 2492).

[6] Subsec. (h) was enacted by sec. 1105 of the DOD Authorization Act, 1983 (Public Law 97–252; 96 Stat. 739).

[6a] Secs. 401–406 were added by Sec. 333 of Public Law 99–661, Stat. 3816.

(c) Humanitarian and civic assistance may not be provided under this chapter (directly or indirectly) to any individual, group, or organization engaged in military or paramilitary activity.

§ 402.[6a] Approval of the Secretary of State

Humanitarian and civic assistance may not be provided under this chapter to any foreign country unless the Secretary of State specifically approves the provision of such assistance.

§ 403.[6a] Payment of expenses

(a) Expenses incurred as a direct result of providing humanitarian and civic assistance under this chapter to a forreign country shall be paid for out of funds specifically appropriated for such purpose.

(b) Nothing in this chapter may be interpreted to preclude the incurring of minimal expenditures by the Department of Defense for purposes of humanitarian and civic assistance out of funds other than funds appropriated pursuant to subsection (a).

§ 404.[6a] Annual report to Congress

The Secretary of Defense shall submit to the Committees on Armed Services and Foreign Relations of the Senate and to the Committees on Armed Services and Foreign Affairs of the House of Representatives a report, not later than March 1 of each year, on activities carried out under this chapter during the preceding fiscal year. The Secretary shall include in each such report—

(1) a list of the countries in which humanitarian and civic assistance activities were carried out during the preceding fiscal year;

(2) the type and description of such activities carried out in each country during the preceding fiscal year; and

(3) the amount expended in carrying out each such activity in each such country during the preceding fiscal year.

§ 405.[6a] Definition of humanitarian and civic assistance

In this chapter, the term "humanitarian and civic assistance" means—

(1) medical, dental, and veterinary care provided in rural areas of a country;

(2) construction of rudimentary surface transportation systems;

(3) well drilling and construction of basic sanitation facilities; and

(4) rudimentary construction and repair of pubic facilities.

§ 406.[6a] Expenditure limitation

Not more than $16,400,000 may be obligated or expended for the purposes of this chapter during fiscal years 1987 through 1991.

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§ 975.[7] Prohibition on the sale of certain defense articles from the stocks of the Department of Defense

(a)(1) Except as provided in subsections (b) and (c), the sale outside the Department of Defense of any defense article designated or otherwise classifed as Prepositioned Material Configured to Unit Sets, as decrement stock, or as Prepositioned War Reserve Stocks for United States Forces is prohibited.

(2) In this section, "decrement stock" means such stock as is needed to bring the armed forces from a peace time level of readiness to a combat level of readiness.

(b) The President may authorize the sale outside the Department of Defense of a defense article described in subsection (a) if—

(1) he determines that there is an international crisis affecting the national security of the United States and the sale of such article is in the best interests of the United States; and

(2) he reports to the Congress not later than 60 days after the transfer of such article a plan for the prompt replenishment of the stocks of such article and the planned budget request to begin implementation of that plan.

(c)(1) Nothing in this section shall preclude the sale of stocks which have been designated for replacement, substitution, or elimination or which have been designated for sale to provide funds to procure higher priority stocks.

(2) Nothing in this section shall preclude the transfer or sale of equipment to other members of the North Atlantic Treaty Organization.

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§ 2010.[7a] Participation of developing countries in combined exercises: payment of incremental expenses

(a) The Secretary of Defense, after consultation with the Secretary of State, may pay the incremental expenses of a developing country that are incurred by that country as the direct result of participation in a bilateral or multilateral military exercise if—

(1) the exercise is undertaken primarily to enhance the security interests of the United States; and

(2) the Secretary of Defense determines that the participation by such country is necessary to the achievement of the fundamental objectives of the exercise and that those objectives cannot be achieved unless the United States provides the incremental expenses incurred by such country.

(b) The Secretary of Defense shall submit to Congress a report each year, not later than March 1, containing—

(1) a list of the developing countries for which expenses have been paid by the United States under this section during the preceding year; and

(2) the amounts expended on behalf of each government.

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[7] Sec. 975 was enacted by sec. 815(a) of the DOD Authorization Act, 1979 (Public Law 95-485; 96 Stat. 1625).

[7a] Sec. 2010 was added by sec. 1321 of Public Law 99-661, 100 Stat. 3816.

(c) The Secretary of Defense shall establish by regulation such accounting procedures as may be necessary to ensure that funds expended under this section are properly expended.

(d) In this section, the term "incremental expenses" means the reasonable and proper cost of the goods and services that are consumed by a developing country as a direct result of that country's participation in a bilateral or multilateral military exercise with the United States, including rations, fuel, training ammunition, and transportation. Such term does not include pay, allowances, and other normal costs of such country's personnel.

(e) Not more than $13,400,000 may be obligated or expended for the purposes of this section during fiscal years 1987 through 1991.

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§ 2208. Working-capital funds * * *

(i)(1) [8] Regulations under subsection (h) may authorize an article manufactured by a working-capital funded Departments of the Army arsenal that manufactures large caliber cannons, gun mounts, or recoil mechanisms to be sold to a person outside the Department of Defense if—

(A) the article is sold to a United States manufacturer, assembler, or developer (i) for use in developing new products, or (ii) for incorporation into items to be sold to, or to be used in a contract with, an agency of the United States or a friendly foreign government;

(B) the purchaser is determined by the Department of Defense to be qualified to carry out the proposed work involving the article to be purchased;

(C) the article is not readily available from a commercial source in the United States; and

(D) the sale is to be made on a basis that does not interfere with performance of work by the arsenal for the Department of Defense or for a contractor of the Department of Defense.

(2) Services related to an article sold under this subsection may also be sold to the purchaser if the services are to be performed in the United States for the purchaser.

(3) Nothing in this subsection shall be construed to affect the application of the export controls provided for in section 38 of the Arms Export Control Act to items which incorporate or are produced through the use of an article sold under this subsection.

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§ 2213.[9] Cooperative military airlift agreements

(a) Subject to the availability of appropriations, and after consultation with the Secretary of State, the Secretary of Defense may enter into cooperative military airlift agreements with the government of any allied country for the transportation of the personnel and cargo of the military forces of that country on aircraft operated by or for the military forces of the United States in return for the reciprocal transportation of the personnel and cargo of the military forces of the United States on aircraft operated by or for the military forces of that allied country. Any such agreement shall include the following terms:

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[8] Sec. 2208(i) was enacted by sec. 305 of the DOD Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2492 at 2513).

[9] Sec. 2213 was enacted by sec. 1125(a) of the DOD Authorization Act, 1983 (Public Law 97-252; 96 Stat. 757).

(1) The rate of reimbursement for transportation provided shall be the same for each party and shall be not less than the rate charged to military forces of the United States, as determined by the Secretary of Defense under section 2208(h) of this title.

(2) Credits and liabilities accrued as a result of providing or receiving transportation shall be liquidated not less often than once every 3 months by direct payment to the country that has provided the greater amount of transportation.

(3) During peacetime, the only military airlift capacity that may be used to provide transportation is that capacity that (A) is not needed to meet the transportation requirements of the military forces of the country providing the transportation, and (B) was not created solely to accommodate the requirements of the military forces of the country receiving the transportation.

(4) Defense articles purchased by an allied country from the United States under the Arms Export Control Act (22 U.S.C. 2751 et seq.) or from a commercial source under the export controls of the Arms Export Control Act may not be transported (for the purpose of delivery incident to the purchase of the defense articles) to the purchasing allied country on aircraft operated by or for the military forces of the United States except at a rate of reimbursement that is equal to the full cost of transportation of the defense articles, as required by section 21(a)(3) of the Arms Export Control Act (22 U.S.C. 2761(a)(3)).

(b) Subject to the availability of appropriations, and after consultation with the Secretary of State, the Secretary of Defense may enter into nonreciprocal military airlift agreements with North Atlantic Treaty Organization subsidiary bodies for the transportation of the personnel and cargo of such subsidiary bodies on aircraft operated by or for the military forces of the United States. Any such agreement shall be subject to such terms as the Secretary of Defense considers appropriate.

(c) Any amount received by the United States as a result of an agreement entered into under this section shall be credited to applicable appropriations, accounts, and funds of the Department of Defense.

(d) Notwithstanding chapter 138 of this title, the Secretary of Defense may enter into military airlift agreements with allied countries only under the authority of this section.

(e) In this section:

(1) "Allied country" means any of the following:

(A) A country that is a member of the North Atlantic Treaty Organization.

(B) Australia or New Zealand.

(C) Any other country designated as an allied country for the purposes of this section by the Secretary of Defense with the concurrence of the Secretary of State.

(2) "North Atlantic Treaty Organization subsidiary bodies" has the meaning given to it by section 2331 of this title.

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§ 2327.[9a] Contracts: consideration of national security objectives

(a) Disclosure of Ownership or Control by a Foreign Government.—The head of an agency shall require a firm or a subsidiary of a firm that submits a bid or proposal in response to a solicitation issued by the Department of Defense to disclose in that bid or proposal any significant interest in such firm or subsidiary (or, in the case of a subsidiary, in the firm that owns the subsidiary) that is owned or controlled (whether directly or indirectly) by a foreign government or an agent or instrumentality of a foreign government, if such foreign government is the government of a country that the Secretary of State determines under section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. 2405(j)(1)(A)) has repeatedly provided support for acts of international terrorism.

(b) Prohibition of Entering Into Contracts Against the Interests of the United States.—Except as provided in subsection (c), the head of an agency may not enter into a contract with a firm or a subsidiary of a firm if—

(1) a foreign government owns or controls (whether directly or indirectly) a significant interest in such firm or subsidiary (or, in case of a subsidiary, in the firm that owns the subsidiary); and

(2) such foreign government is the government of a country that the Secretary of State determines under section 6(j)(1)(A) of the Export Administration Act of 1797 (50 U.S.C. 2405(j)(1)(A)) has repeatedly provided support for acts of international terrorism.

(c) Waiver.—(1)(A) If the Secretary of Defense determines under paragraph (2) that entering into a contract with a firm or a subsidiary of a firm described in subsection (b) is not inconsistent with the national security objectives of the United States, the head of an agency may enter into a contract with such firm or subsidiary after the date on which such head of an agency submits to Congress a report on the contract.

(B) A report under subparagraph (A) shall include the following:

(i) The identify of the foreign government concerned.

(ii) The nature of the contract.

(iii) The extent of ownership or control of the firm or subsidiary concerned (or, if appropriate in the case of a subsidiary, of the firm that owns the subsidiary) by the foreign government concerned or the agency or instrumentality of such foreign government.

(iv) The reasons for entering into the contract.

(C) After the head of an agency submits a report to Congress under subparagraph (A) with respect to a firm or a subsidiary, such head of an agency is not required to submit a report before entering into any subsequent contract with such firm or subsidiary unless the information required to be included in such report under subparagraph (B) has materially changed since the submission of the previous report.

[9a] Sec. 2327 was added by sec. 951 of Public Law 99-661, 100 Stat. 3816.

(2) Upon the request of the head of an agency, the Secretary of Defense shall determine whether entering into a contract with a firm or subsidiary described in subsection (b) is inconsistent with the national security objectives of the United States. In making such a determination, the Secretary of Defense shall consider the following:

(A) The relationship of the United States with the foreign government concerned.

(B) The obligations of the United States under international agreements.

(C) The extent of the ownership or control of the firm or subsidiary (or, if appropriate in the case of a subsidiary, of the firm that owns the subsidiary) by the foreign government or an agent or instrumentality of the foreign government.

(D) Whether payments made, or information made available, to the firm or subsidiary under the contract could be used for purposes hostile to the interests of the United States.

(d) APPLICABILITY.—This section does not apply to a contract for an amount less than $100,000.

(2) This section does not apply to the Coast Guard or the National Aeronautics and Space Administration.

(e) REGULATIONS.—The Secretary of Defense, after consultation with the Secretary of State, shall prescribe regulations to carry out this section. Such regulations shall include a definition of the term "significant interest."

§ 2401a.[10] Procurement of communications support and related supplies and services

(a) As an alternative means of obtaining communications support and related supplies and services, the Secretary of Defense, subject to the approval of the Secretary of State, may enter into an arrangement with the Minister of Defense or other appropriate official of any allied country or with the North Atlantic Treaty Organization (NATO), under which, in return for being provided communications support and related supplies and services, the United States would agree to provide to such country or NATO an equivalent value of communications support and related supplies and services.

(b) Any arrangement entered into under this section shall require that any accrued credits and liabilities resulting from an unequal exchange of communications support and related supplies and services during the term of such arrangement would be liquidated by direct payment to the party having provided the greater amount of communications support and related supplies and services. Payments received by the United States shall be credited to the appropriation from which such communications support and related supplies and services have been provided.

(c) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives copies of all documents evidencing an arrangement entered into under subsection (a) not later than 45 days after entering into such an arrangement.

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[10] Sec. 2401a was enacted by sec. 1005 of the Department of Defense Authorization Act, 1985 (Public Law 98–525; 98 Stat. 2492 at 2578).

(d) In this section, "allied country" means—

(1) a country that is a member of the North Atlantic Treaty Organization, or

(2) Australia, New Zealand, Japan, or the Republic of Korea.

§ 2407.[11] Acquisition of defense equipment under cooperative projects

(a)(1) If the President delegates to the Secretary of Defense the authority to carry out section 27(d) of the Arms Export Control Act (22 U.S.C. 2767(d)), relating to cooperative projects (as defined in such section), the Secretary may utilize his authority under this title in carrying out contracts or obligations incurred under such section.

(2) Except as provided in subsection (c), chapter 137 of this title shall apply to such contracts (referred to in paragraph (1)) entered into by the Secretary of Defense. Except to the extent waived under subsection (c) or some other provision of law, all other provisions of law relating to procurement, if otherwise applicable, shall apply to such contracts entered into by the Secretary of Defense.

(b) When contracting or incurring obligations under section 27(d) of the Arms Export Control Act for cooperative projects, the Secretary of Defense may require subcontracts to be awarded to particular subcontractors in furtherance of the cooperative project.

(c)(1) Subject to paragraph (2), when entering into contracts or incurring obligations under section 27(d) of the Arms Export Control Act outside the United States, the Secretary of Defense may waive with respect to any such contract or subcontract the application of any provision of law, other than a provision of the Arms Export Control Act or section 2304 of this title, that specifically—

(A) prescribe procedures to be followed in the formation of contracts;

(B) prescribe terms and conditions to be included in contracts;

(C) prescribe requirements for or preferences to be given to goods grown, produced, or manufactured in the United States or in United States Government-owned facilities or for services to be performed in the United States; or

(D) prescribe requirements regulating the performance of contracts.

(2) A waiver may not be made under paragraph (1) unless the Secretary determines that the waiver is necessary to ensure that the cooperative project will significantly further standardization, rationalization, and interoperability.

(3) The authority of the Secretary to make waivers under this subsection may be delegated only to the Deputy Secretary of Defense or the Acquisition Executive designated for the Office of the Secretary of Defense.

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[11] Sec. 2407 was added by sec. 1102(b) of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 710). References to "NATO" cooperative projects were removed by sec. 1103 of Public Law 99-661, 100 Stat. 3816.

(d)(1) The Secretary of Defense shall notify the Congress each time he requires that a prime contract be awarded to a particular prime contractor or that a subcontract to be awarded to a particular subcontractor to comply with a cooperative agreement. The Secretary shall include in each such notice the reason for exercising his authority to designate a particular contractor or subcontractor, as the case may be.

(2) The Secretary shall also notify the Congress each time he exercises a waiver under subsection (c) and shall include in such notice the particular provision or provisions of law that were waived.

(3) A report under this subsection shall be required only to the extent that the information required by this subsection has not been provided in a report made by the President under section 27(e) of the Arms Export Control Act (22 U.S.C. 2767(e)).

(e)(1) In carrying out a cooperative project under section 27 of the Arms Export Control Act, the Secretary of Defense may agree that a participant (other than the United States) may make a contract for requirements of the United States under the project if the Secretary determines that such a contract will significantly further standardization, rationalization, and interoperability. Except to the extent waived under this section or under any other provision of law, the Secretary shall ensure that such contract will be made on a competitive basis and that United States sources will not be precluded from competing under the contract.

(2) If a participant (other than the United States) in a cooperative project makes a contract on behalf of such project to meet the requirements of the United States, the contract may permit the contracting party to follow its own procedures relating to contracting.

(f) In carrying out a cooperative project, the Secretary of Defense may also agree to the disposal of property that is jointly acquired by the members of the project without regard to any laws of the United States applicable to the disposal of property owned by the United States. Disposal of such property may include a transfer of the interest of the United States in such property to one of the other governments participating in the cooperative agreement or the sale of such property. Payment for the transfer or sale of any interest of the United States in any such property shall be made in accordance with the terms of the cooperative agreement.

(g) Nothing in this section shall be construed as authorizing—

(1) the Secretary of Defense to waive any of the financial management responsibilities administered by the Secretary of the Treasury; or

(2) to waive the cargo preference laws of the United States, including the Military Cargo Preference Act of 1904 (10 U.S.C. 2631) and the Cargo Preference Act of 1954 (46 U.S.C. 1241(b)).

§ 2457.[12] Standardization of equipment with North Atlantic Treaty Organization members

(a) It is the policy of the United States to standardize equipment, including weapons systems, ammunition, and fuel, procured for the use of the armed forces of the United States stationed in Europe under the North Atlantic Treaty or at least to make that equipment interoperable with equipment of other members of the North Atlantic Treaty Organization. To carry out this policy, the Secretary of Defense shall—

(1) assess the costs and possible loss of nonnuclear combat effectiveness of the military forces of the members of the Organization caused by the failure of the member to standardize equipment;

(2) maintain a list of actions to be taken, including an evaluation of the priority and effect of the action, to standardize equipment that may improve the overall nonnuclear defense capability of the Organization or save resources for the Organization; and

(3) initiate and carry out, to the maximum extent feasible, procurement procedures to acquire standardized or interoperable equipment, considering the cost, function, quality, and availability of the equipment.

(b) Progress in realizing the objectives of standardization and interoperability would be enhanced by expanded inter-Allied procurement of arms and equipment within the North Atlantic Treaty Organization. Expanded inter-Allied procurement would be made easier by greater reliance on licensing and coproduction cooperative agreements among the signatories of the North Atlantic Treaty. If constructed to preserve the efficiencies associated with economies of scale, the agreements could minimize potential economic hardship to parties to the agreements and increase the survivability, in time of war, of the North Atlantic Alliance's armaments production base by dispersing manufacturing facilities. In conjunction with other members of the Organization and to the maximum extent feasible, the Secretary shall—

(1) identify areas in which those cooperative agreements may be made with members of the Alliance; and

(2) negotiate those agreements.

(c)(1) It is the sense of Congress that weapons systems being developed wholly or primarily for employment in the North Atlantic Treaty Organization theater should conform to a common Organization requirement in order to proceed toward joint doctrine and planning and to facilitate maximum feasible standardization and interoperability of equipment, and that a common Organization requirement should be understood to include a common definition of the military threat to the members of the Organization.

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[12] Public Law 97-295 consolidated a number of provisions enacted in previous years concerning NATO standardization issues, made technical and conforming amendments, and codified the new language at 10 U.S.C. 2457. Portions of this text originated in the following acts: sec. 302(c) of the DOD Authorization Act, 1975 (Public Law 93-365; 88 Stat. 399); sec. 814 of the DOD Authorization Act, 1976 (Public Law 94-106; 89 Stat. 531); sec. 803 of the DOD Authorization Act, 1977 (Public Law 94-361; 90 Stat. 923); and sec. 1121 of the DOD Authorization Act, 1983 (Public Law 97-252; 96 Stat. 754). Public Law 97-295 further repealed the above mentioned provisions relating to NATO standardization.

(2) It is further the sense of Congress that standardization of weapons and equipment within the Organization on the basis of a "two-way street" concept of cooperation in defense procurement between Europe and North America can only work in a realistic sense if the European nations operate on a united and collective basis. Therefore, the governments of Europe are encouraged to accelerate their present efforts to achieve European armaments collaboration among all European members of the Organization.

(d) Before February 1 of each year, the Secretary shall submit a report to Congress that includes—

(1) Each specific assessment and evaluation made and the results of each assessment and evaluation, and the results achieved with the members of the North Atlantic Treaty Organization, under subsections (a)(1) and (2) and (b);

(2) procurement action initiated on each new major system not complying with the policy of subsection (a);

(3) procurement action initiated on each new major system that is not standardized or interoperable with equipment of other members of the Organization, including a description of the system chosen and the reason for choosing that system;

(4) the identity of—

(A) each program of research and development for the armed forces of the United States stationed in Europe that supports, conforms, or both, to common Organization requirements of developing weapon systems for use by the Organization, including a common definition of the military threat to the Organization; and

(B) the common requirements of the Organization to which those programs conform or which they support;

(5) action of the Alliance toward common Organization requirements if none exist;

(6) efforts to establish a regular procedure and mechanism in the Organization to determine common military requirements;

(7) a description of each existing and planned program of the Department of Defense that supports the development or procurement of a weapon system or other military equipment originally developed or procured by members of the Organization other than the United States and for which funds have been authorized to be appropriated for the fiscal year in which the report is submitted, including a summary listing of the amount of funds—

(A) appropriated for those programs for the fiscal year in which the report is submitted; and

(B) requested, or proposed to be requested, for those programs for each of the 2 fiscal years following the fiscal year for which the report is submitted; and

(8) a description of each weapon system or other military equipment originally developed or procured in the United States and that is being developed or procured by members of the Organization other than the United States during the fiscal year for which the report is submitted.

(e) If the Secretary decides that procurement of equipment manufactured outside the United States is necessary to carry out the policy of subsection (a), the Secretary may determine under section

2 of title III of the Act of March 3, 1933 (41 U.S.C. 10a), that acquiring that equipment manufactured in the United States is inconsistent with the public interest.

(f) The Secretary shall submit the results of each assessment and evaluation made under subsection (a)(1) and (2) to the appropriate North Atlantic Treaty Organization Body to become an integral part of the overall Organization review of force goals and development of force plans.

§ 2547.[13] Excess nonlethal supplies: humanitarian relief

(a) The Secretary of Defense may make available for humanitarian relief purposes any nonlethal excess supplies of the Department of Defense.

(b) Excess supplies made available for humanitarian relief purposes under this section shall be transferred to the Secretary of State, who shall be responsible for the distribution of such supplies.

(c) This section does not constitute authority to conduct any activity which, if carried out as an intelligence activity by the Department of Defense, would require—

(1) a finding under section 662 of the Foreign Assistance Act of 1961 (22 U.S.C. 2422); or

(2) a notice to the intelligence committees under section 501(a)(1) of the National Security Act of 1947 (50 U.S.C. 413).

(d)(1) The Secretary of State shall submit an annual report on the disposition of all excess supplies transferred by the Secretary of Defense to the Secretary of State under this section during the preceding year.

(2) Such reports shall be submitted to the Committees on Armed Services and on Foreign Relations of the Senate and the Committees on Armed Services and on Foreign Affairs of the House of Representatives.

(3) Such reports shall be submitted not later than June 1 of each year.

(e) In this section:

(1) "Nonlethal excess supplies" means property, other than real property of the Department of Defense—

(A) that is excess property, as defined in regulations of the Department of Defense; and

(B) that is not a weapon, ammunition, or other equipment or material that is designed to inflict serious bodily harm or death.

(2) "Intelligence committees" means the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

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[13] 10 U.S.C. 2547. This section was added by sec. 1454 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 761).

b. Department of Defense Authorization Act, 1987

Partial Text of Public Law 99-661 [S2368]; 100 stat. 3816, approved November 14, 1986

AN ACT To authorize appropriations for fiscal year 1987 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, to improve the defense acquisition process, and for other purposes

Be it enacted by the State and House of Representations of the United States of American in Congress assembled,

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TITLE I—PROCUREMENT

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PART A—FUNDING AUTHORIZATIONS

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SEC. 106. EXTENSION OF CERTAIN AUTHORITY PROVIDED THE SECRETARY OF DEFENSE IN CONNECTION WITH THE NATO AIRBORNE WARNING AND CONTROL SYSTEM (AWACS) PROGRAM

Effective on October 1, 1986, section 103(a) of the Department of Defense Authorization Act, 1982 (Public Law 97-86; 95 Stat. 1100), is amended by striking out "fiscal year 1986" both places it appears and inserting in lieu thereof "fiscal year 1987".

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PART B—STRATEGIC DEFENSE INITIATIVE

SEC. 211. FISCAL YEAR 1987 FUNDING LEVEL FOR STRATEGIC DEFENSE INITIATIVE

Of the amount authorized in section 201 for research, development, test, and evaluation for the Defense Agencies, not more than $3,213,000,000 is available for the Strategic Defense Initiative (SDI) Program.

SEC. 212. JOINT DEVELOPMENT OF ANTITACTICAL BALLASTIC MISSILE SYSTEM

Of the funds available for the Strategic Defense Initiative under section 211, not more than $50,000,000 shall be available for the joint development, on a matching fund basis, of an anti-tactical ballistic missile system for deployment with NATO allies and other countries that the United States has invited to participate in the Strategic Defense Initiative Program.

SEC. 213. LIMITATION ON ESTABLISHMENT OF A FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER FOR THE STRATEGIC DEFENSE INITIATIVE PROGRAM

(a) LIMITATION.—The Secretary of Defense may not obligate or expend any funds for the purpose of operating a Federally funded research and development center that is established for the support of the Strategic Defense Initiative Program after the date of the enactment of this Act unless—

(1) the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives a report with respect to such proposed center that provides the information described in subsection (b); and

(2) funds are specifically authorized to be appropriated for such purpose after the date of the enactment of this Act in and Act other than—

(A) an appropriations Act; or

(B) a continuing resolution.

(b) CONTENT OF REPORT.—A report submitted under subsection (a)(1) with respect to a proposed center shall include a discussion of—

(1) the ability of existing Federally funded research and development centers, Federal research laboratories, and private contractors to perform the objectives of technological integration and evaluation required by the Strategic Defense Initiative Organization;

(2) the comparative cost of having the proposed work performed by—

(A) the Strategic Defense Initiative Organization;

(B) Federally funded research and development centers in existence on the date of the enactment of this Act;

(C) by Federal research laboratories; or

(D) by private research laboratories;

(E) by such center;

(3) whether such center is intended to be—

(A) primarily a study and analysis center; or

(B) primarily a system engineering/system integration center;

(4) whether such center will be required or authorized to enter into contracts under which research projects would be performed by other Federally funded research and development centers, Federal research laboratories, or private contractors;

(5) whether the contract to operate such center will be awarded on a competitive basis;

(6) whether proposals with respect to the operation of such center—

(A) will be considered by the appropriate Defense Agency; and

(B) will be subjected to review by persons to be elected by the National Academy of Sciences;

(7) whether such center will be designed to prevent even the possibility of an appearance of conflict of interest—

(A) by prohibiting any officer, employee, or member of the governing body of such center from holding any position with—

(i) the Strategic Defense Initiative Organization; or

(ii) a private contractor that has a substantial interest in the development of the Strategic Defense Initiative; and

(B) by prohibiting more than one-half of the members of the governing body of the proposed Federally Funded Research Center from simultaneously holding any position with the Strategic Defense Initiative Advisory Committee or any similar body which provides technologies, scientific, or strategic advice to the Department of Defense about the Strategic Defense Initiative;

(8) whether other actions will be taken to avoid possible conflict of interest situations within such center;

(9) the role of the Department of Defense in—

(A) the selection of the staff of such center; and

(B) the internal organization of such center; and

(10) whether a prescribed minimum percentage of the annual budget of such center will be set aside for research to be conducted independently of the Department of Defense.

(c) COMPTROLLER GENERAL REPORT.—The Comptroller General of the United States shall also submit a report to Congress providing an analysis of the items in subsection (b) as appropriate.

SEC. 214. REPORT ON PROJECTED COSTS OF SDI PROGRAM

Section 223(b) of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 613), is amended by adding at the end the following: "The Secretary shall include in such report the following information:

"(1) The cost goals or cost objectives for the production and deployment of a Strategic Defense Initiative System determined on the basis of capabilities expected to be developed in the future and the cost goals or cost objectives for the individual components of such system (determined on the basis of capabilities expected to be developed in the future).

"(2) The estimated cost for production and deployment of the Strategic Defense Initiative System referred to in paragraph (1) and determined on the basis of prices in effect and capabilities in existence at the time of the preparation of the report and the estimated cost for the production and deployment of the individual components of such system (determined on the basis of prices in effect and capabilities in existence at the time of the preparation of the report).".

SEC. 215. REPORT ON STRATEGIC DEFENSE INITIATIVE DEPLOYMENT SCHEDULE

(a) REPORT REQUIREMENT.—The Secretary of Defense shall submit to Congress a report detailing what Strategic Defense Initiative technologies can be developed or deployed within the next 5 to 10 years to defend against significant military threats and help accomplish critical military missions. The missions to be considered include—

(1) defense United States Armed Forces abroad and United States allies against tactical ballistic missiles, particularly new and highly accurate Soviet shorter range ballistic missiles armed with conventional, chemical, or nuclear warheads;

(2) defending against a limited but military effective Soviet attack aimed at disrupting the National Command Authority and other valuable military assets;

(3) providing sufficient warning and tracking information to defend or effectively evade possible Soviet attacks against military satellites including those in high orbits; and

(4) providing early warning and attack assessment information and the necessary survivable command, control, and communication to defend against possible Soviet conventional or strategic attacks.

(b) ADDITIONAL MATERIAL TO BE INCLUDED.—The report shall—

(1) identify any other significant near-term military mission that the application of Strategic Defense Initiative technologies might help accomplish;

(2) list what specific program elements of the Strategic Defense Initiative are pertinent to these applications;

(3) estimate initial operating capability dates for the systems needed to accomplish these missions;

(4) estimate the level of funding necessary for each program to reach these operating capability dates; and

(5) estimate the survivability and cost effectiveness at the margin of these systems against current and projected Soviet threats.

(c) DEADLINE FOR REPORT.—The report under subsection (a) shall be submitted not later than March 15, 1987.

SEC. 216. EFFECT OF STRATEGIC DEFENSE INITIATIVE ON COMPLIANCE WITH THE ANTI-BALLISTIC MISSILE TREATY

(a) FINDINGS.—The Congress makes the following findings:

(1) The President's Commission on Strategic Forces declared in its report to the President, dated March 21, 1984, that "One of the most successful arms control agreements is the Anti-Ballistic Missile Treaty of 1972".

(2) The Secretary of State has stated that the "ABM Treaty requires consultations and the President has explicitly recognized that any ABM-related deployments arising from research into ballistic missile defenses would be a matter for consultations and negotiations between the Parties".

(3) The Secretary of State declared on October 14, 1985, that "our research program has been structured and, as the President has reaffirmed, will continue to be conducted in accordance with a restrictive interpretation of the treaty's obligations".

(4) The President has determined that the Krasnoyarsk rather is a violation of the ABM Treaty.

(5) The Krasnoyarsk radar therefore erodes the integrity of the ABM Treaty and is a matter of serious concern.

(b) CONGRESSIONAL DECLARATIONS.—The Congress therefore declares—

(1) that it fully supports the declared policy of the President that a principal objective of the United States in negotiations with the Soviet Union on nuclear and space arms is to reverse the erosion of the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, signed on May 26, 1972 (commonly referred to as the "ABM Treaty"); and

(2) that action by the Congress in approving funds in this Act for research on the Strategic Defense Initiative—

(A) does not express or imply an intention on the part of Congress that the United States should abrogate, violate, or otherwise erode such treaty; and

(B) does not express or imply any determination or commitment on the part of Congress that the United States develop, test, or deploy ballistic missile strategic defense weaponry that would contravene such treaty.

SEC. 217. REPORT ON THE ANTI-BALLISTIC MISSILE TREATY

(a) Report on Less Restrictive Interpretation.—The Secretary of Defense shall submit to Congress a report concerning the effect of the less restrictive interpretation of the Anti-Ballistic Missile Treaty on the Strategic Defense Initiative program.

(b) Matters To Be Included.—The report shall include the following:

(1) An analysis of the ramifications of the less restrictive interpretation on the development under the Strategic Defense Initiative Program, of strategic defenses, including comprehensive strategic defense systems, and more limited defenses designed to protect vital United States military and command and control assets, based on "other physical principles". This analysis should compare research and development programs pursued under both the restrictive and less restrictive interpretations of such treaty including a comparative analysis of—

(A) the overall cost of the research and development programs.

(B) the schedule of the research and development programs, and

(C) the level of confidence attained in the research and development programs with respect to supporting a full-scale engineering development decision in the early 1990's.

(2) A list of options under the less restrictive interpretation of such treaty that meet one or more of the following objectives:

(A) Reduction of the overall development cost.

(B) Advancement of the schedule for a full-scale engineering development decision.

(C) Increase in the level of confidence in the results of the research by the original full-scale development date.

(c) Deadline for Report.—The report under subsection (a) shall be submitted not later than February 1, 1987.

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PART C—HUMANITARIAN AND OTHER ASSISTANCE

SEC. 331. EXTENSION OF AUTHORIZATION FOR HUMANITARIAN ASSISTANCE

(a) TRANSPORTATION, ADMINISTRATION, AND DISTRIBUTION OF HUMANITARIAN RELIEF SUPPLIES TO AFGHAN REFUGEES.—Section 305 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 617), is amended—

(1) by inserting of "(1)" before "There" in subsection (a);

(2) by inserting "and for fiscal year 1987 the sum of $10,000,000" after "sum of $10,000,000" in subsection (a);

(3) by adding at the end of subsection (a) the following new paragraph:

"(2) Of the funds appropriated by the Department of Defense Appropriations Act, 1986 (as contained in section 101(b) of Public Law 99-190; 99 Stat. 1189), for operation and maintenance for the Air Force, $7,000,000 shall remain available for obligation until September 30, 1987, for the purpose described in paragraph (1) (including providing transportation of excess nonlethal supplies of the Department of Defense made available for humanitarian relief purposes under section 2547 of title 10, United States Code). Such funds shall be in addition to funds appropriated pursuant to the authorization in paragraph (1)."; and

(4) by adding at the end the following new subsections:

"(d) AUTHORIZATION TO TRANSFER FUNDS.—The Secretary of Defense is authorized to transfer to the Secretary of State not more than $3,000,000 of the funds appropriated pursuant to the authorization in this section for fiscal year 1987 to provide for (1) paying administrative costs of providing the transportation described in subsection (a), and (2) providing for the acquisition of transportation assets for the distribution of supplies outside the United States to accomplish the purposes of this section.

"(e) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization in subsection (a) shall remain available until expended, to the extent provided in appropriation Acts.".

(b) REPORTS.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives two reports, one of which shall be submitted not later than 60 days after the date of the enactment of this Act and the other not later than June 1, 1987. Each such report shall contain (as of the date on which the report is submitted) the following information:

(1) The total amount of funds obligated for humanitarian relief under section 305 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 617) (as amended by subsection (a)).

(2) the number of scheduled and completed flights for purposes of providing humanitarian relief under section 305 of such Act.

(3) A description of any transfer (including to whom the transfer is made) of excess nonlethal supplies of the Department of Defense made available for humanitarian relief purposes under section 2547 of title 10, United States Code.

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TITLE X—ARMS CONTROL MATTERS

SEC. 1001. SENSE OF THE CONGRESS RELATING TO SALT II COMPLIANCE

(a) CONTINUED ADHERENCE TO SALT II NUMERICAL SUBLIMITS.—It is the sense of the Congress that it is in the national security interests of the United States to continue voluntary compliance with the central numerical sublimits of the SALT II Treaty as long as the Soviet Union complies with such sublimits.

(b) DEFINITION.—For purposes of this section, the central numerical sublimits of the SALT II Treaty include prohibitions on the deployment of the following:

(1) Launchers for more than 820 intercontinental ballistic missiles carrying multiple independently-targetable reentry vehicles.

(2) Launchers for an aggregate of more than 1,200 intercontinental ballistic missiles carrying multiple independently-targetable reentry vehicles and submarine-launched ballistic missiles carrying multiple independently-targetable reentry vehicles.

(3) An aggregate of more than 1,320 launchers described in paragraph (2) and heavy bombers equipped for air-launched cruise missiles capable of a range in excess of 600 kilometers.

SEC. 1002. SENSE OF THE CONGRESS ON NUCLEAR TESTING

(a) FINDINGS.—The Congress makes the following findings:

(1) The United States is committed in the Limited Test Ban Treaty of 1963 and in the Non-Proliferation Treaty of 1968 to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time.

(2) A comprehensive test ban treaty would promote the security of the United States by constraining the United States-Soviet nuclear arms competition and by strengthening efforts to prevent the proliferation of nuclear weapons.

(3) The Threshold Test Ban Treaty was signed in 1974 and the Peaceful Nuclear Explosions Treaty was signed in 1976, and both have yet to be considered by the full Senate for its advice and consent to ratification.

(4) The entry into force of the Peaceful Nuclear Explosions Treaty and the Threshold Test Ban Treaty will ensure full implementation of significant new verification procedures and so make completion of a comprehensive test ban treaty more probable.

(5) A comprehensive test ban treaty must be adequately verifiable, and significant progress has been made in methods for detection of undergound nuclear explosions by seismological and other means.

(6) At present, negotiations are not being pursued by the United States and the Soviet Union toward completion of a comprehensive test ban treaty.

(7) The past five administrations have supported the achievement of a comprehensive test ban treaty.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, at the earliest possible date, the President should—

(1) request the advice and consent of the Senate to ratification (with a report containing any plans the President may have to negotiate supplemental verification procedures, or if the President believes it necessary, any understanding or reservation on the subject of verification which should be attached to the treaty) of the Threshold Test Ban and Peaceful Nuclear Explosions Treaties, signed in 1974 and 1976, respectively; and

(2) propose to the Soviet Union the immediate resumption of negotiations toward conclusion of a verifiable comprehensive test ban treaty.

In accordance with international law, the United States shall have no obligation to comply with any bilateral arms control agreement with the Soviet Union that the Soviet Union is violating.

SEC. 1003. REPORT BY THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF ON UNITED STATES NON-COMPLIANCE WITH EXISTING STRATEGIC OFFENSIVE ARMS AGREEMENTS

(a) In General.—The Chairman of the Joint Chiefs of Staff shall submit to Congress a report containing a detailed assessment of—

(1) the military consequences to the United States of a policy decision by the United States to discontinue compliance with the major provisions of existing strategic offensive arms limitations agreements (including central numerical sublimits on strategic nuclear delivery vehicles in the SALT II accord) would have on the security of the United States; and

(2) the likely military responses of the Soviet Union to such a policy decision.

(b) Matters To Be Considered.—The assessment required by subsection (a) shall focus on what the likely Soviet military responses would be during the period between 1987 and 1996. In making such assessment, the Chairman shall specifically consider the following:

(1) The effect on the ability of United States strategic forces to accomplish their nuclear deterrent mission (including the effect on the survivability of United States strategic forces and on the ability of United States strategic forces to achieve required damage expectancies against Soviet targets) of any expansion of Soviet military capabilities undertaken in response to a United States decision to abandon compliance with existing strategic offensive arms agreements.

(2) The additional cost to the United States, above currently projected military expenditures for those periods for which such budget projections are available, of research, development, production, deployment, and annual operations and support for any additional strategic forces required to counter any expansion in Soviet military capabilities undertaken in response to a United States decision to abandon compliance with existing strategic offensive arms agreements.

(3) Under average annual real growth projections in defense spending of 0 percent, 1 percent, 2 percent, and 3 percent, the percent of the annual defense budget in each year between fiscal year 1987 and fiscal year 1996 which would be consumed by increased United States strategic forces needed to counter the Soviet force expansions.

(4) The military effect on United States national security of the diversion the funds identified under paragraph (2) away from nonstrategic defense programs and to strategic programs to counter expanded Soviet strategic capabilities, including the military effect of such a diversion on the ability of United States conventional forces to meet the specific non-nuclear defense commitments of the United States as a member of the North Atlantic Treaty Organization and under the 1960 Treaty of Mutual Cooperation and Security with Japan.

(5) The military implications for the United States of Soviet violations of offensive arms control agreements that have been determined.

(c) Report Requirements.—(1) The Chairman shall—

(A) include in the report required under subsection (a) the individual views of the other members of the Joint Chiefs of Staff; and

(B) submit such report in both classified and unclassified form.

(2) The report required by subsection (a) shall be submitted not later than December 19, 1986.

(e) Restriction on Obligation of Funds.—If the Chairman of the Joint Chiefs of Staff fails to submit the report required by subsection (a) before December 20, 1986, no funds may be obligated or expended, directly or indirectly, on or after such date by the Organization of the Joint Chiefs of Staff for any study or analysis to be conducted by a civilian contractor until such report is received by Congress.

SEC. 1004. SENSE OF CONGRESS EXPRESSING SUPPORT FOR A CENTRAL ROLE FOR NUCLEAR RISK REDUCTION CENTERS

(a) Congressional Statements.—The Congress—

(1) has expressed its prior support for the establishment of nuclear risk reduction centers; and

(2) supports the President's willingness to negotiate an agreement with the Soviet Union to establish such centers in each nation.

(b) Sense of Congress.—It is the sense of Congress that if an agreement on nuclear risk reduction centers is signed, the United States center should—

(1) be assigned the responsibility to serve as the center of activity for United States risk reduction activities under the agreement; and

(2) make recommendations to the Assistant to the President for National Security Affairs regarding additional risk reduction arrangements that might be proposed to the Soviet Union.

TITLE XI—MATTERS RELATING TO NATO AND OTHER ALLIES

SEC. 1102. NATO COOPERATIVE LOGISTIC SUPPORT AGREEMENTS

(a) General Authority.—The Secretary of Defense may enter into bilateral or multilateral Weapon System Partnership Agreements (as defined in subsection (g)) with one or more governments of other member countries of the North Atlantic Treaty Organization (NATO) for the purpose of providing cooperative logistics support for the armed forces of the countries which are parties to the agreements. Such agreements may include provision for the transfer of logistics support, supplies, and services by the United States to the NATO Maintenance and Supply Organization and for the acquisition of logistics support, supplies, and services by the United States from such Organization.

(b) Authority of Secretary of Defense.—Under the terms of a Weapon System Partnership Agreement entered into under subsection (a), the Secretary of Defense may—

(1) agree that the NATO Maintenance and Supply Organization may make contracts for supply and acquisition of logistics support in Europe for requirements of the United States, to the extent the Secretary determines that the procedures of such Organization governing such supply and acquisition are appropriate; and

(2) share the costs of set-up charges of facilities for use by the NATO Maintenance and Supply Organization to provide cooperative logistics support and share in the costs of establishing a revolving fund for initial acquisition and replenishment of supply stocks to be used by the NATO Maintenance and Supply Organization to provide cooperative logistics support.

(c) Sharing of Administrative Expenses.—Each Weapon System Partnership Agreement shall provide for joint management by the participating countries and for the equitable sharing of the administrative costs incident to such agreement.

(d) Application of Chapter 137.—Except as provided in this section, the provisions of chapter 137 of title 10, United States Code, shall apply to contracts entered into by the Secretary of Defense for the acquisition of logistics support under a Weapon System Partnership Agreement.

(e) Application of Arms Export Control Act.—The transfer of defense articles or defense services to member countries of the North Atlantic Treaty Organization and the NATO Maintenance and Supply Organization for the purposes of a Weapon System Partnership Agreement shall be carried out in accordance with the provisions of the Arms Export Control Act (22 U.S.C. 2751 et seq.).

(f) Supplemental Authority.—The authority of the Secretary of Defense under this section is in addition to the authority of the Secretary under chapter 138 of title 10, United States Code, and any other provision of law.

(g) Definition.—For the purpose of this section, the term "Weapon System Partnership Agreement" means an agreement between the United States and one or more other NATO countries participating in the operation of the NATO Maintenance and Supply Organization that—

(1) is entered into pursuant to the terms of the chapter of the NATO Maintenance and Supply Organization; and

(2) is for the common logistic support of a specific weapon system common to the participating countries.

SEC. 1103. * * *

SEC. 1104. * * *

SEC. 1105. COOPERATIVE RESEARCH AND DEVELOPMENT WITH MAJOR NON-NATO ALLIES

(a) FINDINGS.—The Congress finds—

(1) that the North Atlantic Treaty Organization Cooperative Research and Development program instituted during fiscal year 1986 has served to increase cooperation in research and development among member countries of the North Atlantic Treaty Organization; and

(2) that additional benefits of cooperation in research and development might ensue from an extension of the program to include major non-NATO allies of the United States.

(b) CONGRESSIONAL REQUEST FOR COOPERATION ON RESEARCH AND DEVELOPMENT.—The Congress urges and requests the President and the Secretary of Defense to pursue diligently opportunities for the United States and major non-NATO allies of the United States to cooperate—

(1) in research and development on defense equipment and munitions; and

(2) in the production of defense equipment.

(c) FUNDS FOR COOPERATIVE PROJECTS.—Of the funds appropriated pursuant to the authorizations of appropriations in section 201, up to $40,000,000 shall be available for cooperative research and development projects with major non-NATO allies.

(d) RESTRICTIONS.—(1) A memorandum of understanding (or other formal agreement) to conduct a cooperative research and development project under this section may not be entered into unless the Secretary of Defense determines that the proposed project enhances the ongoing multinational effort to improve conventional defense capabilities through the application of emerging technology.

(2) Each such cooperative project shall require sharing of the costs of research between the participants on an equitable basis.

(3) The Secretary may not delegate the authority to make a determination under paragraph (1) except to the Deputy Secretary of Defense or the Under Secretary of Defense for Acquisition.

(e) RESTRICTIONS ON PROCUREMENT OF EQUIPMENT AND SERVICES.—(1) In order to assure substantial participation on the part of major non-NATO allies in cooperative research and development projects, funds made available under subsection (c) for such projects may not be used to procure equipment or services from any foreign government, foreign research organization, or other foreign entity.

(2) A major non-NATO ally may not use any United States military or economic assistance grants, loans, or other funds for the purpose of making its contribution to a cooperative research and development program entered into with the United States under this section.

(f) NOTICE TO CONGRESS.—Not later than January 1 of each year, the Secretary of Defense and the Secretary of State shall jointly submit to the Committees on Armed Services and Foreign Relations of the Senate and to the Committees on Armed Services and Foreign Affairs of the House of Represenatives a report—

(1) enumerating those countries eligible for participation with the United States in a cooperative research and development program authorized by this section; and

(2) specifying the criteria used in determining eligibility for the participation of such countries.

(g) DEFINITIONS.—As used in this section:

(1) The term "major non-NATO ally" means a country designated as a major non-NATO ally for the purposes of this section by the Secretary of Defense with the concurrence of the Secretary of State.

(2) The term "cooperative research and development project" means a project involving joint participation by the United States and one or more major non-NATO allies under a memorandum of understanding (or other formal agreement) to carry out a joint research and development program—

(A) to develop new conventional equipment and munitions; or

(B) to modify existing military equipment to meet United States military requirements.

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TITLE XIII—GENERAL PROVISIONS

PART A—FINANCIAL MATTERS

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SEC. 1303. AUTHORIZATION OF APPROPRIATIONS FOR FOREIGN CURRENCY PURCHASES

There is hereby authorized to be appropriated for fiscal year 1987 the amount of $3,500,000 for the purchase of foreign currencies from the Treasury Department to pay expenses incurred in carrying out programs of the Department of Defense.

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PART F—MISCELLANEOUS

SEC. 1351. LIMITATION ON SOURCE OF FUNDS FOR NICARAGUAN DEMOCRATIC RESISTANCE

(a) LIMITATION.—Notwithstanding title II of the Military Construction Appropriations Act, 1987, or any other provision of law, funds appropriated or otherwise made available to the Department of Defense for any fiscal year for operation and maintenance may not be used to provide assistance for the democratic resistance forces in Nicaragua. If funds appropriated or otherwise made available to the Department of Defense for any fiscal year are authorized by law to be used for such assistance, funds for such purpose may only be derived from amounts appropriated or otherwise made available to the Department for procurement (other than ammunition).

(b) REPORT.—Before funds appropriated or otherwise made available to the Department of Defense are released to be used for the purpose described in subsection (a), the Secretary of Defense shall submit to Congress a report describing the specific source of such funds.

SEC. 1352. BUDGET ACCOUNTING FOR NEW SPACE SHUTTLE

Funds appropriated for the procurement of a shuttle orbiter by the National Aeronautics and Space Administration to replace the Challenger space shuttle orbiter may not be charged by any official of the executive or legislative branch against major budget function category 050 (National Defense).

SEC. 1353. PROMPT REPORTING OF INTELLIGENCE ON TERRORIST THREATS

(a) IN GENERAL.—(1) Subject to subsection (b), the Secretary of Defense shall instruct all appropriate officials of the Department of Defense to take such action as may be necessary to ensure that all credible, time-sensitive intelligence received by or otherwise available to United States officials concerning potential terrorist threats to—

(A) United States citizens or facilities (including citizens and facilities overseas); or

(B) any other potential target for terrorist activities designated by the Secretary,

is reported promptly to the headquarters or office of the Department of Defense concerned.

* * * * * * *

SEC. 1364. FOREIGN ESPIONAGE ACTIVITIES IN THE UNITED STATES

(a) CONGRESSIONAL FINDINGS AND POLICIES.—The Congress makes the following findings:

(1) The conduct of espionage activities (including the collection of classified and unclassified technological information) by the diplomatic and consular missions of the Soviet Union and certain other foreign diplomatic and consular missions within the United States (as well as by certain employees of international organizations acting on behalf of the Soviet Union or certain other foreign countries) represents a grave threat to the security of the United States.

(2) The conduct of such activities constitutes a gross abuse of the rights, privileges, and immunities accorded to persons assigned to such missions, including the right to enter and reside within the United States (or any particular area thereof).

(3) The Soviet Union and certain other countries take advantage of the free and open society of the United States to carry out espionage against the United States.

(4) The United States should take immediate and effective action to counteract espionage by the Soviet Union and certain other countries.

(5) It is fully consistent with international law and the international obligations of the United States to take reasonable measures to prevent such activities, including measures which would (A) impose restrictions on the travel of such foreign officials within the United States, and (B) close to such officials certain areas of the United States.

(b) CONGRESSIONAL POLICY.—The Congress declares that it is the policy of the United States to impose appropriate restrictions (including travel restrictions) on the official representatives of any foreign country, as well upon the nationals of such country who are employed by international organizations, when the President determines that a pattern of abuses by that nation exists.

(c) Report on Foreign Espionage.—(1) The President shall submit to the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate and to the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives a report on foreign espionage in the United States. Such report shall include the following:

(A) An assessment of the effect of espionage activities in the United States conducted by the Soviet Union and certain other countries whose intelligence activities pose a threat to the national security of the United States.

(B) An assessment of how such countries use the freedom to travel within the United States, accorded to the officials of such countries, to engage in espionage activities against the United States.

(C) An assessment of the advantages and disadvantages of the principle of diplomatic reciprocity and the consequences of such reciprocity on the national security of the United States.

(D) Recommendations for measures to curtail espionage against the United States, including the following:

(i) Prohibiting the personnel of certain foreign governments and certain international organizations from traveling in designated areas of the United States.

(ii) Identifying the governments to whose nationals such restrictions are to apply.

(iii) Identifying those foreign governments which have closed certain areas of their countries to United States diplomatic and consular personnel and, in the case of each such country, the number of such closed areas and the size of such areas in relation to the total area of the country.

(2) The report shall be prepared under the direction of the Secretary of State and in close cooperation with the Secretary of Defense, the Director of Central Intelligence, and the Director of the Federal Bureau of Investigation.

(3) The report required by paragraph (1) shall be submitted in both a classified and unclassified version.

(4) Such report shall be submitted not later than March 1, 1987.

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SEC. 1368. SENSE OF CONGRESS REGARDING THE DEATH OF LIEUTENANT COLONEL ARTHUR D. NICHOLSON, JUNIOR

(a) Findings.—The Congress finds the following:

(1) On March 24, 1985, Lieutenant Colonel Arthur D. Nicholson, Junior, of the United States Army (then holding the grade of major) was carrying out his official duties as a liaison officer of the United States Military Liaison Mission.

(2) On that date, Lieutenant Colonel Nicholson was performing his duties in uniform and in an open and direct manner, according to orders, and was conducting himself in a way which was neither provocative nor beyond the limits of proper conduct for members of the United States Military Liaison

Mission, and which was well understood and accepted by the Soviet Union.

(3) On that date, a member or members of the armed forces of the Soviet Union shot and fatally wounded Lieutenant Colonel Nicholson without warning and without provocation.

(4) After having shot Lieutenant Colonel Nicholson, members of the armed forces of the Soviet Union forcibly restained Lieutenant Colonel Nicholson's aide and prevented him from providing medical assistance to Lieutenant Colonel Nicholson, so that Lieutenant Colonel Nicholson died slowly and with great suffering, which death and suffering might have been prevented had Lieutenant Colonel Nicholson been permitted to receive assistance.

(5) The death of Lieutenant Colonel Nicholson was an untimely, unnecessary, cold-blooded murder committed against a United States military officer in pursuit of his official duties by a member or members of the armed forces of the Soviet Union, in a painful and degrading manner.

(b) SENSE OF CONGRESS.—The Congress deplores and condemns the cold-blooded murder of Lieutenant Colonel Authur D. Nicholson, Junior. It is the sense of Congress that the Government of the Soviet Union should—

(1) apologize for and renounce the murder of Lieutenant Colonel Nicholson; and

(2) indemnify the family of Lieutenant Colonel Nicholson financially.

* * * * * * *

SEC. 1371. NUCLEAR WINTER STUDY AND REPORT

(a) STUDY.—The Secretary of Defense shall conduct a comprehensive study on the atmospheric, climatic, biological, health, and environmental consequences of nuclear explosions and nuclear exchanges and the implications that such consequences have for the nuclear weapons, arms control, and civil defense policies of the United States.

(b) REPORT.—Not later than November 1, 1987, the Secretary shall submit to the President and the Congress an unclassified report suitable for release to the public, with classified addenda if necessary, on the study conducted under subsection (a). The report shall contain the following:

(1) A detailed review and assessment of the findings in the current body of domestic and international scientific literature on the atmospheric, climatic, biological, health, and environmental consequences of nuclear explosions and nuclear exchanges.

(2) A thorough evaluation of the implications that such findings have on—

(A) the nuclear weapons policy of the United States, especially with regard to strategy, targeting, planning, command, control, procurement, and deployment;

(B) the nuclear arms control policy of the United States; and

(C) the the civil defense policy of the United States.

(3) A discussion of the manner in which the results of such evaluation of policy implications will be incorporated into the nuclear weapons, arms control, and civil defense policies of the United States.

(4) An analysis of the extent to which current scientific findings on the consequences of nuclear explosions are being studied, disseminated, and used in the Soviet Union.

(5) A plan for a five-year research program to advance understanding of nuclear winter and an estimate of the funding necessary to carry out such a research program.

(c) Evaluation of Report.—Upon submission of the report under subsection (b), the Secretary shall contract with the National Academy of Sciences to—

(1) make an independent evaluation of the material contained in the report; and

(2) not later than April 1, 1988, submit a report to the Secretary of Defense and to the Committees on Armed Services of the Senate and of the House of Representatives, setting forth the results of the evaluation and may recommendations pertaining to the contents of the report, including the plan for the five-year research program.

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SEC. 1373. DRUG INTERDICTION

(a) Comprehensive Program.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a comprehensive program designed to interdict aircraft, vessels, and vehicles carrying illegal drugs into the United States. The program shall include the following:

(1) A clear division of authority in drug interdiction and drug enforcement efforts among all Federal law enforcement agencies involved in those efforts and a mechanism which will insure maximum coordination and cooperation among those agencies.

(2) Designation of a lead agency principally responsible for each of the following areas: marine and air drug interdiction beyond the borders of the United States; domestic and border drug interdiction efforts; and domestic and foreign drug law enforcement efforts.

(3) A requirement that such lead agency shall be advised where possible in advance of activities by any other agency in its area of responsibility and that, upon objection by the lead agency, the matter shall be referred to the National Drug Enforcement Policy Board for resolution.

(4) A comprehensive plan to enhance the capabilities, manpower and equipment of the United States Coast Guard by the end of fiscal year 1989 in order to substantially increase the role of the Coast Guard in drug interdiction and enforcement efforts. Such plan shall specify requirements for command and control between the Coast Guard and the Department of Defense and civilian drug law enforcement and interdiction agencies.

(5) A comprehensive plan to maximize, to the extent it does not adversely affect military preparedness and consistent with

the provisions of chapter 18 of title 10, United States Code, assistance by the Department of Defense to other agencies in the drug enforcement and interdiction effort.

(6) A requirement that maximum use be made of existing Department of Defense and Coast Guard command and control networks as well as other available military resources, including equipment, intelligence, and training capabilities.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report discussing the following:

(1) Recommendations for amendments to chapter 18 of title 10, United States Code, to allow more efficient use of the Armed Forces in combating illegal drug trafficking.

(2) The legal consequences of amending chapter 18 of title 10, United States Code, to permit the direct participation of members of the Armed Forces in the interdiction of vessels or aircraft, search and seizure, arrest, or other similar activity in the assistance of civilian law enforcement officials.

(3) The amount of training, the cost of training, and the number of military personnel required to effectuate the changes referred to in paragraph (2).

(4) The effect on military preparedness of a drug interdiction program that would require the Armed Forces to halt the unlawful penetration of the United States borders by aircraft and vessels carrying narcotics and that would use military personnel to locate, pursue, and seize such vessels and aircraft and to arrest their crews.

(5) The costs in the areas of procurement, operation and maintenance, and personnel which would be necessary to restore military preparedness to the level existig before commencement of the program described in paragraph (4).

(6) The cost and number of aircraft, vessels, and personnel needed to seal the borders of the United States, including Alaska and Hawaii, to interdict the unlawful penetration of aircraft, vessels, and ground traffic carrying narcotics.

(7) The cost and number of aircraft and personnel needed to provide continuous aerial radar coverage of the United States in order to interdict the unlawful penetration of aircraft carrying narcotics.

(8) The cost and number of rotor wing and fixed wing aircraft needed to pursue and seize intruding aircraft detected by the radar coverage referred to in paragraph (7) including a plan for the deployment of such rotor wing and fixed wing aircraft.

(9) The effect of carrying out the program referred to in paragraph (4) of the United States' ability to meet its defense responsibilities, particularly to members of the North Atlantic Treaty Organization, Japan, Korea, and Australia.

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c. Department of Defense Appropriations Act, 1987

Partial Text of Public Law 99-591 [Continuing Appropriations Act, 1987; H.J. Res. 738]; 100 Stat. 3341, approved October 30, 1986

JOINT RESOLUTION Making continuing appropriations for the fiscal year 1987, and for other purposes.

Resolved by the State and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1987, and for other purposes, namely:

SEC. 101. * * *

(c) Such amounts as may be necessary for programs, projects or activities provided for in the Department of Defense Appropriations Act, 1987, at a rate of operations and to the extent and in the manner provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

AN ACT Making appropriations for the Department of Defense for the fiscal year ending September 30, 1987, and for other purposes

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SEC. 9021. None of the funds provided in this Act shall be available for the planning or execution of programs which utilize amounts credited to Department of Defense appropriations or funds pursuant to the provisions of section 37(a) of the Arms Export Control Act representing payment for the actual value of defense articles specified in section 21(a)(1)(A) of that Act: *Provided,* That such amounts shall be credited to the Special Defense Acquisition Fund, as authorized by law, or, to the extent not so credited shall be deposited in the Treasury as miscellaneous receipts as provided in section 3302(b) of title 31, United States Code.

* * * * * * *

SEC. 9034. None of the funds appropriated by this Act shall be available to approve a request for waiver of the costs otherwise required to be recovered under the provisions of section 21(e)(1)(C) of the Arms Export Control Act unless the Committees on Appropriations have been notified in advance of the proposed waiver.

SEC. 9035. In the administration of the provisions of chapter 13 of title 38, United States Code, Michael J. Smith, pilot of the space shuttle, Challenger, shall be deemed to have held the grade of captain, United States Navy, at the time of his death on January 28, 1986, while so serving as pilot of such space shuttle.

SEC. 9036. (a) None of the funds in this Act may be used to transfer any article of military equipment or data related to the manufacturer of such equipment to a foreign country prior to the approval in writing of such transfer by the Secretary of the military service involved.

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SEC. 9045. None of the funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated or expended during fiscal year 1987 to provide funds, materiel, or other assistance to the Nicaraguan democratic resistance unless in accordance with the terms and conditions specified by section 106 of the Intelligence Authorization Act for fiscal year 1987.

d. Military Construction Appropriations Act, 1987

Partial Text of Public Law 99-591 [Continuing Appropriations Act, 1987; H.J. Res. 738]; 100 Stat. 3341, approved October 30, 1986

JOINT RESOLUTION Making continuing appropriations for the fiscal year 1987, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1987, and for other purposes, namely;

SEC. 101. * * *

(k) Such amounts as may be necessary for programs, projects or activities provided for in the Military Construction Appropriations Act, 1987, at a rate of operations and to the extent and in the manner provided as follows, to be effective as if it had been enacted into law as the regular appropriation Act:

* * * * * * *

AN ACT Making apropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1987, and for other purposes.

* * * * * * *

SEC. 125. (a) None of the funds appropriated in this Act may be available for any country if the President determines that the government of such country is failing to take adequate measures to prevent narcotic drugs or other controlled substances cultivated or produced or processed illicitly, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country of United States personnel or their dependents, or from being smuggled into the United States. Such prohibition shall continue in force until the President determines and reports to the Congress in writing that—

(1) the government of such country has prepared and committed itself to a plan presented to the Secretary of State that would eliminate the cause or basis for the application of such country of the prohibition contained in the first sentence; and

(2) the government of such country has taken appropriate law enforcement measures to implement the plan presented to the Secretary of State.

(b) The provisions of subsection (a) shall not apply in the case of any country with respect to which the President determines that the application of the provisions of such subsection would be inconsistent with the national security interests of the United States.

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e. Department of Defense Authorization Act, 1986

Partial text of Public Law 99-145 [S. 1160], 99 Stat. 583, approved November 8, 1985; as amended by Public Law 99-190 [H.J. Res. 465]; 99 Stat. 1185, approved December 19, 1985

AN ACT To authorize appropriations for military functions of the Department of Defense and to prescribe military personnel levels for the Department of Defense for fiscal year 1986, to revise and improve military compensation programs, to improve defense procurement procedures, to authorize appropriations for fiscal year 1986 for national security programs of the Department of Energy, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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TITLE I—PROCUREMENT

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PART A—FUNDING AUTHORIZATIONS

* * * * * * *

SEC. 106. NATO COOPERATIVE PROGRAMS

(a) AUTHORIZATION OF APPROPRIATIONS FOR COOPERATIVE DEFENSE PROGRAMS.—(1) There is hereby authorized to be appropriated to the Secretary of Defense for fiscal year 1986 the amount of $75,000,000 for North Atlantic Treaty Organization cooperative defense programs as follows:

For acquisition of point air defense of United States airbases in the Federal Republic of Germany, $30,000,000.

For acquisition of point air defense of United States airbases and other critical United States military facilities in Italy, $15,000,000.

For acquisition of point air defense and port defense for facilities in Belgium, $15,000,000.

For acquisition of point air defense of United States airbases in Turkey, $15,000,000.

(2) None of the amounts appropriated pursuant to the authorizations in paragraph (1) may be obligated—

(A) for implementation of a cooperative program until the Secretary of Defense submits to the Committees on Armed Services of the Senate and House of Representatives a copy of each government-to-government agreement relating to that program; or

(B) for acquisitions in connection with a NATO cooperative defense program in which the financial obligations of the United States exceed the collective financial obligations of European countries in connection with such program.

(b) Extension of Authority Provided Secretary of Defense in Connection With the NATO AWACS Program.—Effective on October 1, 1985, section 103(a) of the Department of Defense Authorization Act, 1982 (Public Law 97-86; 95 Stat. 1100), is amended by striking out "fiscal year 1985" both places it appears and inserting in lieu thereof "fiscal year 1986".

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Part B—Strategic Defense Initiative

SEC. 221. FUNDING FOR FISCAL YEAR 1986

Of the amount authorized in section 201 for the Defense Agencies, $2,750,000,000 is available for the Strategic Defense Initiative, of which $12,500,000 is available only for the medical application of free-electron lasers and associated material and physical science research.

SEC. 222.[1] REQUIREMENT FOR SPECIFIC AUTHORIZATION FOR DEPLOYMENT OF STRATEGIC DEFENSE INITIATIVE SYSTEM

A strategic defense system developed as a consequence of research, development, test, and evaluation conducted on the Strategic Defense Initiative program may not be deployed in whole or in part unless—

(1) the President determines and certifies to Congress in writing that—

(A) the system is survivable (that is, the system is able to maintain a sufficient degree of effectiveness to fulfill its mission, even in the face of determined attacks against it); and

(B) the system is cost effective at the margin to the extent that the system is able to maintain its effectiveness against the offense at less cost than it would take to develop offensive countermeasures and proliferate the ballistic missiles necessary to overcome it; and

(2) funding for the deployment of such system has been specifically authorized by legislation enacted after the date on which the President makes the certification to Congress.

SEC. 222. REPORTS ON STRATEGIC DEFENSE INITIATIVE

(a) Report on Potential Responses to SDI and on RDT&E Cost.—(1) The Secretary of Defense shall submit to Congress a report as to—

(A) what probable responses can be expected from potential enemies should the Strategic Defense Initiative programs be carried out to procurement and deployment, such as what increase may be anticipated in offensive enemy weapons in an enemy's attempt to penetrate the defensive shield by increasing the number or qualities of its offensive weapons:

(B) what can be expected from potential enemies in the deployment of weapons not endangered by the Strategic Defense Initiative, such as cruise missiles and low trajectory submarine missiles;

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[1] 10 U.S.C. 139 note.

(C) the degree of the dependency of success for the Strategic Defense Initiative upon a potential enemy's anti-satellite weapons capability; and

(D) the cost estimates for the research, development, test, and evaluation for the proposed Strategic Defense Initiative.

(2) The report required by paragraph (1) shall be submitted to Congress with the request of the Secretary of Defense for appropriations for the Strategic Defense Initiative for fiscal year 1987.

(b) REPORT ON PROCUREMENT AND DEPLOYMENT COST.—The Secretary of Defense shall submit to Congress a report on the cost estimates for procurement and deployment of Strategic Defense Initiative programs. The report shall be submitted as soon as possible but not later than submission of the budget request of the Department of Defense for fiscal year 1989.

SEC. 224. CONGRESSIONAL POLICY REGARDING CONSULTATION WITH OTHER MEMBERS OF NATO ON THE STRATEGIC DEFENSE INITIATIVE

(a) COMMENDATION OF PRESIDENT'S ACTION.—The Congress commends the President's attempts to initiate cooperation between the United States and other member nations of the North Atlantic Treaty Organization (NATO) on the Strategic Defense Initiative.

(b) CONSULTATION AND COOPERATION WITH OTHER NATO NATIONS.—It is the sense of Congress—

(1) that the mutual defense of NATO member nations is strengthened when there is a high degree of consultation and cooperation among member nations; and

(2) that the President should continue consultations with other member nations of NATO on the Strategic Defense Initiative program and, to the maximum extent feasible and within national security guidelines, keep such member nations informed of the progress, plans, and potential proposals of the United States regarding such program.

SEC. 225. CONGRESSIONAL EXPRESSION ON THE STRATEGIC DEFENSE INITIATIVE AND THE ABM TREATY

(a) FINDINGS REGARDING ABM TREATY.—The Congress finds—

(1) that the President's Commission on Strategic Forces declared in its report to the President, dated March 21, 1984, that "One of the most successful arms control agreements is the Anti-Ballistic Missile Treaty of 1972"; and

(2) that the Secretary of State has stated that the "ABM treaty requires consultations, and the President has explicitly recognized that any ABM-related deployments arising from research into ballistic missile defenses would be a matter for consultations and negotiation between the Parties".

(b) SENSE OF CONGRESS REGARDING SDI AND THE ABM TREATY.—It is the sense of Congress—

(1) that it fully supports the declared policy of the President that a principal objective of the United States in negotiations with the Soviet Union on nuclear and space arms is to reverse the erosion of the Anti-Ballistic Missile Treaty of 1972;

(2) that action by the Congress in approving funds for research on the Strategic Defense Initiative—

(A) does not express or imply an intention on the part of the Congress that the United States should abrogate, violate, or otherwise erode such treaty; and

(B) does not express or imply any determination or commitment on the part of the Congress that the United States develop, test, or deploy ballistic missile strategic defense weaponry that would contravene such treaty; and

(3) that funds appropriated for the Strategic Defense Initiative program should not be used in a manner inconsistent with any of the treaties commonly known as the Limited Test Ban Treaty, the Threshold Test Ban Treaty, the Outer Space Treaty, or the Anti-Ballistic Missile Treaty of 1972.

SEC. 226. REPORT ON STRATEGIC AND THEATER BALLISTIC MISSILE DEFENSES

(a) REQUIREMENT FOR STUDY.—The Secretary of Defense shall conduct a study to examine the feasibility and military value of the early application of defenses against ballistic missile attack from the standpoint of—

(1) defending high value United States and allied capabilities abroad; and

(2) defending United States strategic deterrent capabilities.

(b) MATTERS TO BE INCLUDED IN STUDY.—The study shall specifically address—

(1) the contribution such defenses could make to deterrence stability;

(2) the adequacy in this regard of existing programs, including in particular the Strategic Defense Initiative; and

(3) the adequacy of the Army's Anti-Tactical Missile (ATM) program for allied defense.

(c) REPORT ON STUDY.—The Secretary of Defense shall submit to Congress a report containing the results of such study not later than February 15, 1986.

TITLE III—OPERATION AND MAINTENANCE

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SEC. 305. AUTHORIZATION OF APPROPRIATIONS FOR TRANSPORTATION OF HUMANITARIAN RELIEF SUPPLIES TO AFGHAN REFUGEES

(a) AUTHORIZATION OF FUNDS.—There is hereby authorized to be appropriated to the Department of Defense for fiscal year 1986 the sum of $10,000,000 for the purpose of providing transportation for humanitarian relief for persons displaced or who are refugees because of the invasion of Afghanistan by the Soviet Union.

(b) TRANSPORTATION UNDER DIRECTION OF THE SECRETARY OF STATE.—Transportation provided with funds appropriated pursuant to the authorization in this section shall be under the direction of the Secretary of State.

(c) MEANS OF TRANSPORTATION TO BE USED.—Transportation for humanitarian relief provided with funds appropriated pursuant to the authorization in this section shall be by the most economical commercial or military means available, unless the Secretary of State determines that it is in the national interest of the United States to use means other than the most economical available.

Such means may include the use of aircraft and personnel of the reserve components of the Armed Forces.

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TITLE X—MATTERS RELATING TO ARMS CONTROL

SEC. 1001. POLICY ON COMPLIANCE WITH EXISTING STRATEGIC OFFENSIVE ARMS AGREEMENTS

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should vigorously pursue with the Soviet Union the resolution of concerns of the United States over Soviet compliance with existing strategic arms control agreements and should seek corrective actions through confidential diplomatic channels, including, if appropriate, the Standing Consultative Commission and the Nuclear and Space Arms negotiations;

(2) the Soviet Union should take positive steps to resolve the compliance concerns of the United States about existing strategic offensive arms agreements in order to maintain the integrity of those agreements and to strengthen the positive environment necessary for the successful negotiation of a new strategic offensive arms agreement;

(3) the United States should continue, through December 31, 1986, to refrain from undercutting the provisions of existing strategic offensive arms agreements—

(A)(i) to the extent that the Soviet Union refrains from undercutting those provisions; and

(ii) if the Soviet Union actively pursues arms reduction agreements in the Nuclear and Space Arms negotiations; or

(B) until a new strategic offensive arms agreement between the United States and the Soviet Union is concluded;

(4) the President—

(A) should carefully consider the impact of any change in the current policy of the United States regarding existing strategic offensive arms agreements on the long-term security interests of the United States and its allies; and

(B) should consult with Congress before making any change in that policy; and

(5) any decision by the President to continue the existing United States no-undercut policy beyond December 31, 1986, should be a matter for consultation between the President and Congress and for subsequent review and debate by Congress.

(b) REQUIREMENT FOR REPORT.—Not later than February 1, 1986, the President shall submit to Congress a report containing the following:

(1) A range of projections and comparisons, on a year-by-year basis, of United States and Soviet strategic weapons dismantlements that would be required over the next five years if the United States and the Soviet Union were to adhere to a policy of not undercutting existing strategic arms control agreements.

(2) A range of projections and comparisons, on a year-by-year basis, of likely United States and Soviet strategic offensive

force inventories over the next five years assuming a termination at the end of 1985 in the current no-undercut policy.

(3) An assessment of the possible Soviet political, military, and negotiating responses to the termination of the United States no-undercut policy.

(4) Recommendations regarding the future of United States interim restraint policy.

(c) Proposal of Measures.—If the President finds and reports to Congress that—

(1) the Soviet Union has violated the provisions of any strategic arms agreement; and

(2) such violations impair or threaten the security of the United States,

the President may propose to Congress such measures as he considers necessary to protect the security of the United States.

(d) Scope of Policy.—Nothing in this section shall be construed—

(1) to restrain or inhibit the constitutional powers of the President;

(2) to endorse unilateral United States compliance with existing strategic arms agreements;

(3) as prohibiting the United States from carrying out proportionate responses to Soviet undercutting of strategic arms provisions;

(4) as prohibiting or delaying the development, flight testing, or deployment of the small intercontinental ballistic missile (SICM) as authorized by law; or

(5) as establishing a precedent to continue the no-undercut policy beyond December 31, 1986.

SEC. 1002. ANNUAL REPORT ON SOVIET COMPLIANCE WITH ARMS CONTROL COMMITMENTS

Not later than December 1, 1985, and not later than December 1 of each following year, the President shall submit to the Congress a report (in both classified and unclassified versions) containing, with respect to the compliance of the Soviet Union with its arms control commitments, the findings of the President and any additional information necessary to keep the Congress currently informed.

SEC. 1003. STUDY OF ARMS CONTROL VERIFICATION CAPABILITIES

(a) Interagency Study.—The President shall provide for an interagency study with the purpose of determining possible avenues for cooperation between the United States and the Soviet Union in the development of capabilities not subject to national security restrictions for verification of compliance with arms control agreements.

(1) limited exchanges of data and scientific personnel; and

(2) the conduct of a joint technological effort in the area of seismic monitoring.

(b) Agencies Included.—The President shall provide for participation in the interagency study under subsection (a) by—

(1) the Secretary of State;

(2) the Secretary of Defense;

(3) the Secretary of Energy;

(4) the Director of the Arms Control and Disarmament Agency;

(5) the heads of appropriate intelligence agencies;

(6) the Joint Chiefs of Staff; and

(7) such other officers as the President may designate.

(c) REPORT.—(1) The President shall submit to Congress a report on the results of the interagency study.

(2) The report shall be submitted in both a classified and unclassified version.

(3) The report shall be submitted not later than May 1, 1986.

SEC. 1004. SENSE OF CONGRESS RELATING TO UNITED STATES-SOVIET NEGOTIATIONS ON REDUCTION IN NUCLEAR ARMS

It is the sense of the Congress—

(1) that the President of the United States and the General Secretary of the Communist Party of the Union of Soviet Socialist Republics should be commended for their willingness to meet to discuss major issues in United States-Soviet relations; and

(2) that following thorough preparation, such meetings should be used to work for the realization of mutual, equitable, and verifiable reductions in nuclear arms.

SEC. 1005. PILOT PROGRAM FOR EXCHANGE OF CERTAIN HIGH-RANKING MILITARY AND CIVILIAN PERSONNEL WITH THE SOVIET UNION

(a) SUBMISSION OF PLAN.—The Secretary of Defense shall submit to the appropriate committees of Congress a plan for the establishment and operation during fiscal year 1986 of a pilot program for the exchange of visits between—

(1) high-ranking officers of the Armed Forces of the United States and high-ranking civilian officials of the Department of Defense; and

(2) corresponding high-ranking officers and officials of the Soviet Union.

(b) REQUIREMENTS OF PLAN.—Such plan shall include—

(1) specific identification of the United States officers and officials selected for participation in the program;

(2) the proposed length of the exchange visits with the Soviet Union;

(3) a description of the specific goals of each exchange visit;

(4) an estimate of the cost to the United States of participation in each visit;

(5) a description of any special actions that will be taken to protect classified information of the United States during any visit to the United States by officers or officials of the Soviet Union who are participating in the program; and

(6) any other details of the program that the Secretary considers appropriate.

(c) AVAILABILITY OF FUNDS.—Of the funds appropriated pursuant to section 301(a), the sum of $100,000 shall be available only for costs required for participation by the United States in the pilot program described in subsection (a), including costs for travel, subsistence, and other support expenses.

(d) DEADLINE FOR PLAN.—The Secretary shall submit the plan required by subsection (a) not later than December 1, 1985.

SEC. 1006. REPORT ON NUCLEAR WINTER FINDINGS AND POLICY IMPLICATIONS

(a) CONTINUED PARTICIPATION IN INTERAGENCY STUDIES.—Notwithstanding any limitation in any other provision of this Act, the Secretary of Defense, in accordance with section 1107(a) of the Department of Defense Authorization Act, 1985 (Public Law 98-525), shall participate in any comprehensive interagency study conducted on the atmospheric, climatic, environmental, and biological consequences of nuclear war and the implications that such consequences have for the nuclear weapons strategy and policy, the arms control policy, and the civil defense policy of the United States.

(b) REPORT ON NUCLEAR WINTER FINDINGS.—Not later than March 1, 1986, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives an unclassified report suitable for release to the public, together with classified addenda (if required), concerning the subject described in subsection (a). The Secretary shall include in such report the following:

(1) A detailed review and assessment of the findings in the current body of domestic and international scientific literature on the atmospheric, climatic, environmental, and biological consequences of nuclear explosions and nuclear exchanges.

(2) A thorough evaluation of the implications that such findings have on—

(A) the nuclear weapons policy of the United States, especially with regard to strategy, targeting, planning, command, control, procurement, and deployment;

(B) the nuclear arms control policy of the United States; and

(C) the civil defense policy of the United States.

(3) A discussion of the manner in which the results of such evaluation of policy implications will be incorporated into the nuclear weapons, arms control, and civil defense policies of the United States.

(4) An analysis of the extent to which current scientific findings on the consequences of nuclear explosions are being studied, disseminated, and used in the Soviet Union.

TITLE XI—MATTERS RELATING TO NATO

SEC. 1101. * * *

SEC. 1102. * * *

SEC. 1103.[2] NATO COOPERATIVE RESEARCH AND DEVELOPMENT

(a) FINDINGS.—The Congress hereby finds—

(1) that for more than a decade the member nations of the North Atlantic Treaty Organization (NATO) have provided in the aggregate significantly larger resources for defense pur-

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[2] 10 U.S.C. 2407 note.

poses than have the member nations of the Warsaw Treaty Organization;

(2) that, despite this fact, the Warsaw Treaty Organization member nations have produced and deployed many more major combat items such as tanks, armored personnel carriers, artillery pieces and rocket launchers, armed helicopters, and tactical combat aircraft than have the member nations of NATO; and

(3) that a major reason for this discouraging performance by NATO is inadequate cooperation among NATO nations in research, development, and production of military end-items of equipment and munitions.

(b) CONGRESSIONAL REQUEST FOR COOPERATION ON R&D.—The Congress, therefore, urges and requests the President, the Secretary of Defense, and the United States Representatives to the North Atlantic Treaty Organization to pursue diligently opportunities for member nations of NATO to cooperate—

(1) in research and development on defense equipment and munitions; and

(2) in the production of defense equipment, including—

(A) coproduction of conventional defense equipment by the United States and other member nations of NATO; and

(B) production by United States contractors of conventional defense equipment designed and developed by other member nations of NATO.

(c) FUNDS FOR COOPERATIVE PROJECTS.—(1) Of the funds appropriated pursuant to the authorizations in section 201(a) $200,000,000 shall be available, in equal amounts, to the Army, Navy, Air Force, and Defense Agencies only for NATO cooperative research and development projects as provided in this section.

(2) As used in this section, the term "cooperative research and development project" means a project involving joint participation by the United States and one or more member nations of NATO under a memorandum of understanding (or other formal agreement) to carry out a joint research and development program—

(A) to develop new conventional defense equipment and munitions; or

(B) to modify existing military equipment to meet United States military requirements.

(d) RESTRICTIONS.—(1) A memorandum of understanding (or other formal agreement) to conduct a cooperative research and development project may not be entered into unless the Secretary of Defense determines that the proposed project enhances the ongoing multinational effort to improve NATO's conventional defense capabilities through the application of emerging technology.

(2) The Secretary may not delegate the authority to make a determination under paragraph (1) except to the Deputy Secretary of Defense or the Under Secretary of Defense for Research and Engineering.

(e) RESTRICTIONS ON PROCUREMENT OF EQUIPMENT AND SERVICES.—In order to assure substantial participation on the part of other member nations of NATO in approved cooperative research and development projects, funds made available under subsection

(c) for such projects may not be used to procure equipment or services from any foreign government, foreign research organization, or other foreign entity.

(f) COOPERATIVE OPPORTUNITIES DOCUMENT.—(1)(A) In order to ensure that opportunities to conduct cooperative research and development projects are considered during the early decision points in the Department of Defense's formal development review process in connection with any planned project of the Department of Defense, the Under Secretary of Defense for Research and Engineering shall prepare a formal arms cooperation opportunities document for review by the Defense Systems Acquisition Review Council at its formal meetings.

(B) The Under Secretary shall also prepare an arms cooperation opportunities document for review of each new project for which a Justification of Major Systems New Start document is prepared.

(2) The formal arms cooperation opportunities document referred to in paragraph (1) shall include the following:

(A) A statement indicating whether or not a project similar to the one under consideration by the Department of Defense is in development or production by one or more of the other NATO member nations.

(B) If a project similar to the one under consideration by the Department of Defense is in development by one or more other member nations of NATO, an assessment by the Under Secretary of Defense for Research and Engineering as to whether that project could satisfy, or could be modified in scope so as to satisfy, the military requirements of the project of the United States under consideration by the Department of Defense.

(C) An assessment of the advantages and disadvantages with regard to program timing, developmental and life cycle costs, technology sharing, and Rationalization, Standardization, and Interoperability (RSI) of seeking to structure a cooperative development program with one or more other NATO member nations.

(D) The recommendation of the Under Secretary of Defense for Research and Engineering as to whether the Department of Defense should explore the feasibility and desirability of a cooperative development program with one or more other member nations of NATO.

(g) SIDE-BY-SIDE TESTING.—(1) It is the sense of Congress—

(A) that the Department of Defense should perform more side-by-side testing of conventional defense equipment manufactured by the United States and other member nations of NATO; and

(B) that such testing should be conducted at the late stage of the development process when there is usually only a single United States prime contractor.

(2) In addition to any funds appropriated for activities of the Director of Defense Test and Evaluation pursuant to section 201(a), $50,000,000 shall be available to the Director, from any other funds appropriated to the Department of Defense for fiscal year 1986, for the acquisition of items of the type specified in paragraph (3) manufactured by other member nations of NATO for side-by-side com-

parison testing with comparable items of United States manufacture.

(3) Items that may be acquired by the Director of Defense Test and Evaluation under paragraph (2) include the following:

(A) Submunitions and dispensers.

(B) Anti-tank and anti-armor guided missiles.

(C) Mines, for both land and naval warfare.

(D) Runway-cratering devices.

(E) Torpedoes.

(F) Mortar systems.

(G) Light armored vehicles and major subsystems thereof.

(H) Utility vehicles.

(I) High-velocity anti-tank guns.

(J) Short-Range Air Defense Systems (SHORADS).

(K) Mobile air defense systems and components.

(4) The Director of Defense Test and Evaluation shall notify the Committees on Armed Services and on Appropriations of the Senate and House of Representatives of his intent to obligate funds made available to carry out this subsection not less than 30 days before such funds are obligated.

(5) Not later than February 1 of each year, the Director of Defense Test and Evaluation shall submit to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives a report—

(A) on the systems, subsystems, and munitions produced by other member nations of NATO that were evaluated during the previous fiscal year by the Director; and

(B) on the obligation of any funds under this subsection during the previous fiscal year.

(h) SECRETARY TO ENCOURAGE SIMILAR NATO PROGRAMS.—The Secretary of Defense shall encourage other member nations of NATO to establish programs similar to the one provided for in this section.

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TITLE XIV—GENERAL PROVISIONS

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SEC 1411.[3] CONDITIONS OF SPENDING FUNDS FOR BINARY CHEMICAL MUNITIONS

(a) LIMITATION ON FISCAL YEAR 1986 FUNDS.—Funds appropriated pursuant to authorizations of appropriations in title I may not be used—

(1) for procurement or assembly of binary chemical munitions (or components of such munitions); or

(2) for establishment of production facilities necessary for procurement or assembly of binary chemical munitions (or components of such munitions), except in accordance with subsections (b), (c), (d), and (e).

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[3] Sec. 1411 was amended and restated by Sec. 8093 of the further Continuing Appropriations, 1986, Public Law 99-190; 99 Stat. 1217.

(b) NATO CONSULTATION.—Subject to subsections (c), (d), and (e), funds referred to in subsection (a) may be used for procurement or assembly of binary chemical munitions or for the establishment of production facilities necessary for the procurement or assembly of binary chemical munitions (or components of such munitions) if the President certifies to Congress that the United States—

(1) has submitted to the North Atlantic Treaty Organization, a force goal stating the requirement for modernization of the United States proportional share of the NATO chemical deterrent with binary munitions and said force goal has been formally adopted by the North Atlantic Council;

(2) has developed in coordination with the Supreme Allied Commander, Europe, a plan under which United States binary chemical munitions can be deployed under appropriate contingency plans to deter chemcial weapons attacks against the United States and its allies; and

(3) has consulted with other member nations of the North Atlantic Treaty Organization (NATO) on that plan.

(c) CONDITIONS FOR FINAL ASSEMBLY.—Funds referred to in subsection (a) may not be used for the final assembly of complete binary chemical munitions before October 1, 1987, and, subject to subsections (d) and (e), may only be used for such purpose on or after that date if—

(1) a mutually verifiable international agreement concerning binary and other similar chemical munitions has not been entered into by the United States by that date;

(2) the President, after that date, transmits to Congress a certification that—

(A) final assembly of such complete munitions is necessitated by national security interests of the United States and the interests of other NATO member nations;

(B) handling and storage safety specifications established by the Department of Defense with respect to such munitions will be met or exceeded;

(C) applicable Federal safety requirements will be met or exceeded in the handling, storage, and other use of such munitions; and

(D) the plan of the Secretary of Defense for destruction of existing United States chemical warfare stocks developed pursuant to section 1412 (which shall, if not sooner transmitted to Congress, accompany such certification) is ready to be implemented;

(3) final assembly is carried out only after the end of the 60-day period beginning on the date such certification is received by the Congress;

(4) the plan of the Secretary of Defense for land-based storage of such munitions within the United States during peacetime provides that the two components that constitute a binary chemical munition are to be stored in separate States; and

(5) the plan of the Secretary of Defense for the transportation of such munitions within the United States during peacetime provides that the two components that constitute a binary munition are transported separately.

(d) Restrictions on Production of the BIGEYE Bomb.—Except as provided below, none of the funds appropriated pursuant to authorizations of appropriations in title I may be used for procurement or assembly of the BIGEYE binary chemical bomb or for procurement of components for the BIGEYE bomb until 60 days after the Secretary of Defense has submitted a report describing—

(1) the specific operational requirements which must be achieved by the BIGEYE system; and

(2) the actual performance of the system during operational testing with respect to each of the operational test criteria; and

(3) any exceptions to the operational criteria deemed acceptable by the Department of Defense.

Subject to subsection (b) nothing in this subsection will prohibit the procurement of BIGEYE production facilities and associated equipment.

(e) Restriction on Production of the GB-2 Artillery Projectile.—None of the funds appropriated pursuant to authorizations in title I for procurement or assembly of the GB-2 artillery projectile may be obligated or expended before October 1, 1986.

(f) Sense of Congress.—It is the sense of Congress that existing unitary chemical munitions currently stored in the United States and in European member nations of NATO should be replaced by modern, safer binary chemical munitions.

(g) Report.—Not later than October 1, 1986, the President shall submit to Congress a report describing the results of consultations among NATO member nations concerning the organization's chemical deterrent posture. The report shall include descriptions of any consultations concerning—

(1) efforts to provide key civilian workers at military support facilities in Europe—

(A) with personal and collective equipment to protect against the use of chemical munitions; and

(B) with the training required for the use of such equipment;

(2) efforts to upgrade the chemical reconnaissance, decontamination, and protective capabilities of the military forces of each NATO member nation to a level adequate to meet the chemical threat identified in NATO intelligence estimates;

(3) efforts to initiate a NATO-wide study of measures required to protect ports, airfields, logistics centers, and command and control facilities in European member nations of NATO against chemical attack; and

(4) efforts to initiate a NATO-wide study of equitable and efficient sharing among NATO member nations of responsibilities with regard to deterring the use of chemical munitions in Europe.

SEC. 1412.[4] DESTRUCTION OF EXISTING STOCKPILE OF LETHAL CHEMICAL AGENTS AND MUNITIONS

(a) In General.—(1) Notwithstanding any other provision of law, the Secretary of Defense (hereinafter in this section referred to as the "Secretary") shall, in accordance with the provisions of this section, carry out the destruction of the United States' stockpile of lethal chemical agents and munitions that exists on the date of the enactment of this Act.

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[4] 50 U.S.C. 1521.

(2) Such destruction shall be carried out in conjunction with the acquisition of binary chemical weapons for use by the Armed Forces.

(b) DATE FOR COMPLETION.—(1) Except as provided by paragraphs (2) and (3), the destruction of such stockpile shall be completed by September 30, 1994.

(2) If a treaty banning the possession of chemical agents and munitions is ratified by the United States, the date for completing the destruction of the United States' stockpile of such agents and munitions shall be the date established by such treaty.

(3)(A) In the event of a declaration of war by the Congress or of a national emergency by the President or the Congress or if the Secretary of Defense determines that there has been a significant delay in the acquisition of an adequate number of binary chemical weapons to meet the requirements of the Armed Forces (as defined by the Joint Chiefs of Staff as of September 30, 1985), the Secretary may defer, beyond September 30, 1994, the destruction of not more than 10 percent of the stockpile described in subsection (a)(1).

(B) The Secretary shall transmit written notice to the Congress of any deferral made under subparagraph (A) within 30 days after the date on which the determination to defer is made or by August 31, 1994, whichever is earlier.

(c) ENVIRONMENTAL PROTECTION AND USE OF FACILITIES.—(1) In carrying out the requirement of subsection (a)(1), the Secretary shall provide for—

(A) maximum protection for the environment, the general public, and the personnel who are involved in the destruction of the lethal chemical agents and munitions referred to in subsection (a); and

(B) adequate and safe facilities designed solely for the destruction of lethal chemical agents and munitions.

(2) Facilities constructed to carry out this section may not be used for any purpose other than the destruction of lethal chemical weapons and munitions, and when no longer needed to carry out this section, such facilities shall be cleaned, dismantled, and disposed of in accordance with applicable laws and regulations.

(d) PLAN.—(1) The Secretary shall develop a comprehensive plan to carry out this section.

(2) In developing such plan, the Secretary shall consult with the Secretary of Health and Human Services and the Administrator of the Environmental Protection Agency.

(3) The Secretary shall transmit a copy of such plan to the Congress not later than March 15, 1986.

(4) Such plan shall provide—

(A) an evaluation of the comparison of onsite destruction, regional destruction centers, and a national destruction site both inside and outside of the United States;

(B) for technological advances in techniques used to destroy chemical munitions;

(C) for the maintenance of a permanent, written record of the destruction of lethal chemical agents and munitions carried out under this section; and

(D) a description of—

(i) the methods and facilities to be used in the destruction of agents and munitions under this section;

(ii) the schedule for carrying out this section; and

(iii) the management organization established under subsection (e).

(e) MANAGEMENT ORGANIZATIONS.—In carrying out this section, the Secretary shall provide for the establishment, not later than May 1, 1986, of a management organization within the Department of the Army.

(2) Such organization shall be responsible for management of the destruction of agents and munitions under this section.

(3) The Secretary shall designate a general officer as the director of the management organization established under paragraph (1). Such officer shall have—

(A) experience in the acquisition, storage, and destruction of chemical agents and munitions;

(B) training in chemical warfare defense operations; and

(C) outstanding qualifications regarding safety in handling chemical agents and munitions.

(f) IDENTIFICATION OF FUNDS.—Funds for carrying out this section shall be set forth in the budget of the Department of Defense for any fiscal year as a separate account. Such funds shall not be included in the budget accounts for any military department. Funds for military construction projects necessary to carry out this section may be set out in the annual military construction budget separately from other funds for such project.

(g) ANNUAL REPORT.—(1) Except as provided by paragraph (4), the Secretary shall transmit, by December 15 of each year, a report to the Congress on the activities carried out under this section during the fiscal year ending on September 30 of the calendar year in which the report is to be made.

(2) The first such report shall be transmitted by December 15, 1985, and shall contain—

(A) an accounting of the United States' stockpile of lethal chemical agents and munitions on the date of the enactment of this Act; and

(B) a schedule of the activities planned to be carried out under this section during fiscal year 1986.

(3) Each report other than the first one shall contain—

(A) a site-by-site description of the construction, equipment, operation, and dismantling of facilities (during the fiscal year for which the report is made) used to carry out the destruction of agents and munitions under this section, including any accidents or other unplanned occurrences associated with such construction and operation; and

(B) an accounting of all funds expended (during such fiscal year) for activities carried out under this section, with a separate accounting for amounts expended for—

(i) the construction of and equipment for facilities used for the destruction of agents and munitions;

(ii) the operation of such facilities;
(iii) the dismantling or other closure of such facilities;
(iv) research and development; and
(v) program management.

(4) The Secretary shall transmit the final report under this subsection not later than 120 days following the completion of activities under this section.

(h) PROHIBITION ON ACQUIRING CERTAIN LETHAL CHEMICAL AGENTS AND MUNITIONS.—(1) Except as provided in paragraph (2), no agency of the Federal Government may, after the date of the enactment of this Act, develop or acquire lethal chemical agents or munitions other than binary chemical weapons.

(2)(A) The Secretary of Defense may acquire any chemical agent or munition at any time for purposes of intelligence analysis.

(B) Chemical agents and munitions may be acquired for research, development, test, and evaluation purposes at any time, but only in quantities needed for such purposes and not in production quantities.

(i) REAFFIRMATION OF UNITED STATES POSITION ON FIRST USE OF CHEMICAL AGENTS AND MUNITIONS.—It is the sense of Congress that the President should publicly reaffirm the position of the United States as set out in the Geneva Protocol of 1925, which the United States ratified with reservations in 1975.

(j) DEFINITIONS.—For purposes of this section:

(1) The term "chemical agent and munition" means an agent or munition that, through its chemical properties, produces lethal or other damaging effects on human beings, except that such term does not include riot control agents, chemical herbicides, smoke and other obscuration materials.

(2) The term "lethal chemical agent and munition" means a chemical agent or munition that is designed to cause death, through its chemical properties, to human beings in field concentrations.

(3) The term "destruction" means, with respect to chemical munitions or agents—

(A) the demolishment of such munitions or agents by incineration or by any other means; or

(B) the dismantling or other disposal of such munitions or agents so as to make them useless for military purposes and harmless to human beings under normal circumstances.

(k) EFFECTIVE DATE.—The provisions of this section shall take effect on October 1, 1985.

SEC. 1413. REPORT CONCERNING THE TESTING OF CHEMICAL WARFARE AGENTS

The Secretary of Defense shall, within 90 days after the date of enactment of this Act, transmit a report to the Committees on Armed Services of the Senate and House of Representatives describing the following matters concerning the testing of diluted or undiluted chemical warfare agents:

(1) The criteria and process used for selecting sites for such testing.

(2) The nature and extent of any consultation carried out with State and local officials before the site for such testing is selected.

(3) The consideration that is given to the proximity of residential dwelling units, schools, child care centers, nursing homes, hospitals, or other health care facilities to the testing site.

(4) Whether an environmental impact statement should be required prior to the approval of a contract for such testing.

(5) Any costs that may have to be incurred by the Federal Government to assist companies that carry out such testing to relocate to more isolated areas.

(6) The degree to which the Secretary estimates that such testing will increase or decrease.

(7) Any recurring problems associated with such testing or the site selection process for such testing.

(8) Any changes in site selection process that are to be implemented by the Secretary or for which legislative action is necessary.

PART C—DRUG INTERDICTION, LAW ENFORCEMENT, AND OTHER SPECIFIC PROGRAMS

SEC. 1421.[5] ENHANCED DRUG-INTERDICTION ASSISTANCE

(a) MANDATORY ASSIGNMENT OF COAST GUARD PERSONNEL ON NAVAL VESSELS.—The Secretary of Defense and the Secretary of Transportation shall provide that there be assigned on board each surface naval vessel at sea in a drug-interdiction area at least one member of the Coast Guard who is trained in law enforcement and has power to arrest, search, and seize property and persons suspected of violations of law.

(b) LAW ENFORCEMENT FUNCTIONS.—Members of the Coast Guard assisgned to duty on board naval vessels under this section shall perform such law enforcement functions (including drug-interdiction functions)—

(1) as may be agreed upon by the Secretary of Defense and the Secretary of Transportation; and

(2) as are otherwise within the jurisdiction of the Coast Guard.

(c) AUTHORIZATION OF NECESSARY COAST GUARD PERSONNEL; FUNDING.—(1) The active-duty military strength level for the Coast Guard for fiscal year 1986 is increased by 500. Additional members of the Coast Guard who are on active duty by reason of this subsection shall be assinged to duty as provided in subsection (a).

(2) Of the funds appropriated for operation and maintenance for the Navy for fiscal year 1986, the sum of $15,000,000 shall be transferred to the Secretary of Transportation and shall be available only for the additional personnel authorized by paragraph (1).

(d) DEFINITIONS.—For the purposes of this section:

(1) The term "drug-interdiction area" means an area outside the land area of the United States in which the Secretary of Defense (in consultation with the Attorney General) deter-

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[5] 14 U.S.C. 89 note.

mines that activities involving smuggling of drugs into the United States are ongoing.

(2) The term "active-duty military strength level for the Coast Guard for fiscal year 1986" means the full-time equivalent strength level for active-duty military personnel of the Coast Guard for fiscal year 1986 required to be maintained by section 3 of the Coast Guard Authorization Act of 1984 (Public Law 98-557; 98 Stat. 2860).

SEC. 1422. ESTABLISHMENT, OPERATION, AND MAINTENANCE OF DRUG LAW ENFORCEMENT ASSISTANCE ORGANIZATIONS OF THE DEPARTMENT OF DEFENSE

(a) AUTHORIZATION OF FUNDS FOR ELEMENTS ASSISTING CIVILIAN DRUG INTERDICTION.—(1) There are authorized to be appropriated to the Department of Defense for fiscal year 1986 such sums as may be necessary for the establishment, operation, and maintenance of airborne surveillance, detection, and interdiction units in the Department of Defense.

(2) There are authorized to be appropriated to the Department of Defense for fiscal year 1986 such sums as may be necessary for the operation and maintenance of the Directorate of the Department of Defense Task Force on Drug Law Enforcement.

(b) COMMAND, CONTROL, AND COORDINATION.—A special operations headquarters element shall provide necessary command, control, and coordination of appropriate active or Reserve Component special operations forces, combat rescue units, and other units for participation by such forces and units in drug law-enforcement assistance missions.

(c) REPORT ON PLANS TO ENHANCE COOPERATION WITH CIVILIAN DRUG ENFORCEMENT AGENCIES.—Not later than December 1, 1985, the Secretary of Defense shall submit to the committees on Armed Services of the Senate and the House of Representatives a report on the manner in which the Department of Defense plans to obligate and expend funds appropriated or expected to be appropriated pursuant to the authorizations contained in this section. The report shall include a description of—

(1) actions or proposed actions to establish, operate, and maintain reserve component forces, airborne surveillance, detection, and interdiction units, including—

(A) actions or proposed actions to consolidate or establish, in a Special Operations Wing of the Air Force (reserve or active component), command, control, and coordination of Air Force Special Operations aircraft (including aircraft assigned to the Special Operations Wing of the Regular Air Force on or before March 1, 1985); and

(B) in the case of any such aircraft which are not to remain assigned to a Special Operation Wing of the Air Force, the disposition or planned disposition of those aircraft;

(2) actions and proposed actions to use rotary-wing and fixed-wing aircraft of the Department of Defense as well as other measures necessary to furnish (commensurate with military readiness and the provisions of chapter 18 of title 10, United States Code) optimal support to civilian law enforcement agencies; and

(3) actions and proposed actions to promote dual use between the reserve component forces and civilian law enforcement agencies of the Department of Defense aircraft and other Department of Defense resources made available to civilian law enforcement agencies for the purpose of carrying out drug interdiction missions.

SEC. 1423. MILITARY COOPERATION INFORMATION PROGRAMS FOR CIVILIAN LAW ENFORCEMENT OFFICIALS

(a) PROVISION OF LAW ENFORCEMENT ASSISTANCE INFORMATION.—Section 373 of title 10, United States Code, is amended—

(1) by inserting "(a)" before "The"; and

(2) by adding at the end thereof the following new subsections:

"(b)(1) At least once each year, the Attorney General of the United States in consultation with the Secretary of Defense, shall conduct a briefing of law enforcement personnel of each State, including law enforcement personnel of the political subdivisions of each State, regarding information, training, technical assistance, and equipment and facilities available to civilian law enforcement personnel from the Department of Defense.

"(2) Each briefing conducted under paragraph (1) shall include—

"(A) an explanation of the procedures for civilian law enforcement officials—

"(i) to obtain information under section 371 of this title, use of equipment and facilities under section 372 of this title, and training and advice under subsection (a); and

"(ii) to obtain surplus military equipment;

"(B) the types of information, equipment and facilities, and training and advice available to civilian law enforcement officials from the Department of Defense; and

"(C) a current comprehensive list of military equipment which is suitable for law enforcement purposes and is available to civilian law enforcement officials from the Department of Defense or is available as surplus property from the Administrator of General Services.

"(c) The Attorney General of the United States and the Administrator of General Services shall—

"(1) establish or designate an appropriate office or offices to maintain the list described in subsection (b)(2)(C) and to furnish information to civilian law enforcement officials on the availability of surplus military equipment; and

"(2) make available to civilian law enforcement personnel nationwide, tollfree telephone communication with such office or offices.".

(b)[6] EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 1986.

SEC. 1424. STUDY ON THE USE OF THE E-2 AIRCRAFT FOR DRUG INTERDICTION PURPOSES

(a) STUDY BY SECRETARY OF THE NAVY.—The Secretary of the Navy shall conduct a test of the use of E-2 aircraft of the Navy to determine the effectiveness of that aircraft in drug interdiction.

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[6] 10 U.S.C. 373 note.

The study shall be conducted along the border between the United States and Mexico and shall be carried out over a period of 6 months.

(b) COLLECTION OF DATA.—As part of the test, the Secretary shall collect data on the contribution on the use of the E-2 aircraft to the apprehension of drug smugglers. This data shall include the number of intercepts which resulted in apprehensions.

(c) REPORT.—Not later than September 30, 1986, the Secretary shall submit to Congress a report on the results of the study.

SEC. 1425. STRATEGIC BOMBER PROGRAMS

(a) SENSE OF CONGRESS REGARDING THE ADVANCED TECHNOLOGY BOMBER AND THE ADVANCED CRUISE MISSILE.—It is the sense of Congress that—

(1) the capabilities inherent in the technologies associated with the Advanced Technology Bomber program and the Advanced Cruise Missile program are a critical national security asset for maintaining an adequate and credible deterrent posture;

(2) such technologies and programs should be developed as rapidly as feasible in order to produce and deploy advanced systems which will complicate the military planning of the Soviet Union and as a consequence enhance the deterrent posture of the United States;

(3) such technologies and programs should be funded at the levels authorized in this Act; and

(4) all the funds appropriated for such programs should be fully used for such programs.

(b) PROHIBITION ON USE OF FUNDS FOR ATB AND ACM FOR ANY OTHER PURPOSE.—None of the funds appropriated pursuant to an authorization of appropriations in this Act to carry out the Advanced Technology Bomber program or the Advanced Cruise Missile program may be used for any other purpose.

(c) SENSE OF CONGRESS ON B-1B BOMBER PROGRAM.—It is the sense of Congress that, consistent with the stated policy of the Department of Defense, the B-1B bomber aircraft procurement program should be terminated after acquisition under such program of 100 aircraft.

(d) LIMITATION ON NUMBER OF B-1B AIRCRAFT TO BE PROCURED.—None of the funds appropriated pursuant to an authorization contained in this Act may be obligated or expended for the conduct of research, design, demonstration, development, or procurement of more than 100 B-1B bomber aircraft (including any derivative or modified version of such aircraft).

SEC. 1426. RESTRICTIONS ON CERTAIN NUCLEAR PROGRAMS

(a) RESTRICTION ON FUNDING FOR MX MISSILE WARHEAD.—None of the funds appropriated pursuant to an authorization provided in this or any other Act may be obligated or expended for the production of W-87 warheads for the MX missile program in excess of the numbers of warheads required to arm the number of such missiles authorized by the Congress to be deployed and determined by the President to be necessary for quality assurance and reliability testing.

(b) EMPLOYMENT OF THE STANDARD MISSILE (SM-2(N)).—Except for the studies and report required by this section, none of the funds authorized to be appropriated by this Act may be expended for research, development, test, or procurement associated with a nuclear variant of the Standard Missile (SM-2(N)) or any associated nuclear warhead until 30 calendar days after the Secretary of the Navy submits to the Committees on Armed Services of the Senate and House of Representatives a report which includes the following information:

((1) A description of the circumstances under which the SM-2(N) would be used and an assessment of likely enemy response (including countermeasures).

(2) A description of the release procedures and circumstances under which release would be authorized for employment of the SM-2(N).

(3) An analysis of conventional alternatives to the SM-2(N), including any necessary modification to the SM-2 or alternative to the Standard Missile or warhead, and the associated costs of those alternatives.

(4) A summary of all studies previously conducted analyzing the impact of the use of nuclear naval surface-to-air missiles on our own vessels and electronics.

(5) A list of all United States ships which may receive the SM-2(N).

(6) The number of additional conventional armed missiles which could be carried by United States ships if the SM-2(N) were not deployed and the impact on fleet air defense from that reduced conventional load.

(7) Any plans or programs for the development of a nuclear naval surface-to-air or air-to-air missile for fleet defense other than the SM-2(N).

(c) REPORT ON REQUIREMENTS FOR SPECIAL NUCLEAR MATERIALS.—(1) Not later than March 1, 1986, the Secretary of Defense and the Secretary of Energy, after consultation with the Joint Chiefs of Staff and the Director of the Arms Control and Disarmament Agency, shall submit a report to the Committees on Armed Services of the Senate and House of Representatives detailing the military requirements for special nuclear materials through fiscal year 1991. The report shall include findings and recommendations concerning—

(A) requirements for production of plutonium, highly enriched uranium, and other special nuclear materials; and

(B) the recovery of special nuclear materials for military uses that have been transferred from military uses to civilian research and development uses.

(2) The report should also—

(A) address the availability of special nuclear materials to be deived from the retirement of existing nuclear weapons;

(B) address the feasibility of meeting military needs for special nuclear materials through the blending of high grade and low grade materials stocks;

(C) assess the impact of new materials separation, purification, and production technologies on nuclear proliferation; and

(D) contain the views of the Joint Chiefs of Staff and the Director of the Arms Control and Disarmament Agency.

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PART E—MISCELLANEOUS PROVISIONS

SEC. 1451. SENSE OF CONGRESS ON INTRODUCTION OF ARMED FORCES INTO NICARGUA FOR COMBAT

It is the sense of Congress that United States Armed Forces should not be introduced into or over Nicaragua for combat. However, nothing in this section shall be construed as affecting the authority and responsibility of the President or Congress under the Constitution, statutes, or treaties of the United States in force.

SEC. 1452. SENSE OF CONGRESS CONCERNING PROTECTION OF UNITED STATES MILITARY PERSONNEL AGAINST TERRORISM

(a) FINDING.—The Congress finds that the protection of members of the Armed Forces against terrorist activity is among the highest national security concerns of the United States.

(b) SENSE OF CONGRESS.—Therefore, it is the sense of Congress that—

(1) the President should be supported in the vigorous exercise of his powers as Commander-in-Chief to protect members of the Armed Forces against terrorist activity; and

(2) such exercise of power should include the use of such measures as may be appropriate and consistent with law.

SEC. 1453. READINESS OF SPECIAL OPERATIONS FORCES

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the first duty of the Government is to provide for the common defense, including safeguarding the peace, safety, and security of the citizens of the United States;

(2) the incidence of terrorist, guerilla, and other violent threats to citizens and property of the United States has rapidly increased;

(3) the special operations forces of the Armed Forces provide the United States with immediate and primary capability to respond to terrorism; and

(4) the special operations forces are the military mainstay of the United States for the purposes of nation-building and training friendly foreign forces in order to preclude deployment or combat involving the conventional or strategic forces of the United States.

(b) SENSE OF THE CONGRESS.—In view of the findings in subsection (a), it is the sense of the Congress that—

(1) the revitalization of the capability of the special operations forces of the Armed Forces should be pursued as a matter of the highest priority;

(2) personnel and other resources allocations should reflect the priority referred to in paragraph (1);

(3) the political and military sensitivity and the importance to national security of the special operations forces require that the Office of the Secretary of Defense should improve its management supervision of such forces in all aspects of the special operations mission area;

(4) the joint command and control of the special operations forces must permit direct and immediate access by the President and Secretary of Defense; and

(5) the commanders-in-chief of the unified commands should have available, within their operational areas of responsibility, sufficient special operations assets to execute the operations plans for which they are responsible or to support additional contingency operations directed from the national level.

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f. MX Missile Authorization

Pubic Law 99-17 [S.J. Res. 91], 99 Stat. 41, approved April 4, 1985

JOINT RESOLUTION To approve the obligation of funds made available by Public Law 98-473 for the procurement of MX missiles, subject to the enactment of a second joint resolution

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That subject to the enactment (after the enactment of this joint resolution) of a joint resolution further approving the obligation of such funds, the Congress approves the obligation of funds available for fiscal year 1985 for the procurement of additional operational MX missiles (in addition to the funds previously authorized to be obligated).

g. MX Missile—Obligation of Funds

Public Law 99-18 [H.J. Res. 181], 99 Stat. 42, approved April 4, 1985

JOINT RESOLUTION To approve the obligation and availability balances made available for fiscal year 1985 for the procurement of additional operational MX missiles.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress approves the obligation and availability of prior year unobligated balances made available for fiscal year 1985 for the procurement of additional operational MX missiles.

h. Department of Defense Authorization Act, 1985

Partial Text of Public Law 98-525 [H.R. 5167], 98 Stat. 2492, Approved October 19, 1984 as amended by Public Law 99-145 [Department of Defense Authorization Act, 1986; S. 1160], 99 Stat. 619, as amended by Public Law 99-661 [National Defense Authorization Act for Fiscal Year 1987, S. 2368] 100 Stat. 3816, approved November 14, 1986

AN ACT To authorize appropriations for fiscal year 1985 for the military functions of the Department of Defense, to prescribe military personnel levels for that fiscal year for the Department of Defense, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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TITLE I—PROCUREMENT

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AUTHORIZATION OF APPROPRIATIONS FOR CERTAIN NATO COOPERATIVE PROGRAMS

Sec. 105. (a) Funds are hereby authorized to be appropriated for fiscal year 1985 for activities of the Under Secretary of Defense for Research and Engineering for acquisition in connection with cooperative programs of the North Atlantic Treaty Organization as follows:

For acquisition of the Patriot missile system for the Federal Republic of Germany, $150,000,000.

For acquisition of point air defense of United States airbases in the Federal Republic of Germany, $65,000,000.

For acquisition of point air defense of United States airbases and other critical United States military facilities in Italy, $15,000,000.

For acquisition of point air defense for ground-launched cruise missile bases in Europe, $10,000,000.

For acquisition of point air defense of United States airbases in Turkey, $10,000,000.

(b) None of the amounts appropriated pursuant to the authorizations in subsection (a) may be obligated—

(1) for implementation of a cooperative program until the Secretary of Defense submits to the Committees on Armed Services of the Senate and House of Representatives a copy of each government-to-government agreement relating to that program; or

(2) for acquisitions in connection with a NATO cooperative program in which the financial obligations of the United

States exceed the collective financial obligations of European countries in connection with such program.

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LIMITATION ON WAIVERS OF COST-RECOVERY REQUIREMENTS UNDER ARMS EXPORT CONTROL ACT

Sec. 107.[1] The authority of the President under section 21(e)(2) of the Arms Export Control Act may be exercised without regard to the limitation imposed by section 762A of the Department of Defense Appropriations Act, 1984 (Public Law 98-212).

WAIVER OF LIMITATION ON FOREIGN MILITARY SALES PROGRAM

Sec. 108.[1] The Arms Export Control Act shall be administered as if section 743A of the Department of Defense Appropriation Act, 1984 (Public Law 98-212; 96 Stat. 1858) had not been enacted into law.

TRANSFER OF CERTAIN MILITARY EQUIPMENT OR DATA TO FOREIGN COUNTRIES

Sec. 109.[2] Section 765(c) of the Department of Defense Appropriation Act, 1984 (Public Law 98-212), is hereby repealed.

POLICY CONCERNING ACQUISITION OF ADDITIONAL MX MISSILES

Sec. 110. (a) Subject to subsections (b) and (c), of the funds appropriated pursuant to the authorization of appropriations in section 103 for procurement of missiles for the Air Force, $2,500,000,000 may be used for the MX missile program, including acquisition of not more than 21 additional operational MX missiles.

(b) Except as provided in subsection (c), none of the $2,500,000,000 described in subsection (a) may be obligated for the procurement of additional operational MX missiles unless—

(a) after March 1, 1985, the President submits to Congress a report described in subsection (e);

(2) a joint resolution approving the obligation of those funds is enacted as provided for in this section; and

(3) a second joint resolution is enacted as provided for in the Department of Defense Appropriation Act, 1985 (or in a joint resolution providing funds for the Department of Defense for fiscal year 1985), further approving the obligation of those funds.

(c) Of the $2,500,000,000 described in subsection (a), $1,000,000,000 may be obligated only for—

(1) procurement related to the deployment of the 21 MX missiles for which funds were authorized and appropriated for fiscal year 1984;

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[1] Although secs. 107 and 108 lifted these restrictions concerning certain provisions of the Arms Export Control Act as they applied during fiscal year 1984, similar restrictions were reenacted as secs. 8036 and 8055 of the Department of Defense Appropriation Act, 1986.

[2] Sec. 765(c) had prohibited the use of funds provided in Public Law 98-212 to sell or otherwise provide the AN/SQR-19 Towed Array Sonar to any foreign country.

(2) advance procurement of parts and materials for the MX missile program and for the maintenance of the MX missile program contractor base; and

(3) spare parts for the MX missile program.

(d)(1) For the purpose of subsection (b)(2), "joint resolution" means only a joint resolution introduced after the date on which the report of the President under subsection (b)(1) is received by Congress the matter after the resolving clause of which is as follows: "That subject to the enactment (after the enactment of this joint resolution) of a joint resolution further approving the obligation of such funds, the Congress approves the obligation of funds appropriated for fiscal year 1985 for the procurement of additional operational MX missiles (in addition to the funds previously authorized to be obligated)."

(2) A resolution described in paragraph (1) introduced in the House of Representatives shall be referred to the Committee on Armed Services of the House of Representatives. A resolution described in paragraph (1) introduced in the Senate shall be referred to the Committee on Armed Services of the Senate. Such a resolution may not be reported before the 8th day after its introduction.

(3) If the committee to which is referred a resolution described in paragraph (1) has not reported such resolution (or an identical resolution) at the end of 15 calendar days after its introduction or at the end of the first day after there has been reported to the House involved a joint resolution approving the further obligation of funds for the procurement of operational MX missiles as provided for in the Department of Defense Appropriation Act, 1985 (or in a joint resolution providing funds for the Department of Defense for fiscal year 1985), whichever is earlier, such committee shall be deemed to be discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

(4)(A) When the committee to which a resolution is referred has reported, or has been deemed to be discharged (under paragraph (3)) from further consideration of, a resolution described in paragraph (1), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution, and all points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(B) Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(C) Immediately following the conclusion of the debate on a resolution described in paragraph (1), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(D) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in paragraph (1) shall be decided without debate.

(5) If, before the passage by one House of a resolution of that House described in paragraph (1), that House receives from the other House a resolution described in paragraph (1), then the following procedures shall apply:

(A) The resolution of the other House shall not be referred to a committee.

(B) With respect to a resolution described in paragraph (1) of the House receiving the resolution—

(i) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(ii) the vote on final passage shall be on the resolution of the other House.

(6) This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in paragraph (1), and it supercedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(e) A report under subsection (b)(1) shall include—

(1) a statement that the President has determined that further acquisition of operational missiles under the MX missile program is in the national security interest of the United States and is consistent with United States arms control policy;

(2) findings of the President concerning the effect of the acquisition and deployment of such missiles on the vulnerability of the United States land-based intercontinental ballistic missile force;

(3) a discussion of the basing mode for the MX missile (and related improvements in silo-hardening technology) and of proposals for the basing mode for the small, single-warhead intercontinental ballistic missile; and

(4) to the extent not covered under paragraphs (1) through (3), the assessment of the President submitted pursuant to subsection (g)(2).

(f) Obligation for the MX missile program of funds appropriated for fiscal year 1985 is subject to section 1231 of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 693).

(g)(1) Section 1231(e) of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 694) is amended—

(A) by striking out "the Committee on Armed Services of the Senate and House of Representatives" and inserting in lieu thereof "Congress";

(B) by striking out "the date of the enactment of this Act" and inserting in lieu thereof "September 24, 1983,";

(C) by striking out "and" at the end of clause (B);

(D) by striking out the period at the end of clause (C) and inserting in lieu thereof "; and"; and

(E) by adding at the end thereof the following new clause:

"(D) the progress of efforts to develop more survivable basing modes for the MX and other intercontinental missiles, including a new small mobile intercontinental ballistic missile.".

(2) The first assessment under section 1231(e) of the Department of Defense Authorization Act, 1985, submitted after the date of the enactment of this Act shall be submitted as part of the report described in subsection (e) (rather than coincident with any request for funds for the procurement of MX missiles submitted to Congress before the submission of that report).

PROHIBITION OF SPENDING FUNDS FOR BINARY CHEMICAL MUNITIONS

Sec. 111. None of the funds appropriated pursuant to authorizations of appropriations in this title may be used for procurement of binary chemical munitions, including advanced procurement of long-lead components or for the establishment of a production base for such munitions.

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FOREIGN MILITARY SALES OF AIR NATIONAL GUARD OA-37 AIRCRAFT

Sec. 113. It is the sense of Congress—

(1) that the Air Force should, at the earliest practicable date, provide modern replacement aircraft for those Air National Guard units currently using OA-37 Dragonfly aircraft in order to fulfill Forward Air Controller (FAC) mission of the Air National Guard; and

(2) that the United States should not sell or otherwise provide to any foreign country any OA-37 aircraft currently assigned to an Air National Guard unit unless the unit to which such aircraft is assigned is in the process of converting to the use of a more modern aircraft or unless the OA-37 aircraft to be sold or otherwise provided to a foreign country has been replaced with an OA-37 from the stocks of the Air Force.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

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POLICY GOVERNING THE TEST OF ANTI-SATELLITE WARHEADS

Sec. 205. * * * [3]

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TITLE III—OPERATION AND MAINTENANCE

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SALE OF ARTICLES MANUFACTURED BY CERTAIN ARSENALS; ASSET CAPITALIZATION PROGRAM

Sec. 305. * * * [4]

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SENSE OF CONGRESS CONCERNING INTRODUCTION OF UNITED STATES ARMED FORCES INTO CENTRAL AMERICA FOR COMBAT

Sec. 310. (a) The Congress makes the following findings:

(1) The President has stated that there is no need to introduce United States Armed Forces into Central America for combat and that he has no intention of doing so.

(2) The President of El Salvador has stated that there is no need for United States Armed Forces to conduct combat operations in El Salvador and that he has no intention of asking that they do so.

(3) The possibility of the introduction of United States Armed Forces into Central America for combat raises very grave concern in the Congress and the American people.

(b) It is the sense of Congress that—

(1) United States Armed Forces should not be introduced into or over the countries of Central America for combat; and

(2) if circumstances change from those present on the date of the enactment of this Act and the President believes that those changed circumstances require the introduction of United States Armed Forces into or over a country of Central America for combat, the President should consult with Congress before any decision to so introduce United States Armed Forces and any such introduction of United States Armed Forces must comply with the War Powers Resolution.

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TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

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PERSONAL VEHICLES OF UNITED STATES MILITARY PERSONNEL IN JAPAN

Sec. 653. (a) The Congress finds that—

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[3] Sec. 205 amends sec. 1235 of the Department of Defense Authorization Act, 1984. For text, see page 746.

[4] Sec. 305 adds a new sec. 2208(i) to title 10, United States Code, concerning the sale of articles manufactured by certain arsenals. For text, see page 658.

(1) the Government of Japan does not permit members of the Armed Forces of the United States to take their motor vehicles into Japan for their personal use while assigned to a duty station in Japan unless such vehicles are modified to satisfy certain requirements of the Government of Japan;

(2) as a result of the restriction referred to in clause (1), members of the Armed Forces typically need to sell their personal motor vehicles before departing the United States to report to a duty station in Japan, to purchase vehicles in Japan for personal use while stationed in Japan, to sell such purchased vehicles before departing Japan to return to the United States, and to purchase vehicles in the United States upon their return;

(3) members of the Armed Forces incur a substantial financial burden in connection with the repeated sale and replacement of personal vehicles;

(4) the United States permits members of the Armed Forces of foreign nations to bring unmodified vehicles into the United States for their personal use while assigned to duty stations in the United States; and

(5) the United States provides a substantial contribution to the defense of Japan and the waters surrounding Japan.

(b) Considering the findings set out in subsection (a), it is the sense of the Congress that the President, acting through the Secretary of Defense and the Secretary of State, should enter into negotiations with the Government of Japan for the purpose of obtaining the agreement of such government not to require the modification of the personal motor vehicles of members of the Armed Forces of the United States brought into Japan for the personal use while stationed in Japan.

(c) Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall transmit to the Congress a written report relating to the matters described in subsection (a). The report shall include—

(1) a description of any negotiations carried out with the Government of Japan; and

(2) a description of the other actions the Government of the United States can reasonably take to obtain an agreement described in subsection (b).

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TITLE X—MATTERS RELATING TO NATO AND OTHER ALLIES

SENSE OF CONGRESS RELATING TO INCREASE IN DEFENSE SPENDING BY UNITED STATES ALLIES

Sec. 1001. It is the sense of Congress that the President—

(1) should call on the pertinent member nations of the North Atlantic Treaty Organization to meet or exceed their pledges for an annual increase in defense spending during fiscal years 1984 and 1985 of at least 3 percent real growth; and

(2) should call on Japan to further increase its defense spending during fiscal years 1984 and 1985;

in furtherance of increased unity; equitable sharing of the common defense burden, and international stability.

IMPROVEMENTS TO NATO CONVENTIONAL CAPABILITY

Sec. 1002. (a) The Congress finds—

(1) that the North Atlantic Treaty Organization (NATO) should improve its conventional defense capability so as to lengthen the period of time that Western Europe can be defended by conventional forces without the necessity of resorting to the early use of nuclear weapons in the event of a nonnuclear attack on any NATO member country;

(2) that fulfillment by NATO member nations of their goals and commitments to increase defense spending, improve conventional sustainability, and provide support facilities in Western Europe for rapid reinforcements from the United States is crucial to accomplishing that objective; and

(3) that an increase over current United States military personnel levels in European member nations of NATO can be justified only if these goals and commitments are substantially met by NATO member nations (other than the United States).

(b) The Congress urges the President and the Secretary of Defense to continue to encourage member nations of NATO (other than the United States) to work expeditiously to fulfill the following commitments they have undertaken:

(1) To achieve and maintain an annual increase in their defense spending of at least 3 percent after inflation.

(2) To acquire a 30-day supply of air and ground munitions among those NATO members which have committed forces to the Northern, Center, and Southern Regions.

(3) To construction of the number of minimum essential and emergency operating facilities and semihardened aircraft shelters in Western Europe required by NATO Ministerial Guidance to support, under NATO/SHAPE standards, as a minimum, the annual commitment of United States reinforcing tactical aircraft.

(c)(1) After September 30, 1985, none of the funds appropriated pursuant to an authorization contained in this Act or any other Act enacted after the date of the enactment of this Act may be used to support an end strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of NATO at any level exceeding a permanent ceiling of 326,414. The Secretary of Defense may exceed such permanent ceiling in any year by a number equal to not more than ½ of 1 percent for the purpose of achieving sound management in the rotation of members of the Armed Forces of the United States to and from assignment to permanent duty ashore in European member nations of NATO, but only if the Secretary determines that the increase in such year is necessary for such purpose.[5]

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[5] This sentence was added by sec. 1101 of the Department of Defense Authorization Act of 1986 (Public Law 99-145; 99 Stat. 707).

(2) If the Secretary of Defense certifies to the Congress in writing during any fiscal year after fiscal year 1985 that during the previous fiscal year the member nations of NATO (other than the United States) have undertaken significant measures to improve their conventional defense capacity consistent with the goals set forth in subsection (b) which contributes to lengthening the time period between an armed attack on any NATO country and the time the Supreme Allied Commander, Europe, would have to request the release and use of nuclear weapons, the Congress would give strong consideration to authorizing an increase in the permanent ceiling prescribed in paragraph (1) for fiscal years after such fiscal year.

(d)(1) Not later than April 1, 1985, and each year thereafter, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the status, as of January 1 of the year in which the report is submitted, of the following matters:

(A) The number of days of supply of the ground and aerial munitions in hand or on order of the member nations of NATO (other than the United States) which have committed forces to the Northern, Center, and Southern Regions.

(B) The number of facilities and semihardened aircraft shelters completed or under construction as they relate to the United States commitment of reinforcing aircraft in the United States Defense Planning Questionnaire (DPQ) Response of the previous year.

(2)(A) Beginning with the budget submitted to Congress for fiscal year 1986, but not later than April 1, 1985, and each year thereafter, the Secretary of Defense shall submit to Congress a report on the status and cost of the United States commitment to NATO as reflected in the DPQ Response and in the defense budget request. The report shall be an annual update of the Department of Defense Report entitled "United States Expenditures in Support of NATO", first submitted to the Congress in June 1984 pursuant to section 1107 of the Department of Defense Authorization Act, 1984 (Public Law 98–94; 97 Stat. 677). In addition to the information required by that section, each such report shall include information which specifically identifies those items in the Secretary of Defense's procurement budget request that are in support of United States forces committed to or earmarked for NATO.

(B) In addition to the requirements of subparagraph (A), the Secretary of Defense shall include in the report an assessment of the performance of the members of NATO (other than the United States) in the following areas:

(i) Allied contributions to the common defense.

(ii) Improvement in sustainability and support for United States reinforcing tactical aircraft.

(iii) Meeting NATO force goals.

(iv) Increasing NATO infrastructure funding.

(v) Improvements in air base defenses.

(vi) Increasing trained manpower levels, particularly reserves.

(vii) Increasing war reserve material.

(viii) Improving NATO's ability to neutralize enemy follow-on forces, including use of emerging technologies.

(ix) Improvements in mine/counter mine capability.

(x) Improvements in offensive counter air capability.

(e)(1) The Congress finds that a viable "two-way street" of defense procurement improves NATO interoperability and therefore is important to overall improvements in conventional defense.

(2)(A) In addition to any funds appropriated pursuant to the authorization contained in section 201 for the activities of the Director of Test and Evaluation, Defense, the Director may use an additional amount, not to exceed $50,000,000, to acquire certain types of weapons, subsystems, and munitions of European NATO manufacture for side-by-side testing with comparable United States manufactured items. Such additional amount shall be derived from any funds appropriated pursuant to an authorization contained in this Act. (Items that may be acquired under this paragraph include submunitions and dispensers, anti-tank and anti-armor guided missiles, mines, runway-cratering devices, torpedoes, mortar systems, light armored vehicles, and high-velocity anti-tank guns.)

(f)(1) This section shall not apply in the event of a declaration of war or an armed attack on any NATO member country.

(2) This section may be waived by the President if he declares an emergency and immediately informs the Congress of his action and the reasons therefor.

REPORT ON ALLIED CONTRIBUTIONS TO THE COMMON DEFENSE

Sec. 1003. (a) In recognition of the increasing military threat faced by the Western World and in view of the growth, relative to the United States, in the economic strength of Japan, Canada, and a number of Western European countries which has occurred since the signing of the North Atlantic Treaty on April 4, 1949, and the Mutual Cooperation and Security Treaty between Japan and the United States on January 19, 1960, it is the sense of the Congress that—

(1) the burdens of mutual defense now assumed by some of the countries allied with the United States under those agreements are not commensurate with their economic resources;

(2) since May 1978, when each member nation of the North Atlantic Treaty Organization (NATO) agreed to increase real defense spending annually in the range of 3 percent, most NATO members, except for the United States, have failed to meet the 3 percent real growth commitment consistently;

(3) since May 1981, when the Government of Japan established its policy to defend the air and sea lines of communication out to 1,000 nautical miles from the coast of Japan, progress to develop the necessary self-defense capabilities to fulfill that pledge has been extremely disappointing;

(4) Japan is the ally of the United States with the greatest potential for improving its self-defense capabilities and should, therefore, rapidly increase its annual defense spending to the levels required to fulfill that pledge and to enable Japan to be capable of an effective conventional self-defense capability by 1990, including the capability to carry out its 1,000-mile de-

fense policy, a development that would be consonant not only with Japan's current prominent position in the family of nations but also with its unique sensibilities on the issues of war and peace, sensibilities that are recognized and respected by the people of the United States; and

(5) the continued unwillingness of such countries to increase their contributions to the common defense to more appropriate levels will endanger the vitality, effectiveness, and cohesion of the alliances between those countries and the United States.

(b) It is further the sense of the Congress that the President should seek from each signatory country (other than the United States) of the two treaties referred to in subsection (a) acceptance of international security responsibilities and an agreement to make contributions to the common defense which are commensurate with the economic resources of such country, including, when appropriate, an increase in host nation support.

(c) The Secretary of Defense shall submit to the Congress each year, not later than March 1, a classified report containing—

(1) a comparison of the fair and equitable shares of the mutual defense burdens of these alliances that should be borne by the United States, by other member nations of NATO, and by Japan based upon economic strength and other relevant factors, and the actual defense efforts of each nation together with an explanation of disparities that currently exist and their impact on mutual defense efforts;

(2) a description of efforts by the United States and the efforts of other members of the alliances to eliminate any existing disparities;

(3) projected estimates of the real growth in defense spending for the fiscal year in which the report is submitted for each NATO member nation;

(4) a description of the defense-related initiatives undertaken by each NATO member nation within the real growth in defense spending of such nation in the fiscal year immediately preceding the fiscal year in which the report is submitted;

(5) an explanation of those instances in which the commitments to real growth in defense spending have not been realized and a description of efforts being made by the United States to ensure fulfillment of these important NATO commitments;

(6) a description of the activities of each NATO member and Japan to enhance the security and stability of the Southwest Asia region and to assume additional missions for their own defense as the United States allocates additional resources to the mission of protecting Western interests in world areas not covered by the system of Western Alliances; and

(7) a description of what additional actions the executive branch plans to take should the efforts by the United States referred to in clauses (2) and (5) fail, and, in those instances where such additional actions do not include consideration of the repositioning of American troops, a detailed explanation as to why such repositioning is not being so considered.

(d) The Secretary of Defense shall also submit to the Congress not more than 30 days after the submission of the report required under subsection (a) an unclassified report containing the matters set forth in clauses (1) through (7) of such subsection.

NATO SEASPARROW COOPERATIVE PROGRAM

Sec. 1004. The Secretary of the Navy is authorized to continue participation, in accordance with current operating procedures, in the North Atlantic Treaty Organization SEASPARROW Surface Missile System Cooperative Consortium, as described in the Memorandum of Understanding between the United States, Denmark, Norway, Italy, the Netherlands, Belgium, Canada, Greece, and Federal Republic of Germany, signed by the United States on June 6, 1968, and the Memorandum of Understanding between the same countries, signed by the United States on May 20, 1977.

PROCUREMENT OF COMMUNICATIONS SUPPORT AND RELATED SUPPLIES AND SERVICES

Sec. 1005. * * * [6]

POLICY ON ARMAMENTS COOPERATION WITH NATO MEMBER COUNTRIES

Sec. 1006. Not later than May 1, 1985, the Secretary of Defense shall transmit to Congress a report setting forth a comprehensive proposal by which the United States and NATO member countries may achieve the objectives described in section 1122(b) of the Department of Defense Authorization Act, 1983 (Public Law 97-252; 96 Stat. 755).[7]

AUTHORITY OF SECRETARY OF DEFENSE IN CONNECTION WITH COOPERATIVE AGREEMENTS ON AIR DEFENSE IN CENTRAL EUROPE

Sec. 1007. (a) During fiscal year 1985, the Secretary of Defense may carry out the European air defense agreements. In carrying out those agreements during that year, the Secretary—

(1) may provide without monetary charge to the Federal Republic of Germany articles and services as specified in the agreements; and

(2) may accept from the Federal Republic of Germany (in return for the articles and services provided under paragraph (1)) articles and services as specified in the agreements.

(b) In connection with the administration of the European air defense agreements during fiscal year 1985, the Secretary of Defense may—

(1) waive any surcharge for administrative services otherwise chargeable under section 21(e)(1)(A) of the Arms Export Control Act (22 U.S.C. 2761(e)(1)(A));

(2) waive any charge not otherwise waived for services associated with contract administration for the sale under the Arms Export Control Act of Patriot air defense missile fire units to the Federal Republic of Germany contemplated in the agreements;

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[6] Sec. 1005 added a new sec. 2401a to title 10, U.S.C. See page 661 for text.

[7] For text, see page 749.

(3) use, to the extent contemplated in the agreements, the NATO Maintenance and Supply Agency (A) for the supply of logistic support in Europe for the Patriot missile system, and (B) for the acquisition of such logistic support, to the extent that the Secretary determines that the procedures of that agency governing such supply and acquisition are appropriate;

(4) share, to the extent contemplated in the agreements, the costs of set-up charges of facilities for use by that agency to perform depot-level support of Patriot missile fire units in Europe; and

(5) deliver to the Federal Republic of Germany one Patriot missile fire unit configured for training, to be purchased by the Federal Republic of Germany under the Arms Export Control Act as contemplated in the agreements, without regard to the requirement in section 22 of that Act (22 U.S.C. 2762) for payment in advance of delivery for any purchase under that Act.

(c) Notwithstanding the rate required to be charged under section 21 of the Arms Export Control Act for services furnished by the United States, in the case of the 14 Patriot missile fire units which the Federal Republic of Germany purchases from the United States under that Act as contemplated in the European air defense agreements, the rate charged by the Secretary of Defense for packing, crating, handling, and transportation services associated with that purchase may not exceed the established Department of Defense rate for such services.

(d) For the purposes of this section, the term "European air defense agreements" means (1) the agreement entitled "Agreement between the Secretary of Defense of the United States of America and the Minister of Defense of the Federal Republic of Germany on Cooperative Measures for Enhancing Air Defense for Central Europe", signed on December 6, 1983, and (2) the agreement entitled "Agreement between the Secretary of Defense of the United States of America and the Federal Minister of Defense of the Federal Republic of Germany in implementation of the 6 December 1983 Agreement on Cooperative Measures for Enhancing Air Defense for Contral Europe", signed on July 12, 1984.

(e) The authority of the Secretary of Defense to enter into contracts under the European air defense agreements is available only to the extent that appropriated funds are otherwise available for that purpose.

TITLE XI—MATTERS RELATING TO ARMS CONTROL

REPORT ON STRATEGIC NUCLEAR SUBMARINE FORCE

Sec. 1101. Not later than April 1, 1985, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the survivability of the United States strategic nuclear ballistic missile submarine force. The report shall address whether there are grounds for adjusting, in short or long-range terms, strategic force plans of the United States based on any vulnerability or potential vulnerability of such force. The report shall also examine the feasibility and desirability of enhancing the survivability of such force through measures that would affect antisubmarine warfare, including the nature of the patrols and the rules of engagement of attack submarines and the nature of the patrols and the rules of engagement of ballistic missile submarines.

ANNUAL REPORT ON STRATEGIC DEFENSE PROGRAMS

Sec. 1102. At the time of the submission by the Secretary of Defense to the Congress of his annual budget presentation materials for each fiscal year beginning with fiscal year 1986 and ending with fiscal year 1990 (but not later than March 15 of the calendar year in which such fiscal year begins), the Secretary of Defense shall transmit to the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives and the Committee on Armed Services and the Committee on Foreign Relations of the Senate a report on the programs that constitute the Strategic Defense Initiative and other programs, if any, relating to defense against strategic ballistic missiles. Each such report shall include—

(1) details of all programs and projects included in the Strategic Defense Initiative or relating to defense against strategic ballistic missiles;

(2) a clear definition of the objectives of the Strategic Defense Initiative;

(3) an explanation of the relationship between each such objective and each program and project associated with the Strategic Defense Initiative or defense against strategic ballistic missiles;

(4) the status of consultations with other member nations of the North Atlantic Treaty Organization, Japan, and other appropriate allies concerning research being conducted in the Strategic Defense Initiative program;

(5) a statement of any anticipated impact on the anti-ballistic missile treaty;

(6) consideration of a process by which Congress could review Soviet countermeasures to specific Strategic Defense Initiative programs and evaluate the adequacy of such programs to respond to such countermeasures;

(7) details on the funding of programs and projects for the Strategic Defense Initiative, including—

(A) prior and current year funding levels for all such programs, projects, and tasks in the Strategic Defense Initiative budgetary presentation materials;

(B) the amount requested to be appropriated for such programs, projects, and tasks for the fiscal year for which the budget is submitted; and

(C) the amount programmed to be requested for the following fiscal year.

REPORT ON THEATER NUCLEAR WEAPONS AND FORCE STRUCTURE

Sec. 1103. Not later than January 19, 1985, the President shall submit to Congress a report setting forth reasons why the United States should or should not initiate a long-term program for the renovation of the North Atlantic Treaty Organization (NATO) nuclear deterrent in a manner designed to reduce pressures for early first use of tactical nuclear weapons and to substantially reduce the theater nuclear arsenal to types and numbers of weapons whose characteristics make for a more stable and credible force. The report (in addition to any other matter covered) should specifically address the following issues:

(1) Whether NATO should not eliminate its reliance on short-range battlefield nuclear weapons (such as the atomic demolition bomb and 155-millimeter and 8-inch nuclear artillery rounds), the exposure of which to early loss from enemy action promotes pressures for early use.

(2) Whether NATO should not refurbish its nuclear deterrent by designing and deploying specific dedicated nuclear launchers of a range which permits the coverage of all potential targets from locations in the rear of the European NATO territory in the territory of the Warsaw Pact short of the territory of the Soviet Union, thereby reducing pressure from enemy action for early first use of nuclear weapons.

(3) Whether NATO should not, as a consequence of a change in policy described in paragraph (2), eliminate its inventory of dual-capable nuclear/conventional weapons in order to allow early use of artillery, aircraft, and surface-to-surface missiles for conventional missions rather than causing them to be withheld for possible nuclear use.

(4) Whether NATO should not place control and operation of tactical nuclear weapons in a single specialized command established for that purpose so that all other NATO force elements could be free to concentrate on pursuing conventional military missions with maximum efficiency.

REPORT ON WITHDRAWAL OF TACTICAL NUCLEAR WARHEADS FROM EUROPE

Sec. 1104. The President shall submit a report to Congress not later than 90 days after the final decision is made (based upon the recommendations of the Supreme Allied Commander, Europe) regarding the net reduction to be made by the United States in the number of tactical nuclear warheads in the territory of North Atlantic Treaty Organization European member nations pursuant to the decision of the Nuclear Planning Group of the North Atlantic Treaty Organization of October 17, 1983. The report shall—

(1) specify the types of warheads to be withdrawn in accordance with that decision, the number of each such warhead to be withdrawn, the schedule for the withdrawal, and the rationale for the selection of the particular warheads to be withdrawn; and

(2) any changes in force structure to be made resulting from the changes in the tactical nuclear warheads positioned in Europe.

REPORT ON UNITED STATES COUNTERFORCE CAPABILITY

Sec. 1105. (a) Not later than April 15, 1985, the President shall submit to Congress a report discussing the required strategic counterforce capability consistent with existing United States policy.

(b) The report under subsection (a) shall be developed taking into consideration current and proposed United States intercontinental ballistic missiles having an accuracy on the order of the MX missile (including specifically the MX missile, the D-5 Trident missile, and the small single-warhead missile) intended to be procured for United States strategic force modernization and the rationale for the overall counterforce capability that would be attained as a cumulative result of those procurements. The President shall include in the report a specific definition of what United States counterforce capability would constitute a so-called "first-strike capability" against the Soviet Union.

(c) The report shall also include an assessment of corresponding Soviet counterforce and first-strike capabilities.

TRANSMITTAL TO CONGRESS OF REPORT ON SOVIET COMPLIANCE WITH ARMS CONTROL AGREEMENTS

Sec. 1106. (a) Not later than 30 days after the date of the enactment of this Act, the President shall transmit to Congress the text of the report by the General Advisory Committee on Arms Control of the arms Control and Disarmament Agency entitled "A Quarter Century of Soviet Compliance Practices Under Arms Control Commitments: 1958-1983 (U)", dated November 1983. If the President determines that that report contains material the release of which to Congress would compromise United States intelligence sources, methods of intelligence gathering, or the national security of the United States, the President may furnish the text of such report after deleting or modifying such compromising material.

(b) Not later than 60 days after the date of the enactment of this Act, the President shall transmit to Congress an unclassified version of the report described in subsection (a).

REPORT ON NUCLEAR WINTER FINDINGS AND POLICY IMPLICATIONS

Sec. 1107. (a) The Secretary of Defense shall participate in any comprehensive study of the atmospheric, climatic, environmental, and biological consequences of nuclear war and the implications that such consequences have for the nuclear weapons strategy and policy, the arms control policy, and the civil defense policy of the United States.

(b) Not later than March 1, 1985, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives an unclassified report suitable for release to the public, together with classified addenda (if required), concerning the subject described in subsection (a). The Secretary shall include in such report the following:

(1) A detailed review and assessment of the current scientific studies and findings on the atmospheric, climatic, environmental, and biological consequences of nuclear explosions and nuclear exchanges.

(2) A thorough evaluation of the implications that such studies and findings have on (A) the nuclear weapons policy of the United States, especially with regard to strategy, targeting, planning, command, control, procurement, and deployment, (B)

the nuclear arms control policy of the United States, and (C) the civil defense policy of the United States.

(3) A discussion of the manner in which the results of such evaluation of policy implications will be incorporated into the nuclear weapons, arms control, and civil defense policies of the United States.

(4) An analysis of the extent to which current scientific findings on the consequences of nuclear explosions are being studied, disseminated, and used in the Soviet Union.

SENSE OF THE CONGRESS RELATING TO THE ESTABLISHMENT OF NUCLEAR RISK REDUCTION CENTERS IN THE UNITED STATES AND THE SOVIET UNION

Sec. 1108. (a) The Congress makes the following findings:

(1) An increasing number of scenarios (including misjudgment, miscalculation, misunderstanding, possession of nuclear arms by a terrorist group or a State sponsored threat) could precipitate a sudden increase in tensions and the risk of a nuclear confrontation between the United States and the Soviet Union, situations that neither side anticipates, intends, or desires.

(2) There has been a steady proliferation throughout the world of the knowledge, equipment, and materials necessary to fabricate nuclear weapons.

(3) Such proliferation of nuclear capabilities suggests an increasing potential for nuclear terrorism, the cumulative risk of which, considering potential terrorist groups and other threats over a period of years into the future, may be great.

(4) Current communications links represent equipment of the 1960's and as such are relatively outdated and limited in their capabilities.

(5) The President, responding to congressional initiatives, proposed the establishment of additional and improved communications links between the United States and the Soviet Union and other measures to reduce the risk of nuclear confrontation, and has initiated discussions at a working level with the Soviet Union pertaining to—

(A) the addition of a high speed facsimile capability to the direct communication link (hotline);

(B) the creation of a joint military communications link between the Department of Defense and the Soviet Defense Ministry; and

(C) the establishment by the Governments of the United States and Soviet Union of high-rate data communication links between each nation and its embassy in the other nation's capital.

(6) The establishment of nuclear risk reduction centers in Washington and Moscow could reduce the risk of increased tensions and nuclear confrontations, thereby enhancing the security of both the United States and the Soviet Union.

(7) These centers could serve a variety of functions, including—

(A) discussing procedures to be followed in the event of possible incidents involving the use of nuclear weapons by third parties;

(B) maintaining close contact during nuclear threats or incidents precipitated by third parties;

(C) exchanging information on a voluntary basis concerning events that might lead to the acquisition of nuclear weapons, materials, or equipment by subnational groups;

(D) exchanging information about United States-Union of Soviet Socialist Republics military activities which might be misunderstood by the other party during periods of mounting tensions; and

(E) establishing a dialog about nuclear doctrines, forces, and activities.

(8) The continuing and routine implementation of these various activities could be facilitated by the establishment within each Government of facilities, organizations, and bureaucratic relationships designated for these purposes, such as risk reduction centers, and by the appointment of individuals responsible to the respective head of state with responsibilities to manage such centers.

(b) The Congress—

(1) commends the President for his announced support for the confidence building measures described in subsection (a) and his initiation of negotiations which have occurred; and

(2) urges the President to pursue negotiations on these measures with the Government of the Soviet Union and to add to these negotiations the establishment of nuclear risk reduction centers in both nations to be operated under the direction of the appropriate diplomatic and defense authorities.

SENSE OF CONGRESS REGARDING A REPORT TO CONGRESS ON CERTAIN VERIFICATION PROGRAMS RELATING TO BIOLOGICAL AND CHEMICAL WEAPONS

Sec. 1109. (a) The Congress makes the following findings:

(1) The Iran-Iraq war has recently demonstrated a marked increase in the proliferation of technology on the production of chemical weapons and an increase in the willingness of nations to use such weapons in armed conflict.

(2) The President's Report to Congress on Soviet Arms Control Noncompliance concluded that the Soviet Union has refused to respond adequately to United States concerns about the transfer or use by the Soviet Union of lethal chemical warfare agents in Laos, Kampuchea, and Afghanistan and United States concerns about adherence by the Soviet Union to the 1972 Biological and Toxin Weapons Convention.

(3) Experts at the recent annual meeting of the American Association for the Advancement of Science and at the First World Congress on New Compounds in Biological and Chemical Warfare held at Ghent, Belgium, emphasized that better verification of the use of chemical weapons and of the development of biological and toxin weapons was essential to strength-

en the 1972 Biological and Toxin Weapons Convention and the Geneva Protocol of 1925.

(4) The 1972 Biological and Toxin Weapons Convention is scheduled for review in 1985.

(5) The United States is anxious to promote and strengthen adherence to the Geneva Protocol of 1925 and the 1972 Biological and Chemical Weapons Convention and is vigorously pursuing a comprehensive, verifiable, international agreement to ban chemical weapons.

(6) Any comprehensive agreement intended to ban the production, storage, and transfer of chemical weapons must provide for effective measures of verification and enforcement and in order for the 1972 Biological and Toxin Weapons Convention to be effective, compliance with the terms of the convention must be verifiable; and

(7) The Congress must be well informed regarding existing and planned programs for verifying compliance with the 1972 Biological and Toxin Weapons Convention and with a chemical weapons ban agreement.

(b) It is the sense of Congress that the President should submit to the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate and to the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives a comprehensive report identifying and evaluating—

(1) existing and planned programs to support verification requirements necessary to determine compliance with the 1972 Biological and Toxin Weapons Convention and a chemical weapons ban; and

(2) the budget resources necessary to support verification requirements necessary to determine compliance with the 1972 Biological and Toxin Weapons Convention and a chemical weapons ban.

(c) The President is requested to submit the report referred to in subsection (b) to the committees referred to in such subsection not later than March 15, 1985.

SENSE OF CONGRESS EXPRESSING SUPPORT FOR UNITED STATES TO PURSUE OUTSTANDING ARMS CONTROL COMPLIANCE

Sec. 1110. (a) The Congress makes the following findings:

(1) It is a vital security objective of the United States to limit the Soviet nuclear threat against the United States and its allies.

(2) The President has declared that "as for existing strategic arms agreements, we will refrain from actions which undercut them so long as the Soviet Union shows equal restraint".

(3) The United States has legitimate concerns about certain Soviet actions and behavior relevant to limitations and other provisions of existing strategic arms agreements.

(4) The President has declared that "the United States will continue to press compliance issues with the Soviet Union through diplomatic channels, and to insist upon explanations, clarifications, and corrective actions".

(5) The President has also declared that "the United States is continuing to carry out its obligations under relevant agreements".

(6) It would be detrimental to the security interests of the United States and its allies and to international peace and stability for the last remaining limitations on strategic offensive nuclear weapons to break down or lapse before replacement by a new strategic arms control agreement between the United States and the Soviet Union.

(7) The continuation of existing restraints on strategic offensive nuclear arms would provide an atmosphere more conducive to achieving an agreement significantly reducing the levels of nuclear arms.

(8) The Soviet Union has not agreed to a date for resumption of the nuclear arms talks in Geneva, and it is incumbent on the Soviet Union to return to the negotiating table.

(9) A termination of existing restraints on strategic offensive nuclear weapons could make the resumption of negotiations more difficult.

(10) Both sides have, to date, abided by important numerical and other limits contained in existing strategic offensive arms agreements, including dismantling operational missile-firing submarines and remaining within the ceilings on multiple-warhead missile launchers and other related limits.

(11) It is in the interest of the United States and its allies for the Soviet Union to continue to dismantle older missile-firing submarines as new ones are deployed and to continue to remain at or below a level of 820 launchers of intercontinental ballistic missiles with multiple independently targeted reentry vehicles, 1,200 launchers of intercontinental ballistic missiles with multiple independently targeted reentry vehicles and submarine launched ballistic missiles, and 1,320 launchers of intercontinental ballistic missiles with multiple independently targeted reentry vehicles and submarine launched ballistic missiles and heavy bombers equipped with air launched cruise missiles, and other related limits in existing strategic offensive arms agreements.

(b) In view of these findings, it is the sense of Congress that—

(1) the United States should vigorously pursue with the Soviet Union the resolution of concerns over compliance with existing strategic and other arms control agreements and should seek corrective actions, where appropriate, through the Standing Consultative Commission and other available diplomatic channels;

(2) The United States should, through December 31, 1985, continue to pursue its stated policy to refrain from undercutting the provisions of existing strategic offensive arms agreements so long as the Soviet Union refrains from undercutting the provisions of those agreements, or until a new strategic offensive arms agreement is concluded;

(3) the President should provide a report to the Congress in both classified and unclassified forms reflecting additional findings regarding Soviet adherence to such a no-undercut policy, by February 15, 1985;

(4) the President shall provide to Congress on or before June 1, 1985, a report that—

(A) describes the implications of the United States Ship Alaska's sea trials, both with and without the concurrent dismantling of older launchers of missiles with multiple independently targeted reentry vehicles with multiple independently targeted reentry vehicles, for the current United States no-undercut policy and strategic arms and United States security interests more generally;

(B) assesses possible Soviet political, military, and negotiating responses to the termination of the United States no-undercut policy;

(C) reviews and assesses Soviet activities with respect to existing strategic offensive arms agreements; and

(D) makes recommendations regarding the future of United States interim restraint policy; and

(5) the President should carefully consider the impact of any change to this current policy regarding existing strategic offensive arms agreements on the long-term security interests of the United States and its allies and should consult with the Congress before making any change in current policy.

POLICY ON THE STATUS OF CERTAIN TREATIES TO PREVENT NUCLEAR TESTING

Sec. 1111. (a) The Senate makes the following findings:

(1) The United States is committed in the Limited Test Ban Treaty of 1963 and in the Non-Proliferation Treaty of 1968 to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time.

(2) A comprehensive test ban treaty would promote the security of the United States by constraining the United States-Soviet nuclear arms competition and by strengthening efforts to prevent the proliferation of nuclear weapons.

(3) The Threshold Test Ban Treaty was signed in 1974 and the Peaceful Nuclear Explosions Treaty was signed in 1976, and both have yet to be considered by the full Senate for its advice and consent to ratification.

(4) The entry into force of the Peaceful Nuclear Explosions Treaty and the Threshold Test Ban Treaty will ensure full implementation of significant new verification procedures and so make completion of a comprehensive test ban treaty more probable.

(5) A comprehensive test ban treaty must be adequately verifiable, and significant progress has been made in methods for detection of underground nuclear explosions by seismological and other means.

(6) At present, negotiations are not being pursued by the United States and the Soviet Union toward completion of a comprehensive test ban treaty.

(7) The past five administrations have supported the achievement of a comprehensive test ban treaty.

(b) It is the sense of the Senate that at the earliest possible date, the President should—

(1) request advice and consent of the Senate to ratification (with a report containing any plans the President may have to negotiate supplemental verification procedures, or if the President believes it necessary, any understanding or reservation on the subject of verification which should be attached to the treaty) of the Threshold Test Ban and Peaceful Nuclear Explosions Treaties, signed in 1974 and 1976, respectively; and

(2) propose to the Soviet Union the immediate resumption of negotiations toward conclusion of a verifiable comprehensive test ban treaty.

(c) In accordance with international law, the United States shall have no obligation to comply with any bilateral arms control agreement with the Soviet Union that the Soviet Union is violating.

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TITLE XV—GENERAL PROVISIONS

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PART B—PROVISIONS RELATING TO SPECIFIC PROGRAMS

CHEMICAL WARFARE REVIEW COMMISSION

Sec. 1511. (a) The President shall establish a bipartisan commission to be known as the "Chemical Warfare Review Commission". The Commission shall review the overall adequacy of the chemical warfare posture of the United States with particular emphasis on the question of whether the United States should produce binary chemical munitions, and shall report its findings and recommendations to the President not later than April 1, 1985. In developing its recommendations, the Commission shall consider—

(1) the relationship of chemical stockpile modernization by the United States with the ultimate goal of the United States of achieving a multilateral, comprehensive, and verifiable ban on chemical weapons;

(2) the adequacy of the existing United States stockpile of unitary chemical weapons in providing a credible deterrent to use by the Soviet Union of chemical weapons against United States and allied forces;

(3) whether the binary chemical modernization program proposed by the Department of Defense is adequate to support United States national security policy by posing a credible deterrent to chemical warfare; and

(4) the ability of defensive measures alone to meet the Soviet chemical warfare threat and the adequacy of funding for current and projected defensive measure programs.

(b) The President shall submit to Congress the report of the Commission, together with the President's comments on the report, not later than April 1, 1985.

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PART C—MISCELLANEOUS DEFENSE REPORTING REQUIREMENTS

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STUDY OF FOREIGN SALES AND PROCUREMENT OF DEFENSE ARTICLES

Sec. 1522. (a)(1) The Secretary of Defense, in consultation with the heads of other appropriate Federal agencies, shall carry out a study to assess how the adequacy of the industrial base of the United States in the event of a war or national emergency is affected—

(A) by procurement by the Department of Defense of defense articles that are produced outside the United States or that are assembled from components, or fabricated from materials, produced outside the United States; and

(B) by sales by the Department of Defense or commercial manufacturers of defense articles manufactured in the United States to purchasers outside the United States.

(2) For the purposes of this section, the term "foreign-component defense article" means a defense article—

(A) that was produced outside the United States;

(B) that was assembled from over 50 percent components, or fabricated from over 50 percent materials, produced outside the United States; or

(C) that contains a major component that was produced outside the United States.

(b) The study under subsection (a) shall assess the effects of restrictions on the procurement of foreign-component defense articles on the overall United States balance of trade, on the balance of trade in defense articles, on treaties currently in effect, on the budgetary cost of national defense, on existing memoranda of understanding, on United States military alliances, and on efforts to increase the rationalization, standardization, and interoperability of articles used by North Atlantic Treaty Organizations forces.

(c) Restrictions to be considered for the purposes of subsection (b) shall include—

(1) a prohibition on procurement of foreign-component defense articles;

(2) a prohibition on procurement of a defense article (or a major component of a defense article) from a foreign source unless there is also a domestic producer of the article;

(3) a prohibition on procurement of defense articles (and major components of defense articles) from a country with which the United States has an unfavorable balance of trade in defense articles; and

(4) a prohibition on procurement of a defense article (or a major component of a defense article) from a foreign source of more than 50 percent of the total quantity of the defense article (or major component) to be procured.

(d) The study under subsection (a) shall consider circumstances and requirements under a war or national emergency of both a brief duration and a long duration.

(e) A report of the study under subsection (a) shall be submitted to the Committees on Armed Services of the Senate and House of Representatives not later than October 15, 1985.

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REPORT ON AMERICANS UNACCOUNTED FOR OR MISSING IN INDOCHINA

Sec. 1525. (a) The Congress finds that—

(1) the President has declared that the issue of the 2,483 Americans missing or otherwise unaccounted for the Indochina is an issue of the highest national priority and has initiated high level discussions with the Governments of the Lao People's Democratic Republic and the Socialist Republic of Vietnam on the issue;

(2) the Congress, on a bipartisan basis, fully supports these initiatives and realizes that the fullest possible accounting of those Americans can only be achieved with the cooperation of those governments;

(3) the Government of the Lao People's Democratic Republic has recently taken positive actions to assist the United States Government in resolving the status of those missing Americans; and

(4) the Government of the Socialist Republic of Vietnam has pledged to cooperate with the Government of the United States in resolving this humanitarian issue, separate from other issues dividing the two countries.

(b) The Congress strongly urges the President—

(1) to ensure that officials of the United States Government conscientiously and fully carry out the pledge of the President to commit the full resources of the United States Government to resolve the issue of the 2,483 Americans still missing or otherwise unaccounted for in Indochina;

(2) to pursue vigorously all reports concerning sightings of live Americans who may be among those missing or otherwise unaccounted for in Indochina;

(3) to work to achieve the fullest possible accounting of all Americans missing or otherwise unaccounted for in Indochina;

(4) to seek the immediate return of the remains of all Americans who have died in Indochina and whose remains have not been returned; and

(5) to make every effort to secure the further cooperation of the Lao People's Democratic Republic and the Socialist Republic of Vietnam in resolving this humanitarian issue of fundamental importance.

(c) The Congress calls upon the Socialist Republic of Vietnam and the Lao People's Democratic Republic to accelerate cooperation with the United States in achieving the fullest possible accounting for Americans still missing in Indochina.

(d) Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report detailing actions being taken by the United States Government described in subsection (b).

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PART D—MISCELLANEOUS DEFENSE-RELATED MATTER

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AUTHORIZATION FOR SECRETARY OF DEFENSE TO TRANSPORT HUMANITARIAN RELIEF SUPPLIES TO FOREIGN COUNTRIES [8]

Sec. 1540. (a) Notwithstanding any other provision of law, during fiscal years 1986 and 1987,[7a] the Secretary of Defense may transport on a space available basis, at no charge, to any country in any area of the world [8] goods and supplies which have been furnished by a nongovernmental source and which are intended for humanitarian assistance.

(b)(1) The President shall institute procedures, including complete inspection prior to acceptance for transport, for determining that—

(A) the transport of any goods and supplies transported under this section is consistent with foreign policy objectives;

(B) the goods and supplies to be transported are suitable for humanitarian purposes and are in usable condition;

(C) there is a legitimate humanitarian need for such goods and supplies;

(D) the goods and supplies will in fact be used for humanitarian purposes; and

(E) there are adequate arrangements for the distribution of such goods and supplies in the country of destination.

(2) Goods and supplies determined not to meet the criteria of paragraph (1) may not be transported under this section.

(3) It shall be the responsibility of the donor to ensure that goods or supplies to be transported under this section are suitable for transport.

(c) Goods and supplies transported under this section may be distributed by an agency of the United States Government, a foreign government, or international organization, or a private nonprofit relief organization. The Secretary of Defense may not accept any goods or supplies for transportation under this section unless verification of adequate arrangements has been received in advance for distribution of such goods and supplies.

(d) Goods or supplies transported under this section may not be distributed, directly or indirectly, to any individual, group, or organization engaged in military or paramilitary activity.

(e) No later than 90 days after the date of the enactment of this section, and every 60 days thereafter, the Secretary of State shall report to the Congress concerning the origin, contents, destination, and disposition of all goods and supplies transported under this section.

PART E—OTHER MISCELLANEOUS MATTERS

SURVIVORS OF THE GLOMAR JAVA SEA

Sec. 1541. (a) The Congress finds that—

(1) on October 26, 1983, the United States registered oil drilling ship Glomar Java Sea was reported missing during stormy

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[7a] Sec. 322 of Public Law 99-661; 100 Stat. 3816 changed the years "1905 and 1986" to "1986 and 1987".

[8] Sec. 306 (a) and (b) of the Department of Defense Authorization Act, 1986 [Public Law 99-145; 99 Stat. 617], amended sec. 1540(a) and the caption above it by authorizing transport to "foreign countries" or to "any area of the world" in lieu of "Central America".

weather at its drilling site 60 miles off Hainan Island in the South China Sea and was found sunken near its drilling site on November 1, 1983;

(2) no evidence has been found of 46 of the 81 crewmen, including citizens of the United States, or of the lifeboats which, reportedly, were launched from the Glomar Java Sea, despite an intensive cooperative search involving United States military search and rescue aircraft and commercial vessels;

(3) the Chairman of the United States Coast Guard Marine Board of Investigation has concluded that it is possible that crewmembers of the Glomar Java Sea survived and drifted into waters near the coast of Vietnam; and

(4) the Government of Vietnam has refused to allow an independent search for the possible survivors to be conducted in waters within 20 miles of such coast.

(b) Considering the findings set out in subsection (a), it is the sense of the Congress that the President should, through all appropriate bilateral and multilateral channels, continue and accelerate the effort to obtain the cooperation of the Government of Vietnam in ascertaining the fate or locations of the 46 crewmen of the sunken United States registered vessel Glomar Java Sea.

POLICY REGARDING THE FURNISHING OF FOOD AND MEDICAL SUPPLIES TO AFGHANISTAN

Sec. 1542. (a) The Congress finds—

(1) that after more than four years of occupation by the military forces of the Soviet Union, the freedom-loving people of Afghanistan continue to resist the oppression of the Soviet Union;

(2) that the current Soviet Union offensive has resulted in great suffering and destruction in Afghanistan and has intensified the Soviet policy which targets civilian populations; and

(3) that this "scorched earth" policy of the Soviet Union, which has resulted in the destruction of crops, food supplies, farms, hospitals, and other public buildings in Afghanistan, has been a desperate attempt on the part of the Soviet Union to subdue the population of that country or to force the depopulation of certain areas which the occupying forces of the Soviet Union are unable to control.

(b) It is, therefore, the sense of Congress that the free world should take all appropriate steps to ensure that the people of Afghanistan have the necessary food and medical supplies adequate to sustain themselves while they are being ravaged by the invading forces of the Soviet Union.

REAFFIRMATION OF UNITED STATES POLICY TOWARD CUBA

Sec. 1543. (a) It is the policy of the Government of the United States to continue in its relations with the Government of Cuba the policy set forth in the joint resolution entitled "Joint resolution expressing the determination of the United States with respect to the situation in Cuba", approved by the President on October 3, 1962 (Public Law 87-733; 76 Stat. 697).[9]

(b) Nothing in this section shall be deemed to change or otherwise affect the standards and procedures provided in the National Security Act of 1947, the Foreign Assistance Act of 1961, or the War Powers Resolution. This section does not constitute the statutory authorization for introduction of United States Armed Forces contemplated by the War Powers Resolution.

REPORT ON USE OF CUBAN AND RUSSIAN NICKEL IN DEFENSE PROCUREMENTS

Sec. 1554. Not later than April 1, 1985, the Secretary of Defense shall submit to Congress a report on the effects on the national security of the United States of procurement by the Department of Defense of products containing nickel produced in Cuba or the Soviet Union. The report shall be prepared after consultation with the Secretaries of Commerce, the Interior, and the Treasury.

TITLE XVII—UNITED STATES INSTITUTE OF PEACE[10]

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[9] For text, see vol. II, sec. K.

[10] Title XVII, cited as the United States Institute of Peace Act, can be found in chapter E., 2 of this volume.

i. Military Construction Authorization Act, 1986

Partial text of Public Law 99-167 (H.R. 3327], 99 Stat. 1029, approved December 10, 1985

AN ACT Making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1986, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1986, for military construction functions administered by the Department of Defense, and for other purposes, namely:

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GENERAL PROVISIONS

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SEC. 124. (a) None of the funds appropriated in this Act may be available for any country if the President determines that the government of such country is failing to take adequate measures to prevent narcotic drugs or other controlled substances cultivated or produced or processed illicitly, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country to United States personnel or their dependents, or from being smuggled into the United States. Such prohibition shall continue in force until the President determines and reports to the Congress in writing that—

(1) the government of such country has prepared and committed itself to a plan presented to the Secretary of State that would eliminate the cause or basis for the application to such country of the prohibition contained in the first sentence; and

(2) the government of such country has taken appropriate law enforcement measures to implement the plan presented to the Secretary of State.

(b) The provisions of subsection (a) shall not apply in the case of any country with respect to which the President determines that the application of the provisions of such subsection would be inconsistent with the national security interests of the United States.

j. Department of Defense Authorization Act, 1984

Partial text of Public Law 98-94 [S. 675], 97 Stat. 614, approved September 24, 1983, as amended by Public Law 98-525 [Department of Defense Authorization Act, 1985; H.R. 5167], 98 Stat. 2492 at 2574, approved October 19, 1984

AN ACT To authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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TITLE XI—NATO AND RELATED MATTERS

NORTH ATLANTIC DEFENSE COOPERATIVE PROGRAMS

Sec. 1101. In order to fulfill the international obligations incurred by the United States under the North Atlantic Treaty Organization's Long-Term Defense Program for the rapid reinforcement of Europe, and recognizing that such action is in the national interest of the United States, the Secretary of Defense shall carry out commitments of the United States under the United States-German Wartime Host Nation Support Agreement of April 15, 1982, and under the Prepositioned Materiel Configured in Unit Sets (POMCUS) program by the earliest practicable date. The Secretary of Defense shall include in his annual report to the Congress a statement describing the status of implementation of such agreement and program, including his assessment of whether our allies are bearing their equitable share under such agreement and program and whether the implementation of such agreement and program adversely affects the readiness of the reserve components of the Armed Forces of the United States.

REPORT ON ALLIED CONTRIBUTIONS TO THE COMMON DEFENSE

Sec. 1102.[1] (a) In recognition of the increasing military threat faced by the Western World and in view of the growth, relative to the United States, in the economic strength of Japan, Canada, and a number of Western European countries which has occurred since the signing of the North Atlantic Treaty on April 4, 1949, and the Mutual Cooperation and Security treaty between Japan and the United States on January 19, 1960, it is the sense of the Congress that—

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[1] 22 U.S.C. 1928 note.

(1) the burdens of mutual defense now assumed by some of the countries allied with the United States under those agreements are not commensurate with their economic resources;

(2) since May 1978, when each NATO member nation agreed to increase real defense spending annually in the range of 3 percent, most NATO members, except for the United States, have failed to meet the 3 percent real growth commitment consistently and performance toward this goal in 1983 is estimated to be the most deficient, on average, since the goal was established;

(3) since May 1981, when the Government of Japan established its policy to defend the air and sea lines of communication out to 1,000 nautical miles from the coast of Japan, progress to develop the necessary self-defense capabilities to fulfill that pledge has been extremely disappointing;

(4) Japan is the ally of the United States with the greatest potential for improving its self-defense capabilities and should, therefore, rapidly increase its annual defense spending to the levels required to fulfill that pledge and to enable Japan to be capable of an effective conventional self-defense capability by 1990, including the capability to carry out its 1,000-mile defense policy, a development that would be consonant not only with Japan's current prominent position in the family of nations but also with its unique sensibilities on the issues of war and peace, sensibilities that are recognized and respected by the people of the United States; and

(5) the continued unwillingness of such countries to increase their contributions to the common defense to more appropriate levels will endanger the vitality, effectiveness, and cohesiveness of the alliances between those countries and the United States.

(b) It is further the sense of the Congress that the President should seek from each signatory country (other than the United States) of the two treaties referred to in subsection (a) acceptance of international security responsibilities and an agreement to make contributions to the common defense which are commensurate with the economic resources of such country, including, when appropriate, an increase in host nation support.

(c)(1) The Secretary of Defense shall submit to the Congress not later than March 1, 1984, a classified report containing—

(A) a comparison of the fair and equitable shares of the mutual defense burdens of these alliances that should be borne by the United States, by other member nations of the North Atlantic Treaty Organization (NATO), and by Japan, based upon economic strength and other relevant factors, and the actual defense efforts of each nation together with an explanation of disparities that currently exist and their impact on mutual defense efforts;

(B) a description of efforts by the United States and of other efforts to eliminate existing disparities;

(C) estimates of the real growth in defense spending in fiscal year 1983 projected for each NATO member nation compared with the annual real growth goal in the range of 3 percent set in May 1978;

(D) a description of the defense-related initiatives undertaken by each NATO member nation within the real growth in defense spending of such nation in fiscal year 1984;

(E) an explanation of those instances in which the commitments to real growth in defense spending have not been realized and a description of efforts being made by the United States to ensure fulfillment of these important NATO commitments;

(F) a description of the activities of each NATO member and Japan to enhance the security and stability of the Southwest Asia region and to assume additional missions for their own defense as the United States allocates additional resources to the mission of protecting Western interests in world areas not covered by the system of Western Alliances; and

(G) a description of what additional actions the executive branch plans to take should the efforts by the United States referred to in clauses (B) and (E) fail, and, in those instances where such additional actions do not include consideration of the repositioning of American troops, a detailed explanation as to why such repositioning is not being so considered.

(2) The Secretary of Defense shall also submit to the Congress not more than 30 days after the submission of the report required under paragraph (1) an unclassified report containing the matters set forth in clauses (A) through (G) of such paragraph.

LIMITATION ON NUMBER OF MILITARY PERSONNEL STATIONED IN EUROPE

Sec. 1103. (a) Except as provided in subsections (b) and (c), none of the funds authorized to be appropriated by this or any other Act may be used for the purpose of supporting an end-strength level, as of September 30, 1984, of members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of the North Atlantic Treaty Organization (NATO) at any level in excess of 315,600.

(b) A number of United States military personnel in excess of 315,600, but not in excess of 320,000, may be permanently assigned to duty ashore in such European nations as of September 30, 1984, if—

(1) the Secretary of Defense determines and certifies to the Congress in writing that on September 30, 1984, the total number of military personnel of NATO member nations, other than the United States, stationed in the Federal Republic of Germany will not be less than the total number of military personnel of such member nations stationed in that country on the date of the enactment of this Act;

(2) the Secretary of Defense certifies to the Congress in writing on or after June 1, 1984, that the budget for the Department of Defense for fiscal year 1985 and the Five-Year Defense Plan of the Department of Defense for fiscal years 1985 through 1989 give significant priority to programs directly intended to improve NATO's conventional capabilities, particularly its capability for deep interdiction;

(3) the Department of Defense has conducted a thorough and detailed analysis of the United States force and support structure in Europe which the Secretary of Defense submits to Congress on or after June 1, 1984, with his certification in writing that a number of United States military personnel in excess of 315,600 is required to meet the United States commitment to NATO; and

(4) the studies required by sections 1104 through 1107 have been conducted and the reports and recommendations resulting from such studies have been submitted to the Congress.

(c) A number of United States military personnel in excess of 315,600 or in excess of 320,000 may be assigned to permanent duty ashore in European member nations of NATO as of September 30, 1984, without the conditions specified in subsection (b) having been met if the President (1) determines and certifies to the Congress in writing that overriding national security interests require a number of such personnel to be assigned to permanent duty ashore in such nations in excess of 315,600 or 320,000, as the case may be, and (2) includes in the certification the total number of such personnel required and an explanation of the overriding national security interests that require such number of personnel.

(d) In computing the limitation specified in subsections (a) and (b), there may be excluded not more than 2,600 military personnel assigned to the Ground Launched Cruise Missile program and the Pershing II Missile program.

REPORT ON IMPROVEMENT OF CONVENTIONAL FORCES OF NATO

Sec. 1104. (a) At the same time the President submits the budget for fiscal year 1985 pursuant to section 1105 of title 31, United States Code, but not later than May 1, 1984, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a comprehensive report and plan for improving conventional defense capabilities of the North Atlantic Treaty Organization (NATO). The Secretary shall include in such report—

(1) his recommendations on how NATO's strategy and military program could and should be changed to improve substantially the chances of a successful conventional defense of Europe;

(2) a statement and explanation of what the aggregate NATO conventional defense requirements are;

(3) a current assessment and statement of the status of the Air-Land Battle concept within the Department of Defense and NATO;

(4) an explanation of how and to what extent the various doctrines of NATO military forces are coordinated, and how variations in doctrine can be rectified or exploited to NATO's advantage;

(5) his judgment on the most effective means by which NATO military forces can be operationally integrated to implement the Air-Land Battle concept;

(6) the United States programs which are necessary to support improved NATO conventional capabilities, the changes

which are needed, and what the fiscal year 1985 budget and Five-Year Defense Plan of the Department of Defense for fiscal years 1985 through 1989 provide for with respect to NATO conventional capabilities;

(7) the United States conventional programs and weapons that are provided for in the fiscal year 1985 budget and Five-Year Defense Plan of the Department of Defense for fiscal years 1985 through 1989 to enhance the disruption and destruction of Soviet follow-on echelons as well as fixed-site military targets;

(8) the new weapons or systems which are available for such purpose that are not in the current budget or Five-Year Defense Plan of the Department of Defense;

(9) a determination of what are the achievable NATO-wide improvements in conventional defense capability; and

(10) a separate addendum and assessment by the Supreme Allied Commander, Europe, on measures necessary to improve NATO conventional defense capabilities including a recommended plan for such measures.

(b) The President shall submit to the Congress not later than June 1, 1984, his recommendations and plan for improving NATO conventional defense capabilities.

REPORT ON THE NUCLEAR POSTURE OF NATO

Sec. 1105. (a) The Secretary of Defense shall conduct a study on the tactical nuclear posture of the North Atlantic Treaty Organization (NATO) and submit a report on the results of such study to the Committees on Armed Services of the Senate and the House of Representatives not later than May 1, 1984. Such study shall include—

(1) a detailed assessment of the current tactical nuclear balance in Europe and that projected for 1990;

(2) an assessment of the current, respective operational doctrines for the use of tactical nuclear weapons in Europe of the Warsaw Pact and NATO;

(3) an explanation of how the threat of the use of such weapons relates to deterrence and to conventional defense;

(4) an identification of the number and types of nuclear warheads, if any, considered to be inessential to the defense structure of Western Europe, the quantity and type of such weapons that could be eliminated from Europe under appropriate circumstances without jeopardizing the security of NATO nations and an assessment of what such circumstances might be;

(5) an explanation of the steps that can be taken to develop a rational and coordinated nuclear posture by NATO in a manner that is consistent with proper emphasis on conventional defense forces; and

(6) an identification of any notable, relevant developments that have occurred since the submission to the Congress in April 1975 of the report entitled "The Theater Nuclear Force Posture in Europe", prepared by the Secretary of Defense pursuant to section 302 of the Department of Defense Appropriation Authorization Act, 1975 (Public Law 93-365), which might

cause the findings and conclusions of that report to require revision and such revisions in such report as the Secretary considers appropriate.

(b) The President shall submit a written report to the Congress on or before June 1, 1984, containing his views on the Department of Defense study and report required under subsection (a) together with such recommendations with respect to such study and report as he considers appropriate.

REPORT ON COMBAT-TO-SUPPORT RATIO OF UNITED STATES FORCES IN EUROPE IN SUPPORT OF NATO

Sec. 1106. (a) The Secretary of Defense shall submit a report to the Committees on Armed Services of the Senate and House of Representatives not later than May 1, 1984, on the combat, combat support, combat service support, and noncombat components of the Armed Forces of the United States assigned to permanent duty in Europe in support of the North Atlantic Treaty Organization (NATO). The Secretary shall include in such report—

(1) an analysis of the historical (since 1974), current, and projected combat, combat support, combat service support, and noncombat components of the Armed Forces of the United States assigned to permanent duty in Europe in support of NATO and their relationship to each other;

(2) a review of the requirements for such combat, combat support, combat service support, and noncombat components; and

(3) his assessment of the current balance among units of United States combat components, combat support components, and combat service support components forward deployed in Europe and his recommendations for any changes needed to improve that balance in the future.

(b) For the purposes of the report required by subsection (a)—

(1) the combat component of the Army includes only the infantry, cavalry, artillery, armored, combat engineers, special forces, attack assault helicopter units, air defense, and missile combat units of battalion or smaller size;

(2) the combat component of the Navy includes only the combatant ships (aircraft carrier, battleship, cruiser, destroyer, frigate, submarine, and amphibious assault ships) and combat aircraft wings (fighter, attack, reconnaissance, and patrol); and

(3) the combat component of the Air Force includes only the tactical fighter, reconnaissance, tactical airlift, fighter interceptor, and bomber units of wing or smaller size.

REPORT ON UNITED STATES EXPENDITURES IN SUPPORT OF NATO

Sec. 1107. (a) The Secretary of Defense shall review and analyze the fiscal year 1983 expenditures of the Department of Defense in fulfilling the United States commitment to the North Atlantic Treaty Organization (NATO) and the expenditures projected for such purpose for each of the fiscal years 1984 through 1989.

(b)(1) The Secretary of Defense shall submit a detailed written report to the Congress not later than June 1, 1984, on the review and analysis required under subsection (a). The Secretary shall set out in such report, in current and constant fiscal year 1983 dollar figures, the expenditures made in fiscal year 1983 and expenditures projected to be made in fiscal years 1984 through 1989 by the United States in fulfilling its commitment to NATO in each of the following categories:

(A) Procurement.
(B) Operations and maintenance.
(C) Military construction.
(D) Military personnel.
(E) Research, development, test, and evaluation.

(2) The Secretary of Defense shall also include in such report a separate breakout of the fiscal year 1983 Department of Defense expenditures in each of the categories specified in paragraph (1) for the Armed Forces of the United States assigned to permanent duty ashore in the European member nations of NATO and the expenditures projected to be incurred by the Department of Defense in each of those categories in each of the fiscal years 1984 through 1989 for personnel of the Armed Forces of the United States planned to be assigned to permanent duty ashore in such nations during each of those fiscal years. The Secretary of Defense shall also include in such report similar separate breakouts for all classes of United States forces reflected in the data submitted to the Committee on Armed Services of the Senate and printed in part 1, pages 61–68, of that Committee's hearings on Department of Defense Authorization For Appropriations For Fiscal Year 1982.

(3) The Secretary of Defense shall also include in such report the estimated percentage growth in each of the five categories specified in paragraph (1) of subsection (b), after allowing for inflation, from one year to the next for the fiscal years 1983 through 1989. In the case of each category of expenditures for which the annual projected rate of expenditure growth after fiscal year 1983 exceeds 3 percent, after allowing for inflation over the previous fiscal year, the Secretary shall include his assessment of the impact on NATO of limiting the growth of expenditures in that category to 3 percent real growth.

TITLE XII—GENERAL PROVISIONS

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POLICY GOVERNING THE TEST OF ANTI-SATELLITE WARHEADS

Sec. 1235.[2] (a) Notwithstanding any other provision of law, none of the funds appropriated pursuant to an authorization contained in this or any other Act may be obligated or expended to test against an object in space the miniature homing vehicle (MHV) anti-satellite warhead launched from an F-15 aircraft unless the President determines and certifies to Congress—

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[2] Sec. 205 of the DOD Authorization Act, 1985 (Public Law 98–525; 98 Stat. 2492 at 2509) amended and restated sec. 1235. It formerly read as follows:

"ESTABLISHING CRITERIA GOVERNING THE TEST OF ANTISATELLITE WARHEADS

"Sec. 1235. Notwithstanding any other provision of law, none of the funds appropriated pursuant to an authorization contained in this or any other Act may be obligated or expended to test any explosive or insert antisatellite warheads against objects in space unless the President determines and certifies to the Congress—

"(1) that the United States is endeavoring, in good faith, to negotiate with the Soviet Union a mutual and verifiable ban on antisatellite weapons; and

"(1) that, pending agreement on such a ban, testing or explosive or inert antisatellite warheads against objects in space by the United States is necessary to avert clear and irrevocable harm to the national security."

(1) that the United States is endeavoring, in good faith, to negotiate with the Soviet Union a mutual and verifiable agreement with the strictest possible limitations on anti-satellite weapons consistent with the national security interests of the United States;

(2) that, pending agreement on such strict limitations, testing against objects in space of the F-15 launched miniature homing vehicle anti-satellite warhead by the United States is necessary to avert clear and irrevocable harm to the national security.

(3) that such testing would not constitute an irreversible step that would gravely impair prospects for negotiations on anti-satellite weapons; and

(4) that such testing is fully consistent with the rights and obligations of the United States under the Anti-Ballistic Missile Treaty of 1972 as those rights and obligations exist at the time of such testing.

(b) During fiscal year 1985, funds appropriated for the purpose of testing the F-15 launched miniature homing vehicle anti-satellite warheads may not be used to conduct more than two successful tests of that warhead against objects in space.

(c) The limitations on the expenditure of funds provided by this section shall cease to apply 15 calendar days after the date of the receipt by Congress of the certification referred to in subsection (a).

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LIMITATION ON WAIVERS OF COST-RECOVERY REQUIREMENTS UNDER ARMS EXPORT CONTROL ACT

Sec. 1237.[3] The authority of the President under section 21(e)(2) of the Arms Export Control Act may be exercised without regard to the limitation imposed by section 770 of the Department of Defense Appropriation Act, 1983 (as contained in Public Law 97-377; 96 Stat. 1862).

WAIVER OF LIMITATION ON FOREIGN MILITARY SALES PROGRAM

Sec. 1238.[3] The Arms Export Control Act shall be administered as if section 747 of the Department of Defense Appropriation Act, 1983 (as contained in Public Law 97-377; 96 Stat. 1858) had not been enacted into law.

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[3] Although secs. 1237 and 1238 lifted these restrictions concerning certain provisions of the Arms Export Control Act as they applied during fiscal year 1983, similar restrictions were reenacted as secs. 743A and 762A of the Department of Defense Appropriation Act, 1984.

k. Department of Defense Authorization Act, 1983

Partial text of Public Law 97-252 [S. 2248], 96 Stat. 718, approved September 8, 1982

AN ACT To authorize appropriations for fiscal year 1983 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, to authorize supplemental appropriations for fiscal year 1982, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of Defense Authorization Act, 1983".

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TITLE XI—GENERAL PROVISIONS

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NATO DEFENSE INDUSTRIAL COOPERATION

Sec. 1122.[1] (a) The Congress finds that—

(1) the United States remains firmly committed to cooperating closely with its North Atlantic Treaty Organization (hereinafter in this section referred to as "NATO") allies in protecting liberty and maintaining world peace;

(2) the financial burden of providing for the defense of Western Europe and for the protection of the interests of NATO member countries in areas outside the NATO treaty area has reached such proportions that new cooperative approaches among the United States and its NATO allies are required to achieve and maintain an adequate collective defense at acceptable costs;

(3) the need for a credible conventional deterrent in Western Europe has long been recognized in theory but has never been fully addressed in practice;

(4) a more equitable sharing by NATO member countries of both the burdens and the technological and economic benefits of the common defense would do much to reinvigorate the North Atlantic Treaty Organization alliance with a restored sense of unity and common purposes;

(5) a decision to coordinate more effectively the enormous technological, industrial, and economic resources of NATO member countries will not only increase the efficiency and effectiveness of NATO military expenditures but also provide in-

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[1] 22 U.S.C. 1928 note.

ducement for the Soviet Union to enter into a meaningful arms reduction agreement so that both Warsaw Pact countries and NATO member countries can devote more of their energies and resources to peaceful and economically more beneficial pursuits.

(b) It is the sense of the Congress that the President should propose to the heads of government of the NATO member countries that the NATO allies of the United States join the United States in agreeing—

(1) to coordinate more effectively their defense efforts and resources to create, at acceptable costs, a credible, collective, conventional force for the defense of the North Atlantic Treaty area;

(2) to establish a cooperative defense-industrial effort within Western Europe and between Western Europe and North America that would increase the efficiency and effectiveness of NATO expenditures by providing a larger production base while eliminating unnecessary duplication of defense-industrial efforts;

(3) to share more equitably and efficiently the financial burdens, as well as the economic benefits (including jobs, technology, and trade) of NATO defense; and

(4) to intensify consultations promptly for the early achievement of the objectives described in clauses (1) through (3).

STUDY OF IMPROVED CONTROL OF USE OF NUCLEAR WEAPONS

Sec. 1123. (a) The Secretary of Defense shall conduct a full and complete study and evaluation of possible initiatives for improving the containment and control of the use of nuclear weapons, particularly during crises. Such study and evaluation shall include consideration of the following:

(1) Establishment of a multi-national military crisis control center for monitoring and containing the use or potential use of nuclear weapons by third parties or terrorist groups.

(2) Development of a forum through which the United States and the Soviet Union could exchange information pertaining to nuclear weapons that could potentially be used by third parties or terrorist groups.

(3) Development of measures for building confidence between the United States and the Soviet Union for improved crisis stability and arms control, including—

(A) an improved United States/Soviet Union communications hotline for crisis control;

(B) improved procedures for verification of any arms control agreements;

(C) measures to reduce the vulnerability of command, control, and communications of both nations; and

(D) measures to lengthen the warning time each nation would have of potential nuclear attack.

(b) The Secretary of Defense shall submit a report of the study and evaluation under subsection (a) to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives by February 1, 1983. Such report should be available in both a classified, if necessary, and unclassified format.

(c) The President shall report to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives by March 1, 1983, on the merits to the arms control process of the initiatives developed under the study and evaluation required by subsection (a) and on the status of any such initiative as it may relate to any arms control negotiation with the Soviet Union.

NEGOTIATIONS FOR BANNING OF CHEMICAL WEAPONS

Sec. 1124. It is the sense of Congress that the President should—

(1) continue to promote actively negotiations among the member countries of the Ad Hoc Working Group on Chemical Warfare of the Committee on Disarmament established by the United Nations General Assembly and meeting in Geneva, Switzerland for the purpose of drafting a treaty for the complete, effective, and verifiable prohibition of the development, production, and stockpiling of all chemical weapons and for their destruction;

(2) press vigorously in every appropriate forum for a full explanation of outstanding allegations concerning Soviet and Soviet-proxy use of chemical weapons in violation of international law; and

(3) communicate to the Government of the Union of Soviet Socialist Republics the earnest desire of the Government of the United States for a comprehensive, verifiable ban on chemical weaponry and the willingness of the Government of the United States to participate in negotiations toward this end as soon as the Government of the United States can be satisfied that the Soviet Union is not in violation of existing international accords applying to the prohibition of first use of chemical weapons and the production and transfer of biological weapons and that the Soviet Union is prepared to agree to provisions needed to ensure the verifiability of an accord banning chemical warfare.

1. Department of Defense Appropriation Authorization Act, 1979

Partial text of Public Law 95–485 [S. 3486], 92 Stat. 1611 at 1625, approved October 20, 1987

AN ACT To authorize appropriations for fiscal year 1979 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons and for research, development, test and evaluation for the Armed Forces, to prescribe the authorized personnel strength for each active duty component and the Selected Reserve of each Reserve component of the Armed Forces and for civilian personnel of the Department of Defense, to authorize the military training student loads, to authorize appropriations for civil defense, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of Defense Appropriation Authorization Act, 1979".

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TITLE VIII—GENERAL PROVISIONS

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REALIGNMENT OF MILITARY INSTALLATIONS IN THE CANAL ZONE

Sec. 817. None of the funds authorized to be appropriated by this Act shall be used for the realignment of any military installation in the Canal Zone unless such use is consistent with the responsibility of, and necessity for, the United States to defend the Panama Canal or with legislation which may be enacted to implement the Panama Canal Treaties of 1977.

m. Department of Defense Appropriation Act, 1976

Partial text of Public Law 94-212 [H.R. 9861], 90 Stat. 153, approved February 9, 1976

AN ACT Making appropriations for the Department of Defense for the fiscal year ending June 30, 1976, and the period beginning July 1, 1976, and ending September 30, 1976, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1976, and the period beginning July 1, 1976, and ending September 30, 1976, for military functions administered by the Department of Defense, and for other purposes, namely:

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TITLE VII—GENERAL PROVISIONS

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Sec. 738. None of the funds herein appropriated may be obligated or expended to finance directly or indirectly combat activities by United States military forces in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia.

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Sec. 743. None of the funds contained in this Act shall be used to furnish petroleum fuels produced in the continental United States to Southeast Asia for use by non-United States nationals.

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n. Department of Defense Appropriation Authorization Act, 1975

Partial text of Public Law 93-365 [H.R. 14592], 88 Stat. 399, approved August 5, 1974; as amended by Public Law 94-106 [H.R. 6674], 89 Stat. 531, approved October 7, 1975; and by Public Law 97-252 [S. 2248], 96 Stat. 718 at 754, approved September 8, 1982

AN ACT To authorize appropriations during the fiscal year 1975 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loads and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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TITLE III—ACTIVE FORCES

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Sec. 302. (a) The United States military forces in Europe can reduce headquarters and noncombat military personnel relative to the number of combat personnel located in Europe. Therefore, except in the event of imminent hostilities in Europe, the noncombat component of the total United States military strength in Europe authorized as of June 30, 1974, shall be reduced by 18,000. Such reduction shall be completed not later than June 30, 1976, and not less than 6,000 of such reduction shall be completed on or before June 30, 1975; however, the Secretary of Defense is authorized to increase the combat component strength of United States forces in Europe by the amount of any such reduction made in noncombat personnel. The Secretary of Defense shall report semiannually to the Congress on all actions taken to improve the combat proportion of United States forces in Europe. The first report shall be submitted not later than March 31, 1975.

(b) For purposes of this section, the combat component of the Army includes only the infantry, cavalry, artillery, armored, combat engineers, special forces, attack assault helicopter units, air defense, and missile combat units of battalion or smaller size; the combat component of the Navy includes only the combat ships (aircraft carrier, cruiser, destroyer, submarine, escort and amphibious assault ships) and combat aircraft wings (fighter, attack, reconnaissance, and patrol); the combat component of the Air Force includes only the tactical fighter reconnaissance, tactical airlift, fighter interceptor and bomber units of wing or smaller size.

(c)[1] * * * [Repealed—1982]

(d) The total number of United States tactical nuclear warheads located in Europe on the date of enactment of this Act shall not be increased until after June 30, 1975, except in the event of imminent hostilities in Europe. The Secretary of Defense shall study the overall concept for use of tactical nuclear weapons in Europe; how the use of such weapons relates to deterrence and to a strong conventional defense; reductions in the number and type of nuclear warheads which are not essential for the defense structure for Western Europe; and the steps that can be taken to develop a rational and coordinated nuclear posture by the North Atlantic Treaty Organization Alliance that is consistent with proper emphasis on conventional defense forces. The Secretary of Defense shall report to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives on the results of the above study on or before April 1, 1975.

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TITLE VII--GENERAL PROVISIONS[2]

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Sec. 704. Section 204 of Public Law 93-166 is amended by adding at the end thereof a new subsection as follows:

"(e) Notwithstanding any other provision of law, the conduct by the Department of the Navy of training operations at the Culebra complex involving the firing of any shells, missiles, or other projectiles from ships or the dropping of any bombs, strafing, firing of rockets or missiles, or the launching of any other projectiles from aircraft at Culebra or at any keys within three nautical miles thereof is prohibited during any period of time that the negotiations required by subsection (b) have been ended on the initiative of the United States Government prior to the conclusion of a satisfactory agreement. In the conduct of the negotiations required by subsection (b) the Secretary of the Navy shall not agree to any relocation of training operations from the Island of Culebra which would be rendered ineffective by any international agreement on the law of the sea which may become international law within three years after the date of the enactment of this Act."

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Sec. 707. (a) No funds authorized to be appropriated by this or any other Act may be obligated under a contract entered into by the Department of Defense after the date of the enactment of this Act for procurement of goods which are other than American goods unless, under regulations of the Secretary of Defense and subject to the determinations and exceptions contained in title III of the Act of March 3, 1933, as amended (47 Stat. 1520; 41 U.S.C. 10a, 10b), popularly known as the Buy American Act, there is adequate consideration given to—

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[1] Subsec. (c), which had directed the Secretary of Defense to assess the costs and possible loss of nonnuclear combat effectiveness of NATO military forces due to failure to follow NATO standardization guidelines, was repealed by Public Law 97-295 (96 Stat. 1314). Public Law 97-295 reconstituted most of the text of subsec. (c) in 10 U.S.C. 2457. See page 653 for text of 10 U.S.C. 2457.

[2] Sec. 702 amended Public Law 84-1028 [Restrictions on Disposal of Naval Vessels], 70A Stat 1 (see p. 760).

(1) the bids or proposals of firms located in labor surplus areas in the United States as designated by the Department of Labor which have offered to furnish American goods;

(2) the bids or proposals of small business firms in the United States which have offered to furnish American goods;

(3) the bids or proposals of all other firms in the United States which have offered to furnish American goods;

(4) the United States balance of payments;

(5) the cost of shipping goods which are other than American goods; and

(6) any duty, tariff, or surcharge which may enter into the cost of using goods which are other than American goods.

(b) For purposes of this section, the term "goods which are other than American goods" means (1) an end product which has not been mined, produced, or manufactured in the United States, or (2) an end product manufactured in the United States but the cost of the components thereof which are not mined, produced, or manufactured in the United States exceeds the cost of components mined, produced, or manufactured in the United States.

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Sec. 709.[3] (a) The Congress finds that the defense posture of the United States may be seriously compromised if goods, technology, and industrial techniques which have been developed in whole or in part as a direct or indirect result of research and development programs or procurement programs financed in while or in part with funds authorized by this or any other Act authorizing funds for the Department of Defense are exported to a controlled country without an adequate and knowledgeable assessment having been made to determine whether the export of such goods, technology, and techniques will significantly increase the present or potential military capability of any such country. It is the purpose of this section, therefore, to provide for such an assessment, to insure notice of proposed exports to the Secretary of Defense, and to authorize the Secretary of Defense to review the proposed export of goods, technology, or industrial techniques to any such country whenever he has reason to believe that the export of such goods, technology, or techniques will significantly increase the military capability of such country.

(b) Effective upon enactment of this section, any application for the export of any goods, technology, or industrial techniques described in subsection (a) shall, before being eligible for export to a controlled country, be reviewed and assessed by the Secretary of Defense for the purpose of determining whether the export of such goods, technology or techniques will significantly increase the present or potential military capability of such country.

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[3] According to the General Counsel's Office, Department of Defense, the Attorney General has ruled that sec. 709 is obsolete and that the operating section regarding technology transfer to a controlled country is section 4(h) of the Export Administration Act of 1969. This Act expired on Sept. 30, 1979 and was replaced by the Export Administration Act of 1979. Refer to sec. 5 of the new Act (sec. G, vol. II).

(c) If the Secretary of Defense determines, after his review and assessment, that the export of such goods, technology or industrial techniques will in his judgment significantly increase the present or potential military capability of any controlled country, he shall recommend to the President that the application for export be disapproved. In any case in which the President disagrees with a recommendation made by the Secretary of Defense to prohibit the export of such goods, technology, or techniques to a controlled country, the President shall submit to the Congress a statement indicating his disagreement with the Secretary of Defense together with the recommendation of the Secretary of Defense. The application for the export of any such goods, technology, or techniques may be approved after submission by the President of his statement and the recommendation of the Secretary of Defense to the Congress and 60 days of continuous session of the Congress has elapsed following such submission unless within such 60 day period Congress has adopted a concurrent resolution disapproving the application for the export of such goods, technology, or techniques.

(d) As used in this section (1) the term "controlled country" means the Soviet Union, Poland, Romania, Hungary, Bulgaria, Czechoslovakia, the German Democratic Republic (East Germany), and such other countries as may be designated by the Secretary of Defense, and (2) the term "days of continuous session of the Congress" shall not include days on which either House of Congress is not in session because of an adjournment of more than three days.

(e) The Secretary of Defense shall submit to the Congress a written report on his implementation of this section not later than 30 days after the close of each quarter of each fiscal year. Each such report shall, among other things, identify each instance in which the Secretary recommended to the President that exports be disapproved and the action finally taken by the executive branch on the matter.

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o. Armed Forces Appropriation Authorization, 1971

Partial text of Public Law 91-441 [H.R. 17123], 84 Stat. 909, approved October 7, 1970, as amended by Public Law 95-79 [H.R. 5970], 91 Stat. 323 at 334, approved July 30, 1977

AN ACT To authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize real estate acquisition and construction at certain installations in connection with the Safeguard antiballistic missile system, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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TITLE V—GENERAL PROVISIONS

Sec. 501. The Congress views with grave concern the deepening involvement of the Soviet Union in the Middle East and the clear and present danger to world peace resulting from such involvement which cannot be ignored by the United States. In order to restore and maintain the military balance in the Middle East, by furnishing to Israel for means of providing for its own security, the President is authorized to transfer to Israel, by sale, credit sale, or guaranty, such aircraft, and equipment appropriate to use, maintain, and protect such aircraft, as may be necessary to counteract any past, present, or future increased military assistance provided to other countries of the Middle East. Any such sale, credit sale, or guaranty shall be made on terms and conditions not less favorable than those extended to other countries which receive the same or similar types of aircraft and equipment. The authority contained in the second sentence of this section shall expire September 30, 1972.[1] In any case in which aircraft or other equipment is transferred under authority of this section and such aircraft or equipment is taken from the inventory of the Armed Forces of the United States or is scheduled to be included in such inventory, the Secretary of Defense shall, as soon as practicable and as authorized by law, restock the inventory of the Armed Forces of the United States with equivalent quantities of aircraft and other equipment so transferred.[2]

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[1] Sec. 807 of Public Law 95-79 (Department of Defense Appropriation Authorization Act, 1978, 91 Stat. 323 at 334) provided the following extension:

"Notwithstanding any other provision of law, the authority provided in section 501 of Public Law 91-441 (84 Stat. 909) is hereby extended until October 1, 1979; but no transfer of aircraft or other equipment may be made under the authority of such section 501 unless funds have been previously appropriated for such transfer."

[2] The last sentence in sec. 501 was added by sec. 807(b) of the Department of Defense Appropriation Authorization Act, 1978 (Public Law 95-79; 91 Stat. 334).

p. Authorization for an Improved U.S./Soviet Direct Communication Link

Public Law 99-85 [S.J. Res. 108], 99 Stat. 286, approved August 8, 1985.

JOINT RESOLUTION Authorizing the Secretary of Defense to provide to the Soviet Union, on a reimbursable basis, equipment and services necessary for an improved United States/Soviet Direct Communication Link for crisis control.

Whereas section 1123(a) of the Department of Defense Authorization Act, 1983 (Public Law 97-252), directed the Secretary of Defense "to conduct a full and complete study and evaluation of possible initiatives for improving the containment and control of the use of nuclear weapons, particularly during crises;

Whereas the Congress directed that the same study should address several specific measures for building confidence between the United States and the Soviet Union, including an improved Direct Communications Link for crisis control;

Whereas the Secretary of Defense responded to that congressional mandate with a report entitled "Report to the Congress on Direct Communications Links and Other Measures to Enhance Stability" in which the Secretary proposed several improvements to existing United States-Soviet mechanisms for the prevention and resolution of crises, including the addition of a facsimile capability to the United States/Soviet Union Direct Communications Link;

Whereas the President of the United States presented the recommendations of the Secretary of Defense to the Government of the Soviet Union in May 1983;

Whereas the United States and the Soviet Union commenced negotiations on bilateral communications improvements in August 1983, and on July 17, 1984, concluded the Exchange of Notes Between the United States of America and the Union of Soviet Socialist Republics Concerning the Direct Communications Link Upgrade in which the two governments agreed to add a facsimile capability to the Direct Communications Link;

Whereas the Congress endorses that agreement and remains committed to all possible measures to facilitate the resolution of international crises and to limit the danger of conflict;

Whereas the Secretary of Defense is responsible for the installation, maintenance, and operation of the Direct Communications Link equipment for the United States; and

Whereas the Exchange of Notes Between the United States of America and the Union of Soviet Socialist Republics Concerning the Direct Communications Link Upgrade provides that the United States Government will provide to the Union of Soviet Socialist Republics, at cost, the equipment and services necessary for the Soviet Union part of the improved Direct Communications Link: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Defense may provide to the Soviet Union, as provided in the Exchange of Notes Between the United States of America and the Union of Soviet Socialist Republics Concerning the Direct Communications Link Upgrade, concluded on July 17, 1984, such equipment and services as may be necessary to upgrade or maintain the Soviet Union part of the Direct Communications Link agreed to in the Memorandum of Understanding between the United States and the Soviet Union signed June 20, 1963. The Secretary shall provide such equipment and services to the Soviet Union at the cost thereof to the United States.

SEC. 2. (a) The Secretary of Defense may use any funds available to the Department of Defense for the procurement of the equipment and providing the services referred to in the first section.

(b) Funds received from the Soviet Union as payment for such equipment and services shall be credited to the appropriate account of Department of Defense.

6. Laws Relating to Loan or Sale of Vessels to Foreign Countries

a. Public Law 84-1028 (Title 10, United States Code)

Partial text of Public Law 84-1028 [H.R. 7049], 70A Stat. 1, approved August 10, 1956; as amended by Public Law 93-365 [H.R. 14592], 88 Stat. 399, approved August 5, 1974; and by Public Law 94-457 [S. 3734], 90 Stat. 1938, approved October 5, 1976

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Chapter 633.—NAVAL VESSELS

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Sec. 7307. Restriction on disposal—

(a) Notwithstanding any other provision of law, no battleship, aircraft carrier, cruiser, destroyer, or submarine of the Navy may be sold, transferred, or otherwise disposed of, unless the Chief of Naval Operations certifies that it is not essential to the defense of the United States.

(b) [1] (1) After the date of enactment of this paragraph, no naval vessel in excess of 3,000 [2] tons or less than 20 years of age may be sold, leased, granted, loaned, bartered, transferred, or otherwise disposed of to another nation unless the disposition thereof has been approved by law enacted after such date of enactment.

(2) After the date of enactment of this paragraph, any naval vessel not subject to the provisions of paragraph (1) may be sold, leased, granted, loaned, bartered, transferred, or otherwise disposed of to another nation in accordance with applicable provisions of law only after the Secretary of the Navy, or his designee, has notified the Committees on Armed Services of the Senate and the House of Representatives in writing of the proposed disposition and 30 days of continuous session of Congress have expired following the date on which notice was transmitted to such committees. For purposes of this paragraph, the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of such 30-day period.

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[1] Subsec. (b), amended by sec. 702 of Public Law 93-365, 88 Stat. 399 at 406, formerly read as follows:

"(b) Without authority from Congress granted after March 10, 1951, no battleship, aircraft carrier, cruiser, destroyer, or submarine that has not been stricken from the Naval Vessel Register under section 7304 of this title, nor any interest of the United States in such a vessel, may be sold, transferred, or otherwise disposed of under any law."

[2] Sec. 2 of Public Law 94-457 substituted "3,000" in lieu of "2,000".

EXECUTED PUBLIC LAWS

a. Netherlands—Public Law 82-510 [S. 3337], 66 Stat. 587, approved July 11, 1952.

b. Italy and France; Far Eastern and European Nations—Public Law 83-188 [S. 2277], 67 Stat. 363, approved August 5, 1953, as amended by Public Law 84-948 [H.R. 11613], 70 Stat. 967, approved August 3, 1956.

c. Turkey—Public Law 83-214 [S. 2539], 67 Stat. 471, approved August 7, 1953.

d. Brazil—Public Law 84-484 [H.R. 8100], 70 Stat. 105, approved April 6, 1956.

e. Netherlands and Venezuela—Public Law 85-220 [H.R. 6952], 71 Stat. 495, approved August 29, 1957.

f. NATO and the European Area; the Latin American and Far Eastern Areas—Public Law 85-532 [S. 3506], 72 Stat. 376; 50 U.S.C. App. 1878e–1878i, approved July 18, 1958.

g. Italy, Turkey, and the Republic of China—Public Law 86-57 [H.R. 3366], 73 Stat. 90; 50 U.S.C. App. 1878j–1878*l*, approved June 23, 1959.

h. Republic of China—Public Law 86-482 [H.R. 9465], 74 Stat. 153; 50 U.S.C. App. 1878m–1878p, approved June 1, 1960.

i. Portugal, Spain, NATO, Southern Asia, and the Far Eastern Area—Public Law 87-387 [H.R. 7726], 75 Stat. 815; 50 U.S.C. App. 1878q–1878x, approved October 4, 1961.

j. Argentina, Brazil, China, Germany, Greece, Italy, Japan, The Netherlands, Peru, Spain, Thailand, and Turkey—Public Law 88-437 [H.R. 11035], 78 Stat. 444; 50 U.S.C. App. 1878y–1878bb, approved August 14, 1964.

k. Italy, Spain, Argentina, Brazil, Turkey, and the Philippines—Public Law 89-324 [H.R. 7812], 79 Stat. 1214; 50 U.S.C. App. 1878cc–1878mm, approved November 5, 1965.

l. Republic of China—Public Law 89-398 [H.R. 7813], 80 Stat. 121; 50 U.S.C. App. 1878nn–1878ss, approved April 16, 1966.

m. Argentina, Brazil, Chile, Colombia, Federal Republic of Germany, Greece, Republic of Korea, Portugal, Spain, and Peru—Public Law 90-224 [H.R. 6167], 81 Stat. 729; 50 U.S.C. App. 1878tt-1878xx approved December 26, 1967.

n. Greece, Pakistan, Republic of Vietnam, and Turkey—Public Law 91-682 [H.R. 15728], 84 Stat. 2066; 50 U.S.C. App. 1878yy–1878zz-3, approved January 12, 1971.

o. Spain, Turkey, Greece, Republic of Korea and Italy—Public Law 92-270 [H.R. 9526], 86 Stat. 118; 50 U.S.C. App. 1878zz-4—1878zz-8, approved April 6, 1972.

p. Argentina, Republic of China, Colombia, Germany, Greece, Iran, Republic of Korea, Pakistan, the Philippines, Spain, and Venezuela—Public Law 94-457 [S. 3734], 90 Stat. 1938, approved October 5, 1976.

q. Brazil, Colombia, Ecuador, Greece, Indonesia, Republic of Korea, Mexico, Peru, Philippines, and Spain—Public Law 96-150 [H.R. 5163], 93 Stat. 1091, approved December 20, 1979.

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b. Transfer of Certain Naval Vessels

Public Law 97-342 [H.R. 7115], 96 Stat. 1641, approved October 15, 1982

AN ACT To authorize the transfer of nine naval vessels to certain foreign governments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the approval of the Congress required by section 7307(b)(1) of title 10, United States Code, is hereby granted for the sale under section 21 of the Arms Export Control Act (22 U.S.C. 2761) of a vessel of the United States Navy, as follows: the sale of one auxiliary dry dock of the ARD 12 class to the Government of Ecuador.

Sec. 2. (a) The approval of the Congress required by section 7307(b)(1) of title 10, United States Code, is hereby granted for the lease under chapter 6 of the Arms Export Control Act (22 U.S.C. 2796–2796c) of vessels of the United States Navy, as follows:

(1) The lease of two patrol combatants of the Asheville class to the Government of Colombia.

(2) The lease of three fast patrol boats of the Osprey class to the Government of the Dominican Republic.

(3) The lease of one oceanographic research ship of the Conrad class to the Government of Mexico.

(4) The lease of one destroyer tender of the Arcadia class to the Government of Pakistan.

(5) The lease of one destroyer tender of the Dixie class to the Government of Turkey.

(b)(1) Except as provided in section 3, section 62 of the Arms Export Control Act (22 U.S.C. 2796a) shall not apply with respect to the leases described in subsection (a) of this section.

(2) The requirement contained in section 61(a)(3) of the Arms Export Control Act (22 U.S.C. 2796(a)(3)) shall not apply to a lease described in subsection (a) of this section which would otherwise be subject to that requirement; however, any expense of the United States in connection with any such lease shall be charged to the government to which the vessel is leased.

(3) Notwithstanding section 321 of the Act of June 30, 1932 (40 U.S.C. 303b), the lease of a vessel described in subsection (a) of this section may provide, as part or all of the consideration for the lease, for the maintenance, protection, repair, or restoration of the vessel by the lessee.

Sec. 3. The approval to transfer naval vessels granted by this Act shall expire at the end of the two-year period beginning on the date of the enactment of this Act, but a lease for any such vessel which is entered into before the end of that period may be renewed in accordance with this Act, subject to the reporting requirement of section 62 of the Arms Export Control Act.

B. AGRICULTURAL COMMODITIES

CONTENTS

Page
1. Agricultural Trade Development and Assistance ... 765
    a. Agricultural Trade Development and Assistance Act of 1954, as amended (Public Law 480) ... 765
    b. Extension of Agricultural Trade Development and Assistance Act of 1954, as amended (partial text) ... 809
    c. President's Emergency Food Assistance Act of 1984 (title III of Public Law 98-473) ... 811
    d. Food and Agriculture Act of 1977 (Public Law 95-113) (partial text) ... 813
    e. Agricultural Exports (title V of Public Law 98-258) ... 815
    f. National Agricultural Export Week-Proclamation (Public Law 99-341) ... 817
    g. Agricultural Act of 1949 (Sec. 416 of Public Law 81-439) ... 819
    h. Food Security Act of 1985 (Public Law 99-198) (partial text) ... 831
    i. World Food Day—Proclamation (Public Law 99-288) ... 855
    J. Agriculture and Related Agencies Appropriations for Fiscal Year 1987 (partial text) ... 857
    k. Urgent Supplemental Appropriations, 1985—Africa Famine Relief (Public Law 99-10) ... 861
    l. Executive Order 12220 (Agricultural Trade Development) ... 865
    m. Executive Order 11252 (Food for Peace Program) ... 869
2. Food for Peace Act of 1966 (Public Law 89-808) (partial text) ... 871
3. Agricultural Trade Act of 1978 (Public Law 95-501) ... 877
4. Agricultural Act of 1980 and Related Material ... 883
    a. Agricultural Trade Suspension Adjustment Act of 1980 (title II of Public Law 96-494) (partial text) ... 883
    b. Food Security Wheat Reserve Act of 1980 (title III of Public Law 96-494) ... 893
    c. Executive Order 12266 (Food Security Wheat Reserve) ... 897
5. Agriculture and Food Act of 1981 (Public Law 97-98) (partial text) ... 899
6. Omnibus Budget Reconciliation Act of 1982 (Public Law 97-253) (partial text) ... 911
7. International Carriage of Perishable Food stuffs Act (Public Law 97-325) ... 913

1. Agricultural Trade Development and Assistance

a. Agricultural Trade Development and Assistance Act of 1954, as amended (Public Law 480)

CONTENTS

Page

Section 2—Statement of policy ... 768
Section 3—World Food Conference target ... 768
Title I ... 769
  Section 101—General authority to enter into agreements for sale of commodities ... 769
  Section 102—Commodity Credit Corporation authority ... 769
  Section 103—Requirements and criteria for assistance ... 770
  Section 104—Authority to enter into agreements to use foreign currencies for certain purposes ... 773
  Section 105—Foreign currencies deposit ... 779
  Section 106—Dollar credit sales ... 779
  Section 107—Sale of agricultural commodities through private trade ... 781
  Section 108—Financing ocean transportation costs [Repealed] ... 782
  Section 109—Conditions of eligibility: self-help ... 785
  Section 110—Limitation of transactions ... 786
  Section 111—Assistance to most seriously affected countries ... 786
  Section 112—Human rights ... 787
  Section 113—Financing the sale of food and fiber commodities ... 788
  Section 114—High protein, blended and fortified foods ... 788
  Section 115—Title I sales procedures ... 788
Title II ... 789
  Section 201—General authority for famine and other urgent or extraordinary relief requirements ... 789
  Section 202—Means of furnishing commodities ... 790
  Section 203—Commodity Credit Corporation authority ... 792
  Section 204—Limitation on programs of assistance and use of foreign currencies ... 792
  Section 205—Expansion of international food and agricultural assistance programs ... 793
  Section 206—Limitation on use of foreign currencies ... 793
  Section 207—[Non-Profit Voluntary Agency Requests] ... 793
Title III ... 794
  Section 301—Establishing Food for Development Program ... 794
  Section 302—Eligibility in Food for Development Program ... 795
  Section 303—Multiyear proposal submitted to President ... 796
  Section 304—Credit to eligible countries ... 796
  Section 305—Funds generated by Food for Development Program ... 797
  Section 306—Annual report to the President ... 798
  Section 307—Presidential review of agreements ... 798
  Section 308—[Superseded].
  Section 309—[Superseded].
  Section 310—Authority to barter or exchange agricultural commodities ... 799
Title IV ... 800
  Section 401—Requirements and criteria for assistance ... 800
  Section 402—"Agricultural commodity" defined ... 801
  Section 403—Appropriation authorization ... 802
  Section 404—Goals of assistance programs ... 802
  Section 405—Manner of utilizing authority and funds ... 803
  Section 406—Secretary of Agriculture authority to further assist developing countries to become self-sufficient ... 803

Page

Section 407—Establishment of advisory committee 804

Section 408—Annual report by President to Congress 805

Section 409—Period within which title I or title II agreements may be entered 806

Section 410—Provisions of Sec. 620(e) of the Foreign Assistance Act of 1961 (nationalization, expropriation, and related Acts affecting property owned by U.S. citizens) applicable to assistance under title I 806

Section 411—Prohibition of unauthorized assistance to North Vietnam 806

Section 412—International Food Reserve System 806

Section 413—Commodities for Multiyear Development Purposes 806

a. Agricultural Trade Development and Assistance Act of 1954, as amended (Public Law 480) [1] [2]

Public Law 83-480 [S. 2475], 68 Stat. 454; 7 U.S.C. 1691-1736d, approved July 10, 1954, as amended by Public Law 84-25 [S. 752], 69 Stat. 44, approved April 25, 1955; Public Law 84-387 [S. 2253], 69 Stat. 721, approved August 12, 1955; Public Law 84-540 [H.R. 10875], 70 Stat. 188, approved May 28, 1956; Public Law 84-726 [H.R. 11356], 70 Stat. 555, approved July 18, 1956; Public Law 84-962 [S. 3903], 70 Stat. 988, approved August 3, 1956; Public Law 85-128 [S. 1314], 71 Stat. 345, approved August 13, 1957; Public Law 85-141 [S. 2130], 71 Stat. 355, approved August 14, 1957; Public Law 85-477 [H.R. 12181], 72 Stat. 261, approved June 30, 1958; Public Law 85-931 [S. 3420], 72 Stat. 1790, approved September 6, 1958; Public Law 86-108 [H.R. 7500], 73 Stat. 246, approved July 24, 1959; Public Law 86-341 [H.R. 8609], 733 Stat. 606, approved September 21, 1959; Public Law 86-472] H.R. 11510], 74 Stat. 134, approved May 14, 1960; Public Law 87-28 [S. 1027], 75 Stat. 64, approved May 4, 1961; Public Law 87-128 [S. 1643], 75 Stat. 294, approved August 8, 1961; Public Law 87-195 [S. 1983], 75 Stat. 424, approved September 4, 1961; Public Law 87-703 [H.R. 12391], 76 Stat. 605, approved September 27, 1962; Public Law 87-839 [S. 3389], 76 Stat. 1074, approved October 18, 1962; Public Law 88-205 [H.R. 7885], 77 Stat. 379, approved December 16, 1963; Public Law 88-638 [S. 2687], 78 Stat. 1035, approved October 8, 1964; Public Law 89-106 [H.R. 5508], 79 Stat. 431, approved August 4, 1965; Public Law 89-171 [H.R. 7750], 79 Stat. 653, approved September 6, 1965; Public Law 89-808 [H.R. 14929], 80 Stat. 1526, approved November 11, 1966; Public Law 90-436 [S. 2986], 82 Stat. 450, approved July 29, 1968; Public Law 91-524 [H.R. 18546], 84 Stat. 1358, approved November 30, 1970; Public Law 92-42 [H.R. 1161], 85 Stat. 99, approved July 1, 1971; Public Law 93-86 [S. 1888], 87 Stat. 237, approved August 10, 1973; Public Law 94-161 [H.R. 9005], 89 Stat. 849, approved December 20, 1975; Public Law 95-88 [H.R. 6714], 91 Stat. 533, approved August 3, 1977; Public Law 95-113 [S. 275], 91 Stat. 913, approved September 29, 1977; Public Law 95-424 [International Development and Food Assistance Act of 1978; H.R. 12222], 92 Stat. 937, approved October 6, 1978; Public Law 96-53 [International Development Cooperation Act of 1979; H.R. 3324], 93 Stat. 359, approved August 14, 1979; Public Law 96-72 [Export Administration Act of 1979; S. 737], 93 Stat. 503 at 536, approved September 29, 1979; Public Law 96-470 [Congressional Reports Elimination Act of 1980; H.R. 6686], 94 Stat. 2237 at 2246, approved October 19, 1980; Public Law 96-533 [International Security and Development Cooperation Act of 1980; H.R. 6942], 94 Stat. 3131 at 3151, approved December 16, 1980; Public Law 97-98 [S. 884], 95 Stat. 1213 at 1274, approved December 22, 1981; Public Law 97-113 [International Security and Development Cooperation Act of 1981; S. 1196], 95 Stat. 1519 at 1537, approved December 29, 1981; Public Law 98-473 [Continuing Appropriations Act, 1985; H.J. Res. 648], 98 Stat. 1837 at 2194, approved October 12, 1984; Public Law 98-623 [H.R. 6342], 98 Stat. 3394, approved November 8, 1984, Public Law 99-83 [S. 960], 99 Stat. 190, approved August 8, 1985; and by Public Law 99-198 [H.R. 2100], 99 Stat. 1354, approved December 23, 1985.

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[1] The Agricultural Trade Development and Assistance Act of 1954, as amended, was substantially changed and amended by sec. 2 of the Food or Peace Act of 1966, except for secs. 301 and 303, which were retained without alteration. For the remainder of the text of the Food for Peace Act of 1966, see page 871.

[NOTE.—In signing the Food for Peace bill on November 11, 1966, the President referred to it as the "Food for Freedom program".]

The Food for Peace Act of 1966 was effective as of Jan. 1, 1967, except that sec. 4 took effect Nov. 11, 1966.

[2] Prohibitions against furnishing assistance under this Act are contained in sec. 481, and subsecs. (i), (j), (r), (s), and (t) of sec. 620 of the Foreign Assistance Act of 1961, as amended. See pages 64, 121, 122, 123, and 124. A further prohibition is contained in the Agricultural Environmental and Consumer Protection Appropriation Act, 1975, Dec. 31, 1974, Public Law 93-563, 88 Stat. 1830.

AN ACT To increase the consumption of United States agricultural commodities in foreign countries, to improve the foreign relations of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Agricultural Trade Development and Assistance Act of 1954."

Sec. 2.[3] The Congress hereby declares it to be the policy of the United States to expand international trade; to develop and expand export markets for United States agricultural commodities; to use the abundant agricultural productivity of the United States to combat hunger and malnutrition and to encourage economic development in the developing countries, with particular emphasis on assistance to those countries that are determined to improve their own agricultural production; [4] to use foreign currencies accruing under this Act to foster and encourage the development of private enterprise in developing countries; to enhance food security in developing countries through local food production; and to promote in other ways the foreign policy of the United States. In furnishing food aid under this Act, the President shall—

(1) give priority consideration, in helping to meet urgent food needs abroad, to making available the maximum feasible volume of food commodities (with appropriate regard to domestic price and supply situations) required by those countries most seriously affected by food shortages and by inability to meet immediate food requirements on a normal commercial basis;

(2) continue to urge all traditional and potential new donors of food, fertilizer, or the means of financing these commodities to increase their participation in efforts to address the emergency and longer term food needs of the developing world;

(3) relate United States assistance to efforts by aid-receiving countries to increase their own agricultural production, with emphasis on development of small, family farm agriculture, and improve their facilities for transportation, storage, and distribution of food commodities;

(4) give special consideration to the potential for expanding markets for America's agricultural abundance abroad in the allocation of commodities or concessional financing; and

(5) give appropriate recognition to and support of a strong and viable American farm economy in providing for the food security of consumers in the United States and throughout the world.[5]

Sec. 3.[6] Pursuant to the World Food Conference recommendation that donor countries provide a total of at least ten million tons of food assistance to needy nations annually, the President is urged to maintain a significant United States contribution to this goal and to encourage other countries to maintain and increase their contributions as well.

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[3] 7 U.S.C. 1691. Sec. 2 was amended and restated by sec. 2(a) of Public Law 89-808 (80 Stat. 1526), to include the use of abundant agricultural productivity of the U.S. to combat hunger and malnutrition.

[4] The words from this point through the words "local food production" were added by sec. 1111(a) of the Food Security Act of 1985, Public Law 99-198 (99 Stat. 1474).

[5] The sentence commencing with "In furnishing food aid * * *" was added by sec. 201 of the International Development & Food Assistance Act of 1975, Public Law 94-161 (89 Stat. 850).

[6] 7 U.S.C. 1691a. Sec. 3 was added by sec. 202 of Public Law 94-161 (89 Stat. 851).

TITLE I

Sec. 101.[7] (a) In order to carry out the policies and accomplish the objectives set forth in section 2 of this Act, the President is authorized to negotiate and carry out agreements with friendly countries to provide for the sale of agricultural commodities—

(1) for dollars on credit terms;

(2) to the extent that sales for dollars under the terms applicable to such sales are not possible, for foreign currencies on credit terms and on terms that permit conversion to dollars at the exchange rate applicable to the sales agreement; or

(3) for foreign currencies for use under section 108 on terms that permit conversion to dollars.

(b)(1) Except as provided in paragraph (2), for each of the fiscal years 1986 through 1990 sales for foreign currencies for use under section 108 under agreements entered into under this title shall be made at an annual level of not less than 10 percent of the aggregate value of all sales of agricultural commodities under this title.

(2) The President may reduce the minimum level of sales for foreign currencies required under paragraph (1) during any fiscal year in which the President determines that the level of agricultural commodities furnished under this title will be significantly reduced as a result of compliance with the requirement under paragraph (1).

(c) Agreements for sales for foreign currency in a developing country for use under section 108 may not be entered into to the extent that such agreements would generate currency in amounts that cannot be productively used and absorbed in the private sector of such country.

(d) Sales for foreign currencies for use under section 108 under agreements entered into under this title shall be made on such terms and conditions as are specified in such agreements.

Sec. 102.[8] For the purpose of carrying out agreements concluded under this Act the Commodity Credit Corporation is authorized to finance the sale and exportation of agricultural commodities whether from private stocks or from stocks of the Commodity Credit Corporation [9] and, when requested by the purchaser of such commodities, may serve as the purchasing or shipping agent, or both, in arranging the purchasing or shipping of such commodities.[10]

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[7] 7 U.S.C. 1701. Sec. 101 was amended and restated by sec. 1111(c) of the Food Security Act of 1985, Public Law 99-198 (99 Stat. 1474). Sec. 101 previously read as follows:

"Sec. 101. In order to carry out the policies and accomplish the objectives set forth in section 2 of this Act, the President is authorized to negotiate and carry out agreements with friendly countries to provide for the sale of agricultural commodities for dollars on credit terms or to the extent that sales for dollars under the terms applicable to such sales are not possible, for foreign currencies on credit terms and on terms which permit conversion to dollars at the exchange rate applicable to the sales agreement."

[8] 7 U.S.C. 1702. Sec. 102 has been amended by the following: Public Law 84-25 (69 Stat. 44); Public Law 88-638 (78 Stat. 1035); further amended and restated by Public Law 89-808 (80 Stat. 1526); further amended by Public Law 90-436 (82 Stat. 450).

[9] Two provisos (added by Sec. 9 of Public Law 90-436) which had previously appeared at this point and discussed restrictions concerning the financing of the sale and exportation of agricultural commodities by the Commodity Credit Corporation, were struck out by Sec. 201(a) of the International Development and Food Assistance Act of 1977 (Public Law 95-88; 91 Stat. 545).

[10] The words to this point beginning with "and when requested by the purchaser" were added by sec. 1201 of the Food and Agriculture Act of 1977 (91 Stat. 955).

Sec. 103.[11] In exercising the authorities conferred upon him by this title, the President shall—

(a) [12] take into account efforts of friendly countries to help themselves toward a greater degree of self-reliance, including efforts to increase their own agricultural production, especially through small, family farm agriculture, to improve their facilities for transportation, storage, and distribution of food commodities, and to reduce their rate of population growth;

(b) [13] except where the President determines that it would be inconsistent with the objectives of this Act, determine the amount of foreign currencies needed for the uses specified in subsections (a), (b), (e), and (h) of section 104, in section 108,[14] and in title III, and the agreements for credit sales shall provide for payment of such amounts in dollars or in foreign currencies upon delivery of the agricultural commodities; and such payment may be considered as an advance payment of the earliest installments;

(c) take reasonable precautions to safeguard usual marketings of the United States and to assure that sales under this title will not unduly disrupt world prices of agricultural commodities or normal patterns of commercial trade with friendly countries;

(d) makes sales agreements only with those countries which he determines to be friendly to the United States: *Provided,* That the President shall periodically review the status of those countries which are eligible under this subsection and report the results of such review to the Congress. As used in this Act, "friendly country" shall not include any country or area dominated or controlled by a foreign government or organization controlling a world Communist movement.[15] Notwithstanding

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[11] 7 U.S.C. 1703. Sec. 103 was amended by Public Law 84–387 (69 Stat. 721); Public Law 84–540 (70 Stat. 201); Public Law 84–962 (70 Stat. 988); Public Law 85–128 (71 Stat. 345); Public Law 85–931 (72 Stat. 1790); Public Law 86–341 (73 Stat. 606); Public Law 87–28 (75 Stat. 64); Public Law 85–128 (75 Stat. 306); Public Law 88–638 (78 Stat. 1035); further amended and restated by Public Law 89–808 (80 Stat. 1526); further amended at Public Law 90–436 (82 Stat. 450).

[12] Subsec. (a) was amended by sec. 203 of Public Law 94–161 (89 Stat. 851). It formerly read: "take into account efforts of friendly countries to help themselves toward a greater degree of self-reliance, including efforts to meet their problems of food production and population growth;".

[13] Subsec. (b), as amended by sec. 4 of Public Law 90–436, sec. 203 of Public Law 94–161 (89 Stat. 851), sec. 211(b) of Public Law 95–88 (91 Stat. 551), and sec. 201(b)(2)(B) of Public Law 95–424 (92 Stat. 941), was amended and restated by sec. 401(2) of the International Security and Development Cooperation Act of 1981 (Public Law 97–113; 95 Stat. 1537). This text is nearly identical to the proviso contained in the former language of subsec. (b) but does not include text which previously directed the President to provide for a progressive transition from sales for foreign currencies to sales for dollars (or when this was not possible, sales for foreign currencies on certain credit terms) by Dec. 31, 1971.

[14] Sec. 111(d) of the Food Security Act of 1985, Public Law 99–198 (99 Stat. 1475), added this reference to sec. 108.

[15] Two other parts to this definition of "friendly country" which formerly appeared at this point, have been struck out. The first, deleted by sec. 401(3) of the International Security and Development Cooperation Act of 1981 (Public Law 97–113; 95 Stat. 1537), concerned "for the purpose only of sales of agricultural commodities for foreign currencies under title I of this Act any country or area dominated by a Communist government". The second, deleted by sec. 201(b) of the International Development and Food Assistance Act of 1977 (Public Law 95–88; 91 Stat. 545) read as follows:

", or (3) for the purpose only of sales of agricultural commodities under title I of this Act, any nation which sells or furnishes or permits ships or aircraft under its registry to transport to or from Cuba or North Vietnam (excluding United States installations in Cuba) any equipment, materials, or commodities so long as they are governed by a Communist regime: *Provided,* That

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any other Act, the President may enter into agreements for the sale of agricultural commodities [16] under title I of this Act with countries which fall within the definition of "friendly country" for the purpose of such sales and no sales under this Act shall be made with any country if the President finds such country is (a) an aggressor, in a military sense, against any country having diplomatic relations with the United States, or (b) using funds, of any sort, from the United States for purposes inimical to the foreign policies of the United States;

(e) take appropriate steps to assure that private trade channels are used to the maximum extent practicable both with respect to sales from privately owned stocks and with respect to sales from stocks owned by the Commodity Credit Corporation and that small business has adequate and fair opportunity to participate in sales made under the authority of this Act;

(f) [17] give consideration to the development and expansion of markets for United States agricultural commodities and local foodstuffs by increasing the effective demand for agricultural commodities through the support of measures to stimulate equitable economic growth in recipient countries, with appropriate emphasis on developing more adequate storage, handling, and food distribution facilities;

(g) obtain commitments from purchasing countries that will prevent resale or transshipment to other countries, or use for other than domestic purposes, of agricultural commodities purchased under this title, without specific approval of the President;

(h) obtain rates of exchange applicable to the sale of commodities under such agreements which are not less favorable than the highest of exchange rates legally obtainable in the respective countries and which are not less favorable than the highest of exchange rates obtainable by any other nation;

(i) promote progress toward assurance of an adequate food supply by encouraging countries with which agreements are made to give higher emphasis to the production of food crops than to the production of such nonfood crops as are in world surplus;

(j) exercise the authority contained in title I of this Act to assist friendly countries to be independent of domination or control by any world Communist movement. Nothing in this

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this exclusion from the definition of "friendly country" may be waived by the President if he determines that such waiver is in the national interest and reports such determination to the Congress within 10 days of the date of such determination, or (4) for the purposes only of sales under title I of this Act the United Arab Republic, unless the President determines that such sale is in the national interest of the United States. No sales to the United Arab Republic shall be based upon the requirements of that nation for more than one fiscal year. The President shall keep the President of the Senate and the Speaker of the House of Representatives fully and currently informed with respect to sales made to the United Arab Republic under title I of this Act."

[16] Sec. 1111(d)(2) of the Food Security Act of 1985 Public Law 99-198 (99 Stat. 1475) deleted the words "for dollars on credit terms" at this point.

[17] Subsec. (f) was amended and restated by sec. 201 of the International Development Cooperation Act of 1979 (Public Law 96-53; 93 Stat. 368). It formerly read as follows:

"(f) give special consideration to the development and expansion of foreign markets for United States agricultural commodities, with appropriate emphasis on more adequate storage, handling, and food distribution facilities as well as long-term development of new and expanding markets by encouraging economic growth;".

Act shall be construed as authorizing sales agreements under title I with any government or organization controlling a world Communist movement or with any country with which the United States does not have diplomatic relations;

(k) whenever practicable require upon delivery that not less than 5 per centum of the purchase price of any agricultural commodities sold under title I of this Act be payable in dollars or in the types or kinds of currencies which can be converted into dollars;

(l) [18] obtain commitments from purchasing countries to publicize widely to their people, by public media and other means, that the commodities are being provided on a concessional basis through the friendship of the American people as food for peace;

(m) except as provided in section 108,[14] require foreign currencies to be convertible to dollars to the extent consistent with the effectuation of the purposes of this Act, but in any event to the extent necessary to (1) permit that portion of such currencies made available for payment of United States obligations to be used to meet obligations or charges payable by the United States or any of its agencies to the government of the importing country or any of its agencies, and (2) in the case of excess currency countries, assure convertibility by sale to American tourists, or otherwise, of such additional amount (up to twenty-five per centum of the foreign currencies received pursuant to each agreement entered into after the effective date of the Food for Peace Act of 1966) as may be necessary to cover all normal expenditures of American tourists in the importing country. In carrying out this subsection, the President shall require that foreign currencies to be used under section 108 that are acquired under an agreement for the sale of commodities be convertible to dollars during the period beginning 10 years after the date of the last delivery of such commodities and ending 30 years after the date of such delivery. Such agreement for sale shall establish a schedule for such conversion but need not specify the exchange rate for such conversion; [19]

(n) take maximum precautions to assure that sales [20] under this Act shall not displace any sales of United States agricultural commodities which would otherwise be made; [21]

(o) [22] take steps to assure that the United States obtains a fair share of any increase in commercial purchases of agricultural commodities by the purchasing country and that commercial supplies are available to meet demands developed through programs carried out under this Act;

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[18] Language previously appearing at this point which directed the President to obtain comitments from friendly purchasing countries that would insure title I food commodities sold for foreign currencies would be identified at the distribution or sale location as being provided on a concessional basis "through the generosity of the people of the United States of America," was struck out by sec. 401(4) of Public Law 97–113; 95 Stat. 1537).

[19] Sec. 1111(d)(3)(C) of the Food Security Act of 1985 (Public Law 99–198), 99 Stat. 1475, added the words beginning with "in carrying out this subsection" to this point.

[20] Sec. 1111(d)(4) of the Food Security Act of 1985 (Public Law 99–198), deleted the words "for dollars on credit terms" at this point.

[21] Sec. 1111(d)(4) of the Food Security Act of 1985 deleted the words "for cash dollars" at this point.

[22] Subsecs. (o), (p) and (q) were added by sec. 5 of Public Law 90-436 (82 Stat. 450). Subsec. (o) was amended by Public Law 93-86 (87 Stat. 237) by adding after "country" the following: "and that commercial supplies are available to meet demands developed through programs carried out under this Act."

(p) [22] except as provided in sec. 108,[14] assure convertibility at such uniformly applied exchange rates as shall be agreed upon of up to 50 per centum of the foreign currencies received pursuant to each agreement by sale to United States or purchasing country contractors for payment of wages earned in the development and consummation of works of public improvement in the purchasing country; and

(q) [22] except as provided in sec. 108,[14] assure convertibility of up to 50 per centum of the foreign currencies received pursuant to each agreement by sale to United States importers for the procurement of materials or commodities in the purchasing country.

Sec. 104.[23] Notwithstanding any other provision of law, the President may use or enter into agreements with foreign countries or international organizations to use the foreign currencies, including principal and interest from loan repayments, which accrue in connection with sales for foreign currencies under agreements for such sales entered into prior to January 1, 1972 [24] for one or more of the following purposes:

(a) For payment of United States obligations (including obligations entered into pursuant to other legislation);

(b) For carrying out programs of United States Government agencies to—

(1) help develop new markets for United States agricultural commodities on a mutually benefiting basis. From sale proceeds and loan repayments under this title not less than the equivalent of 5 per centum of the total sales made each year under this title shall be set aside in the amounts and kinds of foreign currencies specified by the Secretary of Agriculture and made available in advance for use as provided by this paragraph over such period of years as the Secretary of Agriculture determines will most effectively carry out the purpose of this paragraph: *Provided,* That the Secretary of Agriculture may release such amounts of the foreign currencies so set aside as he determines cannot be effectively used for agricultural market development purposes under this section, except that no release shall be made until the expiration of thirty days following the date on which notice of such proposed release is transmitted by the President to the Senate Committee on Agriculture and Forestry and the Senate Com-

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[23] 7 U.S.C. 1704. Sec. 104 was amended by Public Law 84-726 (70 Stat. 564); Public Law 84-962 (70 Stat. 988); Public Law 85-128 (71 Stat. 345); Public Law 85-141 (71 Stat. 365); Public Law 85-477 (72 Stat. 275); Public Law 85-931 (72 Stat. 1790); Public Law 86-108 (73 Stat. 258); Public Law 86-341 (73 Stat. 607); Public Law 87-128 (75 Stat. 306); Public Law 87-195 (75 Stat. 443); Public Law 87-839 (76 Stat. 1074); Public Law 88-205 (77 Stat. 386); Public Law 88-638 (78 Stat. 1035); Public Law 89-106 (79 Stat. 432); further amended and restated by Public Law 89-808 (80 Stat. 1528); further amended by Public Law 90-436 (82 Stat. 450); and Public Law 91-524 (84 Stat. 1379).

[24] The words "agreements for such sales entered into prior to January 1, 1972," were substituted in lieu of the words "this title" by sec. 401(5)(A) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1537).

mittee on Foreign Relations[25] and to the House Committee on Agriculture and the House Committee on International Relations,[26] if transmitted while Congress is in session, or sixty days following the date of transmittal if transmitted while Congress is not in session. Provision shall be made in sale and loan agreements for the convertibility of such amount of the proceeds thereof (not less than 2 per centum) as the Secretary of Agriculture determines to be needed to carry out the purpose of this paragraph in those countries which are or offer reasonable potential of becoming dollar markets for United States agricultural commodities. Such sums shall be converted into the types and kinds of foreign currencies as the Secretary deems necessary to carry out the provisions of this paragraph and such sums shall be deposited to a special Treasury account and shall not be made available or expended except for carrying out the provisions of this paragraph. Notwithstanding any other provision of law, if sufficient foreign currencies for carrying out the purpose of this paragraph in such countries are not otherwise available, the Secretary of Agriculture is authorized and directed to enter into agreements with such countries for the sale of agricultural commodities in such amounts as the Secretary of Agriculture determines to be adequate and for the use of the proceeds to carry out the purpose of this paragraph. In carrying out agricultural market development activities, nonprofit agricultural trade organizations shall be utilized to the maximum extent practicable. The purpose of this paragraph shall include such representation of agricultural industries as may be required during the course of discussions on trade programs relating either to individual commodities or groups of commodities;

(2)[27] finance with not less than 2 per centum of the total sales proceeds received each year in each country activities to assist international educational and cultural exchange and to provide for the strengthening of the resources of American schools, colleges, universities, and other public and nonprofit private educational agencies for international studies and research under the programs authorized by title VI of the National Defense Education Act, the Mutual Educational and Cultural Exchange Act of 1961, the International Education Act of 1966, the Higher Education Act of 1965, the Elementary and Secondary Education Act of 1965, the National Foundation on the

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[25] The words "and the Senate Committee on Foreign Relations" were added by sec. 204(2) of Public Law 94-161 (89 Stat. 852).

[26] The words "and the House Committee on International Relations" were added by sec. 204(1) of Public Law 94-161 (89 Stat. 852).

[27] Subsec. (2) was amended by sec. 3 of Public Law 90-436. It formerly read as follows:

"(2) finance international educational and cultural exchange activities under the programs authorized by the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.);".

For text of the Mutual Educational and Cultural Exchange Act of 1961, as amended, see chapter F., 2 of this volume.

Arts and the Humanities Act of 1965, and the Public Broadcasting Act of 1967;

(3) collect, collate, translate, abstract and disseminate scientific and technological information and conduct research and support scientific activities overseas including programs and projects of scientific cooperation between the United States and other countries such as coordinated research against diseases common to all of mankind or unique to individual regions of the globe, and promote and support programs of medical and scientific research, cultural and educational development, family planning health, nutrition, and sanitation; [28]

(4) acquire by purchase, lease, rental, or otherwise, sites and buildings and grounds abroad, for United States Government use including offices, residence quarters, community and other facilities, and construct, repair, alter, and furnish such buildings and facilities; [29]

(5) finance under the direction of the Librarian of Congress, in consultation with the National Science Foundation and other interested agencies, (A) programs outside the United States for the analysis and evaluation of foreign books, periodicals, and other materials to determine whether they would provide information of technical or scientific significance in the United States and whether such books, periodicals, and other materials are of cultural

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[28] See also sec. 5(g) of the International Health Research Act of 1960, Public Law 86-610, 74 Stat. 368, approved July 12, 1960 (22 U.S.C. 2103), which authorizes, subject to sec. 1415 of the Supplemental Appropriation Act, 1953, the use of title I foreign currencies to advance health science activities. (Sec. 1415 of the Supplemental Appropriations Act, 1953, now codified at 31 U.S.C. 1306. See chapter A., 3., e of this volume.

Supplemental Appropriations Act, 1977 (91 Stat. 66) states:

"For necessary expenses as authorized by section 104(b)(3) of the Agricultural Trade Development and Assistance Act of 1954, as amended $30,000,000, for payment by the Secretary of the Treasury of the equivalent of $30,000,000 Israeli pounds to be obtained by the prepayment of a portion of Israel's local currency debt to the United States, as the United States share of the endowment of the Israel-United States Binational Industrial Research and Development Foundation, to remain available until expended."

[29] See also sec. 209(a) of Public Law 87-651, 76 Stat. 523, as amended (10 U.S.C. 2681), which provides in part as follows:

"(a) In addition to family housing and to community facilities that otherwise may be constructed or acquired by the Department of Defense, the Secretary of Defense may, with the approval of the President, construct, or acquire by lease or otherwise, family housing to be occupied as public quarters, and community facilities, in foreign countries by using foreign currencies that have a value of not more than $250,000,000 and that were acquired under sections 1691-1724 of title 7 or through other commodity transactions of the Commodity Credit Corporation.

"(b) The Department of Defense shall pay the Commodity Credit Corporation an amount not to exceed $6,000,000 a year until the amount due for foreign currencies used for housing constructed or acquired under this section has been liquidated."

Sec. 420 of the Act of Aug. 10, 1959, 73 Stat. 324, provides as follows:

"In carrying out in a foreign country any project authorized by this Act or any other Military Construction Act heretofore or hereafter enacted, currencies of such country acquired pursuant to the provisions of the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480) Eighty-third Congress shall, to the extent available and feasible, be used in lieu of dollars. The Department of Defense shall reimburse the Commodity Credit Corporation for any foreign currencies so utilized in carrying out such projects." (7 U.S.C. 1704b)

Sec. 509 of the Act of June 8, 1960, 74 Stat. 186, provides as follows:

"Notwithstanding the provisions of any other law, at least 75 per centum of the total cost of any family housing project or community facility hereafter constructed or acquired in any foreign country by the Department of Defense or any military department shall be paid for from foreign currencies acquired by the Commodity Credit Corporation pursuant to the provisions of the Agricultural Trade Development and Assistance Act of 1954; except that the following projects authorized pursuant to this Act shall not be subject to this requirement: * * * (list of projects omitted) (7 U.S.C. 1704b note)."

or educational significance, (B) the registry, indexing, binding, reproduction, cataloging, abstracting, translating, and dissemination of books, periodicals, and related materials determined to have such significance; and (C) the acquisition of such books, periodicals, and other materials and the deposit thereof in libraries and research centers in the United States specializing in the areas to which they relate;

(c) * * * [Repealed—1975] [30]

(d) For assistance to meet emergency or extraordinary relief requirements other than requirements for food commodities; *Provided,* That not more than a total amount equivalent to $10,000,000 [31] may be made available for this purpose during any fiscal year;

(e) For use to the maximum extent under the procedures established by such agency as the President shall designate for loans to United States business firms (including cooperatives) and branches, subsidiaries, or affiliates of such firms for business development and trade expansion in such countries, including loans for private home construction, and for loans to domestic or foreign firms (including cooperatives) for the establishment of facilities for aiding in the utilization, distribution, or otherwise increasing the consumption of, and markets for, United States agricultural products: *Provided, however,* That no such loans shall be made for the manufacture of any products intended to be exported to the United States in competition with products produced in the United States and due consideration shall be given to the continued expansion of markets for United States agricultural commodities or the products thereof. Foreign currencies may be accepted in repayment of such loans;

(f) To promote multilateral trade and agricultural and other economic development, under procedures, established by the President, by loans or by use in any other manner which the President may determine to be in the national interest of the United States, particularly to assist programs of recipient countries designed to promote, increase, or improve food production, processing, distribution, or marketing in food-deficit countries friendly to the United States, for which purpose the President may utilize to the extent practicable the services of nonprofit voluntary agencies registered with and approved by the Agency for International Development: [32] *Provided,* That no such funds may be utilized to promote religious activities;

(g) For the purchase of goods or services for other friendly countries;

(h) For financing, at the request of such country, programs emphasizing maternal welfare, child health and nutrition, and activities, where participation is voluntary, related to the problems of population growth, under procedures established by the President through any agency of the United States, or through any local agency which he determines is qualified to administer such activities. Not less than 5 per centum of the total sales proceeds received each year shall, if requested by the foreign country, be used for voluntary programs to control population growth; [33]

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[30] Subsec. (c) was repealed by sec. 204(3) of Public Law 94-161 (89 Stat. 852).

[31] This figure was increased from $5,000,000 to $10,000,000 by sec. 402 of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1537).

[32] The reference to the Agency for International Development was substituted in lieu of a reference to the Advisory Committee on Voluntary Foreign Aid by sec. 121 of the International Development Cooperation Act of 1979 (Public Law 96-53; 93 Stat. 366).

(i) For paying, to the maximum extent practicable, the costs outside the United States of carrying out the program authorized in section 406 of this Act;

(j) For sale for dollars to United States citizens and nonprofit organizations for travel or other purposes of currencies determined to be in excess of the needs of departments and agencies of the United States for such currencies. The United States dollars received from the sale of such foreign currencies shall be deposited to the account of Commodity Credit Corporation; and

(k) [34] For paying, to the maximum extent practicable, the costs of carrying out programs for the control of rodents, insects, weeds, and other animal or plant pests;

Provided, That—

(1) Section 1415 of the Supplemental Appropriation Act, 1953, shall apply to currencies used for the purposes specified in subsections (a) and (b), and in the case of currencies to be used for the purposes specified in paragraph (2) of subsection (b) the Appropriation Act may specifically authorize the use of such currencies and shall not require the appropriation of dollars for the purchase of such currencies.[35]

(2) Section 1415 of the Supplemental Appropriation Act, 1953, shall apply to all foreign currencies used for grants under subsections (f) and (g), to not less than 10 per centum of the foreign currencies which accrue pursuant to agreements entered into on or before December 31, 1964, and to not less than 20 per centum in the aggregate of the foreign currencies which accrue pursuant to agreements entered into thereafter: *Provided, however,* That the President is authorized to waive such applicability of section 1415 in any case where he determines that it would be inappropriate or inconsistent with the purposes of this title.

(3) No agreement or proposal to grant any foreign currencies [36] or to use (except pursuant to Appropriation Act) and principal or interest from loan repayments under this section shall be entered into or carried out until the expiration of thirty days following the date on which such agreement or proposal is transmitted by the President to the Senate Committee on Agriculture and Forestry and the Senate Committee on Foreign Relations [37] and to the

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[33] This sentence was added by sec. 2(a) of Public Law 90-436 (82 Stat. 450).

[34] Subsec. (k) was added by sec. 6 of Public Law 90-436.

[35] Sec. 1415 of the Supplemental Appropriations Act, 1953, is now codified at 31 U.S.C. 1306. For text see chapter A., 3., e. of this volume. The final clause of this paragraph was added by sec. 702 of the Agricultural Act of 1970 (Public Law 91-524, 84 Stat. 1379).

[36] The phrase, "(except as provided in subsection (c) of this section)," which previously appeared at this point, was struck out by sec. 401(5)(B) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1537).

[37] The words "and the Senate Committee on Foreign Relations" were added by sec. 204(2) of Public Law 94-161 (89 Stat. 852).

House Committee on Agriculture and the House Committee on International Relations,[38] if transmitted while Congress is in session, or sixty days following the date of transmittal if transmitted while Congress is not in session.

(4) Any loan made under the authority of this section shall bear interest at such rate as the President may determine but not less than the cost of funds to the United States Treasury, taking into consideration the current average market yields on outstanding marketable obligations of the United States having maturity comparable to the maturity of such loans, unless the President shall in specific instances after consultation with the advisory committee established under section 407 designate a different rate:

Provided, further, That paragraphs (2), (3), and (4) of the foregoing proviso shall not apply in the case of any nation where the foreign currencies or credits owned by the United States and available for use by it in such nation are determined by the Secretary of the Treasury to be in excess of the normal requirements of the departments and agencies of the United States for expenditures in such nations for the fiscal years following the fiscal year in which such determination is made. The amount of any such excess shall be devoted to the extent practicable and without regard to paragraph (1) of the foregoing proviso, to the acquisition of sites, buildings, and grounds under paragraph (4) of subsection (b) of this section and to assist such nation in undertaking self-help measures to increase its production of agricultural commodities and its facilities for storage and distribution of such commodities. Assistance under the foregoing provision shall be limited to self-help measures additional to those which would be undertaken without such assistance. Upon the determination by the Secretary of the Treasury that such an excess exists with respect to any nation, the President shall advise the Senate Committee on Agriculture and Forestry and the Senate Committee on Foreign Relations[37] and the House Committee on Agriculture and the House Committee on International Relations[38] of such determination; and shall thereafter report to each such Committee as often as may be necessary to keep such Committee advised as to the extent of such excess, the purposes for which it is used or proposed to be used, and the effects of such use.

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[38] The words "and the House Committee on International Relations" were added by sec. 204(1) of Public Law 94-161 (89 Stat. 852).

NOTE.—See Public Law 89-677, use of reserved foreign currencies, chapter A., 3., e. of the volume.

Section 507 of the Public Works for Water, Pollution Control, and Power Development and Atomic Energy Commission Appropriation Act, 1970 (Public Law 91-144, 83 Stat. 338), provides as follows:

"Pursuant to section 1415 of the Act of July 15, 1952 (66 Stat. 662), foreign credits (including currencies) owed to or owned by the United States may be used by Federal agencies for any purpose for which appropriations are made for the current fiscal year (including the carrying out of Acts requiring or authorizing the use of such credits), only when reimbursement therefor is made to the Treasury from applicable appropriations of the agency concerned: *Provided,* That such credits received as exchange allowances or proceeds of sales of personal property may be used in whole or part payment for acquisition of similar items, to the extent and in the manner authorized by law, without reimbursement to the Treasury."

Sec. 105.[39] Foreign currencies received pursuant to this Act shall be deposited in a special account to the credit of the United States and shall be used only pursuant to sections 104 and 108,[39a] and any department or agency of the Government using any of such currencies for a purpose for which funds have been appropriated shall reimburse the Commodity Credit Corporation in an amount equivalent to the dollar value of the currencies used. The President shall utilize foreign currencies received pursuant to this Act in such manner as will, to the maximum extent possible, reduce any deficit in the balance of payments of the United States.

Sec. 106.[40] (a)(1)[41] Payment by any friendly country for commodities purchased for dollars on credit shall be upon terms as favorable to the United States as the economy of such country will permit. Payment for such commodities shall be in dollars with interest at such rates as the Secretary may determine but not less than the minimum rate required by section 122(b) of the Foreign Assistance Act of 1961[42] for loans made under that section. Payment may be made in reasonable annual amounts over periods of not to exceed twenty years from the date of the last delivery of commodities in each calendar year under the agreement, except that the date for beginning such annual payment may be deferred for a period not later than two years after such date of last delivery, and interest shall be computed from the date of such last delivery. Delivery of such commodities shall be made in annual installments for not more than ten years following the date of the sales agreement and subject to the availability of the commodities at the time delivery is to be made.

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[39] 7 U.S.C. 1705. Sec. 105 was amended by Public Law 88-205 (77 Stat. 390); further amended and restated by Public Law 89-808 (80 Stat. 1532).

[39a] Reference to Sec. 108 was added by sec. 1111(e) of the Food Security Act of 1985 (Public Law 99-198), 99 Stat. 1476.

[40] 7 U.S.C. 1706. Sec. 106 was amended by Public Law 84-387 (69 Stat. 721); Public Law 87-128 (75 Stat. 307); Public Law 88-205 (77 Stat. 390); further amended and restated by Public Law 89-808 (80 Stat. 1532).

[41] Paragraph designation "(1)" and a new par. (2) were added by sec. 401(6) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1537).

[42] The reference to sec. 122(b) of the FA Act of 1961 was substituted in lieu of a reference to sec. 201 by sec. 102(b)(2)(C) of the International Development and Food Assistance Act of 1978 (92 Stat. 941).

(2)[41] Payment by any friendly country for commodities purchased for foreign currencies on credit terms and on terms which permit conversion to dollars shall be upon terms no less favorable to the United States than those for development loans made under section 122 of the Foreign Assistance Act of 1961.

(3) [43] Payment for sales made for foreign currencies that are to be used under section 108 under an agreement entered into under this title shall be made on such terms as are specified in such agreement.

(b)(1) [44] Agreements hereunder for the sale of agricultural commodities for dollars on credit terms shall include provisions to assure that the proceeds from the sale of the commodities in the recipient country are used for such economic development purposes as are agreed upon in the sales agreement or any amendment thereto. In negotiating such agreements with recipient countries, the United States shall emphasize the use of such proceeds for purposes which directly improve the lives of the poorest of their people and their capacity to participate in the development of their countries.[45]

(2) [44] Greatest emphasis shall be placed on the use of such proceeds to carry out programs of agricultural development, rural development, nutrition, and population planning, and to carry out the program described in section 406(a)(1) of this Act, in those countries which are undertaking self-help measures to increase agricultural production, improve storage, transportation, and distribution of commodities, and reduce population growth in accordance with section 109 of this Act, and which programs are directed at and likely to achieve the policy objectives of sections 103 and 104 of the Foreign Assistance Act of 1961 and are consistent with the policy objectives of this Act, pursuant to agreements between the United States and foreign governments under which uses of such proceeds shall be made for such purposes.[46]

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[43] Para. (3) was added by sec. 1111(f) of the Food Security Act of 1985 (Public Law 99-198); 99 Stat. 1475.

[44] Paragraph designation "(1)" and new pars. (2) and (3) were added by sec. 205 of Public Law 94-161 (89 Stat. 852).

[45] This sentence was added by sec. 205(2) of Public Law 94-161 (89 Stat. 852).

[46] Sec. 211(b)(2) of the International Development and Food Assistance Act of 1977 (Public Law 95-88; 91 Stat. 551) struck out the final two sentences of sec. 106(b)(2). They previously read as follows:

"Such uses shall be deemed payments for the purpose of section 103(b) of this Act, except that for any fiscal year the total value of such payments may not exceed 15 per centum of the total value of all agreements entered into under title I of this Act for such fiscal year. Such payments shall be described in the reports required by section 408 of this Act and section 657 of the Foreign Assistance Act of 1961."

(3)[44] In entering into agreements for the sale of agricultural commodities for dollars on credit terms under this title, priority shall be given to countries which agree to use the proceeds from the sale of the commodities in accordance with the country's agricultural development plan which—

(A) is designed to increase the access of the poor in the recipient country to an adequate, nutritious, and stable food supply;

(B) provides for such objectives as—

(i) making farm production equipment and facilities available to farmers,

(ii) credit on reasonable terms and conditions for small farmers, and

(iii) farm extension and technical information services designed to improve the marketing, storage, transportation, and distribution system for agricultural commodities and to develop the physical and institutional infrastructure supporting the small farmer;

(C) provides for participation by the poor, insofar as possible, in the foregoing at the regional and local levels; and

(D) is designed to reach the largest practicable number of farmers in the recipient country.

(4)(A)[47] Notwithstanding any other provision of this subsection, agreements under this title for the sale of agricultural commodities for dollars on credit terms may provide that proceeds from the sale of the commodities in the recipient country shall be used for such private sector development activities as are mutually agreed upon by the United States and the recipient government.

(B) Proceeds used for private sector development activities pursuant to this paragraph shall be deposited in jointly programmed accounts to be loaned by the recipient government to one or more financial intermediaries operating within the country for use by those financial intermediaries for loans to private individuals, private and voluntary organizations, corporations, cooperatives, and other entities within such country. In the case of a cooperative or private and voluntary organization, proceeds may be granted to defray the startup costs of becoming a financial intermediary. Such proceeds shall not be used to promote the production of commodities or the products thereof that will compete, as determined by the President, in world markets with similar commodities or the products thereof produced in the United States.

Sec. 107.[48] (a) It is also the policy of the Congress to stimulate and maximize the sale of United States agricultural commodities for dollars through the private trade and to further the use of private enterprise to the maximum, thereby strengthening the development and expansion of foreign commercial markets for United States agricultural commodities. In furtherance of this policy, the Secretary of Agriculture is authorized, notwithstanding any other provision of law, to enter into agreements with foreign and United States private trade for financing the sale of agricultural commodities for export over such periods of time and on such credit terms as the Secretary determines will accomplish the objectives of this section. Any agreement entered into under this section shall provide for the development and execution of projects which will result in the establishment of facilities designed to improve the storage or marketing of agricultural commodities, or which will otherwise stimulate and expand private economic enterprise in any friendly country. Any agreement entered into under this section shall also provide for the furnishing of such security as the Secretary determines necessary to provide reasonable and adequate assurance of payment of the purchase price in dollars with interest at a rate which will as nearly as practicable be equivalent to the average cost of funds to the United States Treasury, as determined by the Secretary of the Treasury, on outstanding marketable obligations of the United States having maturities comparable to maturities of credits extended under this section. In no event shall the rate of interest be less than the minimum rate, or the delivery period, deferral of first payment, or term of credit be longer than the maximum term, authorized in section 106. In carrying out this Act, the authority provided in this section for making dollar sales shall be used to the maximum extent practicable.

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[47] Para. (4) was added by sec. 1111(g) of the Food Security Act of 1985 (Public Law 99-198) 99 Stat. 1475.

[48] 7 U.S.C. 1707. Sec. 107 was amended by Public Law 88-638 (78 Stat. 1036); Public Law 39-171 (79 Stat. 662); further amended and restated by Public Law 89-808 (80 Stat. 1532).

(b) In carrying out the provisions of this section, the Secretary shall take reasonable precautions to safeguard usual marketings of the United States and to avoid displacing any sales of the United States agricultural commodities which the Secretary finds and determines would otherwise be made for cash dollars.

(c) The Secretary shall obtain commitments from purchasers that will prevent resale or transshipment to other countries, or use for other than domestic purposes, of agricultural commodities purchased under this section.

(d) In carrying out this Act, the provisions of sections 102, 103(a), 103(d), 103(e), 103(f), 103(j), 103(k), 110, 401, 402, 403, 404, 405, 407, 408, and 409 shall be applicable to sales under this section.

Sec. 108.[49] (a)(1) In order to foster and encourage the development of private enterprise institutions and infrastructure as the base for the expansion, promotion, and improvement of the production of food and other related goods and services within a developing country and pursuant to an agreement for the sale of agricultural commodities entered into under this title, the President may enter into an agreement with a financial intermediary located or operating in such country under which the President shall lend to such financial intermediary foreign currency that accrues as a result of commodity sales to such country under a sales agreement entered into under this title after the date of enactment of the Food Security Act of 1985. Procurement and other contracting requirements, normally applicable to appropriated funds, shall not apply to such foreign currency.

(2) Prior to loaning the foreign currencies as provided in this section, the President shall take such steps as may be necessary to assure that the availability of such foreign currencies to financial

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[49] Sec. 108 was added by sec. 1111(h) of the Food Security Act of 1985 (Public Law 99-198), 99 Stat. 1476.

intermediaries is adequately publicized within the purchasing country.

(b) To be eligible to obtain foreign currency under this section, a financial intermediary must enter into an agreement with the President under which the intermediary agrees to use such currency to make loans to private individuals, cooperatives, corporations, or other entities within a developing country, at reasonable rates of interest, for the purpose of financing—

(1) productive, private enterprise investment within such country, including such investment in projects carried out by cooperatives, nonprofit voluntary organizations, and other entities found to be qualified by the President;

(2) private enterprise facilities for aiding the utilization and distribution, and increasing the consumption of and markets for, United States agricultural commodities and the products thereof; or

(3) private enterprise support of self-help measures and projects.

(c) An agreement entered into under this section shall specify the terms and conditions under which the foreign currency shall be used and subsequently repaid including the following terms and conditions:

(1) A financial intermediary shall, to the maximum extent feasible, give preference to the financing of agricultural related private enterprise with the funds provided under this section.

(2)(A) a financial intermediary shall repay a loan made under this section, plus accrued interest, at such times and in such manner as will permit conversion of such foreign currency to dollars in accordance with the schedule for such conversion.

(B) A financial intermediary may repay a loan made under this section prior to the repayment date specified in such agreement.

(3) To be eligible to receive financing from a financial intermediary under this section, an entity or venture must—

(A) be owned, directly or indirectly, by citizens of the developing country or any other country eligible to participate in a sales agreement entered into under this title, except that up to 49 percent of such ownership interest may be held by citizens of the United States; and

(B) not be owned or controlled, in whole or in part, by the government or any governmental subdivision of the developing country.

(4)(A) The rate of interest charged on funds loaned to a financial intermediary under this section shall be such rate as is determined by the President and the intermediary.

(B) In the case of a cooperative or nonprofit voluntary agency that is acting as a financial intermediary, the President may charge a lower rate of interest on funds loaned to such intermediary under this section than is charged to other types of intermediaries or make a grant from currencies received from sales made under section 101(a)(3) of this Act to defray the startup costs of becoming a financial intermediary.

(5) No currency made available under this section may be used to promote the production of agricultural commodities or the products thereof that will compete, as determined by the President, in world markets with similar agricultural commodities or the products thereof produced in the United States.

(6) The President may not require a developing country to guarantee the repayment of a loan made to a financial intermediary under this section as a condition of receipt of such loan.

(7) A financial intermediary shall take such steps as may be necessary to publicize in the developing country the availability of loan funds under this section.

(d)(1) All currencies repaid by financial intermediaries under agreements entered in under this section shall be deposited and accounted for in accordance with section 105.

(2) Currencies repaid by financial intermediaries shall, as determined by the President—

(A) be used to finance additional productive, private enterprise investment under agreements with financial intermediaries entered into under this section;

(B) be used for the development of new markets for United States agricultural commodities;

(C) be used for the payment of United States obligations (including obligations entered into pursuant to other laws of the United States); or

(D) be converted to dollars.

(3) Section 1306 of title 31, United States Code, shall apply to currencies used for the purpose specified in paragraph (2)(C).

(e)(1) Any agreement entered into under this section and section 106(b)(4) shall be subject to periodic audit to determine whether the terms and conditions of the agreement are being fulfilled.

(2) Not later than 180 days after the end of each fiscal year, the President shall report to the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Foreign Relations of the Senate on the activities carried out under this section and section 106(b)(4) during the preceding fiscal year, including an evaluation of the impact of investment under this section and section 106(b)(4) on the development of agricultural-related private enterprise in each participating country.

(f) The President may provide agricultural technical assistance to further the purposes of this section, including the funding of market development activities. To the maximum extent practicable, the President shall use at least 5 percent of the foreign currencies obtained for use under this section from sales of agricultural commodities made under agreements entered into under this title after the date of enactment of the Food Security Act of 1985 to carry out such assistance.

(g) For each of the fiscal years 1986 through 1990, and in accordance with the provisions of section 106(b)(4) and this section, the President is encouraged to channel foreign currencies, in an amount equivalent to 25 percent of the value of sales agreements under this title, for loans for private enterprise investment provided there are appropriate proposals for such an amount of foreign currencies.

(h) The provisions of this section apply notwithstanding any other provision of law.

(i) As used in this section and in section 106(b)(4)—

(1) the term "developing country" means a country that is eligible to participate in a sales agreement entered into under this title; and

(2) the term "financial intermediary" means a bank, financial institution, cooperative, nonprofit voluntary agency, or other organization or entity, as determined by the President, that has the capability of making and servicing a loan in accordance with this section.

Sec. 109.[50] (a) Before entering into agreements with developing countries for the sale of United States agricultural commodities on whatever terms, the President shall consider the extent to which the recipient country is undertaking wherever practicable self-help measures to increase per capita production and improve the means for storage and distribution of agricultural commodities, including:

(1) devoting land resources to the production of needed food rather than to the production of nonfood crops—especially nonfood crops in world surplus;

(2) development of the agricultural chemical, farm machinery and equipment, transportation and other necessary industries through private enterprise;

(3) training and instructing farmers in agricultural methods and techniques, and reducing illiteracy among the rural poor,[51]

(4) constructing adequate storage facilities;

(5) improving marketing and distribution systems;

(6) creating a favorable environment for private enterprise and investment, both domestic and foreign, and utilizing available technical know-how;

(7) establishing and maintaining Government policies to insure adequate incentives to producers;

(8) establishing and expanding institutions for adaptive agricultural research;

(9) allocating for these purposes sufficient national budgetary and foreign exchange resources (including those supplied by bilateral, multilateral and consortium aid programs) and local currency resources (resulting from loans or grants to recipient governments of the proceeds of local currency sales);

(10) [52] carrying out voluntary programs to control population growth; and

(11) [53] carrying out programs to improve the health of the rural poor, including the immunization of children.[54]

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[50] 7 U.S.C. 1709. Sec. 109 was amended by Public Law 85-128 (71 Stat. 1791); Public Law 86-341 (73 Stat. 606); Public Law 87-128 (75 Stat. 307); Public Law 88-638 (78 Stat. 1037); further amended and restated by Public Law 89-808 (80 Stat. 1533); further amended at Public Law 90-436 (82 Stat. 450).

[51] The words ", and reducing illiteracy among the rural poor" were added by sec. 1210(a)(1) of Public Law 97-98 (95 Stat. 1281).

[52] Clause (10) was added by sec. 2(b) of Public Law 90-436 (82 Stat. 450).

[53] Par. (11) was added by sec. 1210(a)(3) of Public Law 97-98 (95 Stat. 1281).

[54] The words "including the immunization of children" were added by sec. 1112(a)(1) of the Food Security Act of 1985. (Public Law 99-198) 99 Stat. 1478.

In taking these self-help measures into consideration the President shall take into particular account the extent to which they are being carried out in ways designed to contribute directly to development progress in poor rural areas and to enable the poor to participate actively in increasing agricultural production through small farm agriculture.[55]

(b)[56] * * * [Repealed—1981]

(c) Each agreement entered into under this title shall describe the program which the recipient country is undertaking to improve its production, storage, and distribution of agricultural commodities; and shall provide for termination of such agreement whenever the President finds that such program is not being adequately developed.

(d)[57] (1) In each agreement entered into under this title and in each amendment to such an agreement, the economic development and self-help measures which the recipient country agrees to undertake shall be described (A) to the maximum extent feasible, in specific and measurable terms, and (B) in a manner which ensures that the needy people in the recipient country will be the major beneficiaries of the self-help measures pursuant to each agreement.

(2) The President shall, to the maximum extent feasible, take appropriate steps to assure that, in each agreement entered into under this title and in each amendment to such an agreement, the self-help measures agreed to are additional to the measures that the recipient country otherwise would have undertaken irrespective of that agreement or amendment.

(3) The President shall take all appropriate steps to determine whether the economic development and self-help provisions of each agreement entered into under this title, and of each amendment to such an agreement, are being fully carried out.

Sec. 110.[58] Agreements shall not be entered into under this title during any calendar year which will call for an appropriation to reimburse the Commodity Credit Corporation in an amount in excess of $1,900,000,000, plus any amount by which agreements entered into under this title in prior years have called or will call for appropriations to reimburse the Commodity Credit Corporation in amounts less than authorized for such prior years.[59]

Sec. 111.[60] Not more than 25 per centum of the food aid commodities provided under this title in each fiscal year shall be allocated and agreed to be delivered to countries other than those which meet the poverty criterion established for International Development Association financing and which are affected by inability to secure sufficient food for their immediate requirements through their own production or commercial purchase from abroad, unless the President certifies to the Congress that (1) the use of such food assistance is required for humanitarian food purposes, or (2) the quantity of commodities which would be required to be allocated under this section to countries which meet the International Development Association poverty criterion could not be used effectively to carry out the humanitarian or development purposes of this title. A reduction below 75 per centum in the proportion of food aid allocated and agreed to be delivered to countries which meet the International Development Association poverty criterion and which are affected by inability to secure sufficient food for their immediate requirements through their own production or commercial purchase from abroad which results from significantly changed circumstances occurring after the initial allocation shall not constitute a violation of the requirements of this section.[61] Any reallocation of food aid shall be in accordance with this section so far as practicable. The President shall report promptly any such reduction, and the reasons therefor, to the Congress.

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[55] This paragraph was added by sec. 206 of Public Law 94-161 (89 Stat. 853).

[56] Subsec. (b) was repealed by sec. 401(8) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1537). It formerly read as follows:

"(b) Notwithstanding any other provisions of this Act, in agreements with nations not engaged in armed conflict against Communist forces or against nations with which the United States has no diplomatic relations, not less than 20 per centum of the foreign currencies set aside for purposes other than those in sections 104 (a), (b), (e), and (j) shall be allocated for the self-help measures set forth in this section."

[57] Subsec. (d) was added by sec. 1210(b) of Public Law 97-98 (95 Stat. 1281).

[58] 7 U.S.C. 1710. Sec. 110 was added by Public Law 89-808 (80 Stat. 1534).

[59] Sec. 2 of Public Law 92-226 (86 Stat. 20), approved Feb. 7, 1972, states: "It is the sense of Congress that funds to administer the food-for-peace program should not be reduced as a result of any reduction in the authorization provided to carry out the Foreign Assistance Act of 1961."

[60] 7 U.S.C. 1711. Sec. 111 was added by Sec. 207 of Public Law 94-161 (89 Stat. 853).

Sec. 112.[62] (a) No agreement may be entered into under this title to finance the sale of agricultural commodities to the government of any country which engages in a consistent pattern of gross violations of internationally recognized human rights, including torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges causing the disappearance of persons by the abduction and clandestine detention of those persons,[63] or other flagrant denial of the right to life, liberty, and the security of person, unless such agreement will directly benefit the needy people in such country. An agreement will not directly benefit the needy people in the country for purposes of the preceding sentence unless either the commodities themselves or the proceeds from their sale will be used for specific projects or programs which the President determines would directly benefit the needy people of that country. The agreement shall specify how the projects or programs will be used to benefit the needy people and shall require a report to the President on such use within 6 months after the commodities are delivered to the recipient country.

(b) To assist in determining whether the requirements of subsection (a) are being met, the Committee on Agriculture, Nutrition, and Forestry of the Senate or the Committee on International Relations of the House of Representatives may require the President to submit in writing information demonstrating that an agreement will directly benefit the needy people in a country.

(c) In determining whether or not a government falls within the provisions of subsection (a), consideration shall be given to the extent of cooperation of such government in permitting an unimpeded investigation of alleged violations of internationally recognized human rights by appropriate international organizations, including the International Committee of the Red Cross, or groups or persons acting under the authority of the United Nations or of the Organization of American States.

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[61] Sec. 202 of the International Development and Food Assistance Act of 1977 (Public Law 95-88; 91 Stat. 545) struck out the first three sentences of sec. 111 and added the language to this point.

[62] 7 U.S.C. 1712. Sec. 112 was added by sec. 203 of the International Development and Food Assistance Act of 1977 (Public Law 95-88; 91 Stat. 545).

[63] The words "causing the disappearance of persons by the abduction and clandestine detention of those persons," were added by Sec. 701(c) of the International Security and Development Cooperation Act of 1980 (Public Law 96-533; 94 Stat. 3156).

(d) The President shall transmit to the Speaker of the House of Representatives, the President of the Senate, and the Committee on Agriculture, Nutrition, and Forestry of the Senate in the annual presentation materials on planned programing of assistance under this Act, a full and complete report regarding the steps he has taken to carry out the provisions of this section.

Sec. 113.[64] In the allocation of funds made available under this title, priority shall be given to financing the sale of food and fiber commodities.

Sec. 114.[65] (a) The Congress declares it to be the policy of the United States to assist developing countries in the transition from food assistance recipients to economic self-sufficiency and to assist those nations which have been recipients of high protein, blended, or fortified foods under title II of this Act to continue to combat hunger and malnutrition among the lower income segments of their population, especially children, through the continued provision of these foods under this title.

(b) In implementing the policy declared in subsection (a), the President, in entering into agreements for the sale of high protein, blended, or fortified foods under this title with countries which (1) give assurance that the benefits of any waiver under this section will be passed on to the individual recipients of such foods, and (2) have a reasonable potential for transition to commercial purchasers of such foods, may make provisions for a waiver of repayment of up to that part of the product value which is attributable to the costs of processing, enrichment, or fortification.

(c) In implementing this section, due care shall be taken to minimize its impact on other commercial and concessional sales of whole grains and, where feasible, agreements under this title utilizing the authority contained in this section will provide for sales of such commodities.

Sec. 115.[66] (a) No purchases of food commodities from private stocks [67] shall be financed under this title unless they are made on the basis of an invitation for bid publicly advertised in the United States and on the basis of bid offerings which shall conform to such invitation and shall be received and publicly opened in the United States. All awards in the purchase of commodities financed under this title shall be consistent with open, competitive, and responsive bid procedures, as determined by the Secretary of Agriculture. Commissions, fees, or other payments to any selling agent shall—

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[64] 7 U.S.C. 1713. Sec. 113 was added by Sec. 204 of the International Development and Food Assistance Act of 1977 (Public Law 95-88; 91 Stat. 546).

[65] 7 U.S.C. 1714. Sec. 114 was added by Sec. 205 of the International Development and Food Assistance Act of 1977 (Public Law 95-88; 91 Stat. 546).

[66] 7 U.S.C. 1715. Sec. 115 was added by sec. 1202 of the Food and Agriculture Act of 1977 (Public Law 95-113; 91 Stat. 955).

[67] The words "from private stocks" were added by sec. 1211 of Public Law 97-98 (95 Stat. 1281).

unless waived by the Secretary—be prohibited in any purchase of food commodities financed under this title.

(b) Notwithstanding any other provision of law, any commission, fee, or other compensation of any kind paid or to be paid by any supplier of a commodity or ocean transportation financed by the Commodity Credit Corporation under this title, to any agents, brokers, or other representatives of the importer or importing country, including a corporation owned or controlled by the importer or the government of the importing country, shall be reported to the Secretary of Agriculture by the supplier of the commodity or ocean transportation. The report shall identify the person or entity to whom the payment is made and the transaction in connection with which the payment is made. The Secretary shall maintain such information for public inspection, publish a report thereof annually, and forward a copy of the report to the Committee on Agriculture and the Committee on International Relations of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate. Any supplier of a commodity or ocean transportation who fails to file such a report or who files a false report shall be ineligible to furnish—directly or indirectly—commodities or ocean transportation financed under this title for a period of five years.

TITLE II

Sec. 201.[68] (a)[69] The President is authorized to determine requirements and furnish agricultural commodities, on behalf of the people of the United States of America, to meet famine or other urgent or extraordinary relief requirements; to combat malnutrition, especially in children; to promote economic and community development in friendly developing areas; and for needy persons and nonprofit school lunch and preschool feeding programs outside the United States. The Commodity Credit Corporation shall make available to the President such agricultural commodities determined to be available under section 401 as he may request.

(b)[69] [70] The minimum quantity of agricultural commodities distributed under this title for each of the fiscal years ending September 30, 1987, September 30, 1988, September 30, 1989, and September 30, 1990, shall be 1,900,000 metric tons, of which not less than 1,425,000 metric tons for nonemergency programs shall be distributed through nonprofit voluntary agencies, cooperatives, and the World Food Program; unless the President determines and reports to the Congress, together with his reasons, that such quantity cannot be used effectively to carry out the purposes of this title.

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[68] 7 U.S.C. 1721. Sec. 201 was amended by Public Law 84-540 (70 Stat. 201); Public Law 84-962 (70 Stat. 988); further amended and restated by sec. 2(B) of Public Law 89-808 (80 Stat. 1534).

[69] Subsection designation "(a)" and a new subsec. (b) were added by sec. 208 of Public Law 94-161 (89 Stat. 853-4).

[70] Sec. 201(b) was amended and restated by sec. 1102 of the Food Security Act of 1985, Public Law 99-198 (99 Stat. 1465). Previous minimum quantities distributed under this title included:
Fiscal years 1978-1980—1,600,000 metric tons (1,300,000 for nonprofit distribution).
Fiscal year 1981—1,650,000 metric tons (1,350,000 for nonprofit distribution).
Fiscal years 1982-1986—1,700,000 metric tons (1,200,000 for nonprofit distribution).
Fiscal year 1986—1,800,000 metric tons (1,300,000 for nonprofit distribution).

(c)[71] (1) Except as provided in paragraph (2), in distributing agricultural commodities under this title, the President shall—

(A) consider—

(i) the nutritional assistance to recipients and benefits to the United States that would result from distributing such commodities in the form of processed and protein-fortified products, including processed milk, plant protein products, and fruit, nut, and vegetable products;

(ii) the nutritional needs of the proposed recipients of the commodities;

(iii) the cost effectiveness of providing such commodities, for purposes of selecting commodities for distribution under nonemergency programs; and

(iv) the purposes of this title; and

(B) ensure that at least 75 percent of the quantity of agricultural commodities required to be distributed each fiscal year under subsection (b) for nonemergency programs be in the form of processed or fortified products or bagged commodities.

(2) The President may waive the requirement under paragraph (1)(B) or make available a smaller percentage of fortified or processed food than required under paragraph (1)(B) during any fiscal year in which the President determines that the requirements of the programs established under this title will not be best served by the distribution of fortified or processed food in the amounts required under paragraph (1)(B).

Sec. 202.[72] (a) The President may furnish commodities for the purposes set forth in section 201 through such friendly governments and such agencies, private or public, including intergovernmental organizations such as the world food program and other multilateral organizations in such manner and upon such terms and conditions as he deems appropriate. Such commodities may be furnished for direct distribution, sale, barter, or other appropriate disposition in carrying out the purposes set forth in section 201.[72a] The President shall, to the extent practicable, utilize nonprofit voluntary agencies registered with, and approved by, the Agency for International Development.[73] If no United States nonprofit voluntary agency registered with and approved by the Agency for International Development [73] is available, the President may utilize a foreign nonprofit voluntary agency which is registered with and approved by the Agency for International Development.[74] Insofar as practicable, all commodities furnished hereunder shall be clearly identified by appropriate marking on each package or container in the language of the locality where they are distributed as being furnished by the people of the United States of America.[75] Except in the case of emergency, the President shall take reasonable precaution to assure that commodities furnished hereunder will not displace or interfere with sales which might otherwise be made.

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[71] Subsec. (c) was added by sec. 1103 of the Food Security Act of 1985 (Public Law 99-198) 99 Stat. 1465.

[72] 7 U.S.C. 1722. Sec. 202 was amended by Public Law 86-472 (74 Stat. 140); Public Law 88-205 (77 Stat. 380); further amended and restated by sec. 2(B) of Public Law 89-808 (80 Stat. 1534).

[72a] The sentence preceding this note was added by sec. 1003 of Public Law 99-83, 99 Stat. 270.

[73] The reference to the Agency for International Development was substituted in lieu of a reference to the Advisory Committee on Voluntary Foreign Aid by sec. 121 of the International Development Cooperation Act of 1979 (Public Law 96-53; 93 Stat. 366).

[74] This sentence was added by sec. 208(a) of the International Development and Food Assistance Act of 1977 (Public Law 95-88; 91 Stat. 547). Sec. 208(b) of the same Act stated, "For purposes of implementing the amendment made by subsection (a), the President shall issue regulations governing registration with an approval by the Advisory Committee on Voluntary Foreign Aid of foreign nonprofit voluntary agencies."

(b) [76] (1) Assistance to needy persons under this title shall be directed, insofar as practicable, toward community and other self-help activities designed to alleviate the causes of need for such assistance.

(2) [77] In order to assure that food commodities made available under this title are used effectively and in the areas of greatest need, entities through which such commodities are distributed shall be encouraged to work with indigenous institutions and employ indigenous workers, to the extent feasible, to assess nutritional and other needs of beneficiary groups, help these groups design and carry out mutually acceptable projects, recommend ways of making food assistance available that are most appropriate for each local setting, supervise food distribution, and regularly evaluate the effectiveness of each project.

(3) In distributing food commodities under this title, priority shall be given, to the extent feasible, to those who are suffering from malnutrition by using means such as (A) giving priority within food programs for preschool children to malnourished children, and (B) giving priority to the poorest regions of countries.

(4) [78] In the case of commodities distributed under this title by nonprofit voluntary agencies, consideration shall be given to nutritional and development objectives as established by those agencies in light of their assessment of the needs of the people assisted.

(c) [79] (1) In agreements with nonprofit voluntary agencies and cooperatives for nonemergency assistance under this title, the President is encouraged, if requested by the nonprofit voluntary agency or cooperative, to approve multiyear agreements to make agricultural commodities available for distribution by that agency or cooperative. Such agreement shall be subject to the availability each fiscal year of the necessary appropriations and agricultural commodities.

(2) Paragraph (1) does not apply to an agreement which the President determines should be limited to a single year because of the past performance of the nonprofit voluntary agency or cooperative or because the agreement involves a new program of assistance.

(3) In carrying out a multiyear agreement pursuant to this subsection, a nonprofit voluntary agency or cooperative shall not be

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[75] Sec. 207(2) of the International Development and Food Assistance Act of 1977 (Public Law 95–88; 91 Stat. 547) struck out the following sentence which had previously appeared at this point: "The assistance to needy persons shall insofar as practicable be directed toward community and other self-help activities designed to alleviate the causes of the need for such assistance."

[76] Subsection designation "(a)" and a new subsec. (b) were added by sec. 207(3) of the International Development and Food Assistance Act of 1977 (Public Law 95–88; 91 Stat. 547).

[77] Par. (2) was amended and restated by sec. 202 of the International Development Cooperation Act of 1979 (Public Law 96–53; 93 Stat. 368). It formerly read as follows:

"(2) In order to assure that food commodities made available under this title are used effectively, indigenous workers shall be employed, to the extent feasible, to provide information on nutrition and conduct food distribution programs in the most remote villages."

[78] Par. (4) was added by sec. 1104(a) of the International Security and Development Cooperation Act of 1985 (99 Stat. 271).

[79] Subsec. (c) was added by sec. 1105 of the International Security and Development Cooperation Act of 1985 (99 Stat. 271).

required to obtain annual approval from the United States Government in order to continue its assistance program pursuant to the agreement, unless exceptional and unforeseen circumstances have occurred which the President determines require such approval.

Sec. 203.[80] The Commodity Credit Corporation may, in addition to the cost of acquisition, pay with respect to commodities made available under this title costs for packaging, enrichment, preservation, and fortification; processing, transportation, handling, and other incidental costs up to the time of their delivery free on board vessels in United States ports; ocean freight charges from United States ports to designated ports of entry abroad; [81] transportation from United States ports to designated points of entry abroad in the case (1) of landlocked countries, (2) where ports cannot be used effectively because of natural or other disturbances, (3) where carriers to a specific country are unavailable, or (4) where a substantial savings in costs or time can be effected by the utilization of points of entry other than ports; [82] in the case of commodities for urgent and extraordinary relief requirements, including pre-positioned commodities, transportation costs from designated points of entry or ports of entry abroad to storage and distribution sites and associated storage and distribution costs; [83] and charges for general average contributions arising out of the ocean transport of commodities transferred pursuant thereto.

Sec. 204.[84] Programs of assistance shall not be undertaken under this title during any fiscal [84a] year which call for an appropriation of more than $1,000,000,000 [85] to reimburse the Commodity Credit Corporation for all costs incurred in connection with such programs (including the Corporation's investment in commodities made available) plus any amount by which programs of assistance undertaken under this title in the preceding fiscal [84a] year have called or will call for appropriations to reimburse the Commodity Credit Corporation in amounts less than were authorized for such purpose during such preceding year. The President may waive the limitation in the preceding sentence if the President determines that such waiver is necessary to undertake programs of assistance to meet urgent humanitarian needs.[85a] In addition to other funds available for such purposes under any other Act, funds made available under this title may be used in an amount not exceeding $7,500,000 annually to purchase foreign currencies accruing under title I of this Act in order to meet costs (except the personnel and administrative costs of cooperating sponsors, distributing agencies, and recipient agencies, and the costs of construction or maintenance of any church owned or operated edifice or any other edifices to be used for sectarian purposes) designed to assure that commodities made available under this title are used to carry out effectively the purposes for which such commodities are made available or to promote community and other self-help activities designed to alleviate the causes of the need for such assistance: *Provided, however,* That such funds shall be used only to supplement and not substitute for funds normally available for such purposes from other non-United States Government sources.

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[80] 7 U.S.C. 1723. Sec. 203 was amended by Public Law 84-540 (70 Stat. 201); Public Law 85-128 (71 Stat. 345); Public Law 86-341 (73 Stat. 606); Public Law 86-472 (74 Stat. 140); Public Law 87-128 (75 Stat. 307); Public Law 88-638 (78 Stat. 1037); further amended and restated by Public Law 89-808 (80 Stat. 1535).

[81] Sec. 209(1) of the International Development and Food Assistance Act of 1977 (Public Law 95-88; 91 Stat. 548) struck out the words ", or, in the case of landlocked countries" which previously appeared at this point.

[82] Sec. 209(2) of the International Development and Food Assistance Act of 1977 (Public Law 95-88; 91 Stat. 548) added the words to this point beginning with "in the case (1)".

[83] Sec. 305 of the President's Emergency Food Assistance Act of 1984 (sec. 305 of the Continuing Appropriations, 1985; Public Law 98-473; 98 Stat. 2195) added the words to this point beginning with "in the case of commodities for urgent and extraordinary relief requirements".

[84] 7 U.S.C. 1724. Sec. 204 was amended by Public Law 85-128 (71 Stat. 3455); Public Law 85-931 (72 Stat. 1791); Public Law 86-341 (73 Stat. 606); Public Law 87-128 (75 Stat. 307); Public Law 88-638 (78 Stat. 1037); further amended and restated by sec. 2(C) of Public Law 89-808 (80 Stat. 1535).

[84a] Sec. 1101 of Public Law 99-198, 99 Stat. 1465, changed the word "calendar" to "fiscal."

[85] This figure was increased from $750,000,000 to $1,000,000,000 by sec. 1212 of Public Law 97-98 (95 Stat. 1281). Previously, this figure had been increased from $600,000,000 to $750,000,000 by sec. 1203 of Public Law 95-113; (91 Stat. 956).

[85a] The sentence preceding this note was added by sec. 1101 of Public Law 99-198, 99 Stat. 465.

Sec. 205.[86] It is the sense of the Congress that the President should encourage other advanced nations to make increased contributions for the purpose of combating world hunger and malnutrition, particularly through the expansion of international food and agricultural assistance programs. It is further the sense of the Congress that as a means of achieving this objective, the United States should work for the expansion of the United Nations World food program beyond its present established goals.

Sec. 206.[87] Except to meet famine or other urgent or extraordinary relief requirements, no assistance under this subchapter shall be provided under an agreement permitting generation of foreign currency proceeds unless (1) the country receiving the assistance is undertaking self-help measures in accordance with section 1709 of this title, (2) the specific uses to which the foreign currencies are to be put are set forth in a written agreement between the United States and the recipient country, and (3) such agreement provides that the currencies will be used for (A) alleviating the causes of the need for the assistance in accordance with the purposes and policies specified in section 2151a of title 22, (B) programs and projects to increase the effectiveness of food distribution and increase the availability of food commodities provided under this subchapter to the neediest individuals in recipient countries.[88] The President shall include information on currencies used in accordance with this section in the reports required under section 1736b of this title and section 2417 of title 22, or (C) health programs and projects, including the immunization of children.[89]

Sec. 207.[90] (a) A nonprofit voluntary agency requesting a nonemergency food assistance agreement under this title shall include in such request a description of the intended uses of any foreign currency proceeds that would be generated with the commodities provided under the agreement.

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[86] 7 U.S.C. 1725. Sec. 205 was added by sec. 2(C) of Public Law 89-808 (80 Stat. 1535).

[87] 7 U.S.C. 1726. Sec. 206 was added by sec. 209 of Public Law 94-161 (89 Stat. 854).

[88] Clause (3), which had been amended by sec. 210 of Public Law 95-88 (91 Stat. 548), was further amended and restated by sec. 203 of the International Development Cooperation Act of 1979 (Public Law 96-53: 93 Stat. 368). It formerly read as follows: "(3) such agreement provides that the currencies will be used for increasing the effectiveness of the programs of food distribution and increasing the availability of food commodities provided under this title to the neediest individuals in recipient countries."

[89] The reference to health programs and projects, including the immunization of children was added by sec. 1112(a)(2) of the Food Security Act of 1985 (Public Law 99-198; 99 Stat. 1478).

[90] Sec. 207 was added by sec. 1104(b) of the Food Security Act of 1985 (Public Law 99-198; 99 Stat. 1466) Sec. 1104(b) of the Act provided that sec. 204 shall apply to agreements extend into after, December 31, 1985.

(b) Such agreements shall provide, in the aggregate for each fiscal year, for the use of foreign currency proceeds under this subsection in an amount that is not less than 5 percent of the aggregate value of the commodities distributed under nonemergency programs under this title for such fiscal year.

TITLE III [91]

Sec. 301.[92] [93] (a) In order to establish a strong relationship between United States food assistance and efforts by developing countries to increase the availability of food for the poor in such countries and improve in other ways the quality of their lives, the President is authorized to encourage the use of the resources provided by the concessional financing of agricultural commodities under this Act for agricultural and rural development, including voluntary family planning, health, and nutrition programs, by permitting the funds accruing from the local sale of such commodities, or the dollar sales value of the commodities themselves,[94] which are used for such purposes to be applied against the repayment obligation of governments receiving concessional financing under this Act. The agreement between the United States Government and an eligible developing country government which provides for repayment of the obligation to the United States accruing from the concessional sale of United States agricultural commodities by the use in the participating country of funds from the sale of such commodities or of the commodities themselves [95] for specified development purposes shall be called a Food for Development Program.

(b) The overall goal of assistance under this title shall be to increase the access of the poor in the recipient country to a growing and improving food supply through activities designed to improve the production, protection, and utilization of food, and to increase the well-being of the poor in the rural sector of the recipient country. Assistance under this title shall be used for programs of agricultural development, rural development, nutrition, health services (including immunization of children) [96] and population planning, and the program described in section 406(a)(1) of this Act, in those countries which are undertaking (or are seriously prepared to undertake in connection with the provision of agricultural commodities under this Act) self-help measures to increase agricultural production, improve storage, transportation, and distribution of commodities, and reduce population growth in accordance with section 109 of this Act, when such programs are directed at and likely to achieve the policy objectives of sections 103 and 104 of the Foreign Assistance Act of 1961 and are consistent with the policy objectives of this Act. Particular emphasis should be placed on activities which effectively assist small farmers, tenants, sharecroppers, and landless agricultural laborers, by expanding their access to the rural economy through services and institutions at the local level, and otherwise providing opportunities for the poor who are dependent upon agriculture and agriculturally related activities to better their lives through their own efforts.

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[91] Sec. 2(D) of Public Law 89-808 (80 Stat. 1535), substituted "TITLE III" for "TITLE III—GENERAL PROVISIONS" and struck out secs. 304, 305, 306, 307 and 308.

[92] 7 U.S.C. 1727.

[93] Sec. 211 of the International Development and Food Assistance Act of 1977 (Public Law 95-88; 91 Stat. 548) redesignated secs. 301, 302, and 303 as secs. 308, 309, and 310, respectively and added the new secs. 301 to 307.

[94] The words ", or the dollar sales value of commodities themselves," were added by sec. 204(a)(1) of the International Development Cooperation Act of 1979 (Public Law 96-53; 93 Stat. 369).

[95] The words "in the participating country of funds from the sale of such commodities or of the commodities themselves" were substituted in lieu of the words "of funds from the sale of such commodities in the participating country" by sec. 204(a)(2) of the International Development Cooperation Act of 1979 (Public Law 96-53; 93 Stat. 369).

[96] The reference to immunization of children was added by sec. 1112(a)(3) of the Food Security Act of 1985 (Public Law 99-198; 99 Stat. 1478).

Sec. 302.[93] [97] (a) Whenever the President, in consultation with the government of a developing country, determines that such developing country meets the criteria specified in subsection (b) of this section and could benefit from the sale of United States agricultural commodities (including processed and blended foods) for the purposes of generating funds or distributing such commodities for agricultural and rural development, and improving food distribution and use within such country, the President may designate such country as eligible for a Food for Development Program.

(b) In order to be eligible for a Food for Development Program under this section, a country must (1) have a need for external resources to improve its food production, marketing, distribution, and storage systems; (2) meet the criterion used to determine basic eligibility for development loans of the International Development Association of the International Bank for Reconstruction and Development; (3) have the ability to utilize effectively the resources made available by the sale of food commodities under this section for the purposes specified in clause (1) of this subsection; and (4) indicate the willingness to take steps to improve its food production, marketing, distribution, and storage systems.

(c)(1) Except as provided in paragraph (2) of this subsection, the aggregate value of all agreements entered into under this title—

(A) for fiscal year 1978, shall be not less than 5 percent,

(B) for fiscal year 1979, shall be not less than 10 percent, and

(C) for fiscal year 1980 and each fiscal year thereafter, shall be not less than 10 [98] percent,

of the aggregate value of all agreements entered into under title I of this Act for such fiscal year.

(2) The President may waive the requirement of paragraph (1) of this subsection with respect to a fiscal year if he determines that there are an insufficient number of agricultural and rural development projects which qualify for assistance under this title and that therefore the humanitarian purposes of this Act would be better served by furnishing financing under other provisions of this Act. Any such waiver shall be reported to the Congress, together with a detailed statement of the reasons for the lack of acceptable projects and a detailed description of efforts by the United States Govern-

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[97] 7 U.S.C. 1727a.

[98] Sec. 1108 of the Food Security Act of 1985 (Public Law 99-198; 99 Stat. 1467), lowered this percentage from 15 to 10.

ment to assist eligible countries, pursuant to section 303(a), in identifying appropriate projects for assistance under this title.

(3) Greatest efforts shall be made by relevant United States agencies to encourage maximum utilization of assistance for Food for Development projects under this title, even beyond the minimums required by paragraph (1) of this subsection.

(4) [99] In developing and carrying out Food for Development Programs under this title, consideration shall be given to using the capability and expertise of American agriculture, and of United States nonprofit voluntary agencies and cooperatives [100] in partnership with indigenous individuals and organizations, in furthering economic development and increased food production.

Sec. 303.[93] [101] (a) A country designated as eligible and wishing to participate in a Food for Development Program shall formulate, with the assistance (if requested) of the United States Government, a multiyear proposal which shall be submitted to the President. Such proposal shall include an annual value or amount of agricultural commodities proposed to be financed under the authority of title I of this Act pursuant to the provisions of this title, and a plan for the intended uses of commodities or the funds generated from the sale of such commodities on an annual basis.[102] Such proposal shall also specify the nature and magnitude of problems to be affected by the effort, and shall present targets in qualified terms, insofar as possible, and a description of the relationships among the various projects, activities, or programs to be supported.

(b) The multiyear utilization proposal for a Food for Development Program shall include, but not be limited to, a statement of how assistance under such Program will be integrated into and complement that country's overall development plans and other forms of bilateral and multilateral development assistance, including assistance made available under section 103 of the Foreign Assistance Act of 1961 or under any other title of this Act.

(c) In his review of any utilization proposal for a Food for Development Program, the President shall be satisfied that such assistance is intended to complement, but not replace, assistance authorized by the Foreign Assistance Act of 1961, or any other program of bilateral or multilateral assistance, or under the development program of the country desiring to initiate a Food for Development Program.

Sec. 304.[93] [103] (a) Whenever a utilization proposal has been agreed upon by the President and the participating country, the Commodity Credit Corporation is authorized to furnish credit under the authority of title I of this Act to the participating country for the purchase of a specific annual value of agricultural commodities to be delivered over a period of from one to five years, subject to the availability of commodities under section 401 of this Act.

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[99] Par. (4) was added by sec. 205 of the International Development Cooperation Act of 1979 (Public Law 96–53; 93 Stat. 369).

[100] The reference to nonprofit volunteer agencies and cooperatives was added by sec. 1004(b) of the International Security and Development Cooperation Act of 1985 (Public Law 99–83); 99 Stat. 271).

[101] 7 U.S.C. 1727b.

[102] The words "for each year such funds are to be disbursed", which previously appeared at this point, were struck out by sec. 204(c) of the International Development Cooperation Act of 1979 (Public Law 96–53; 93 Stat. 369).

[103] 7 U.S.C. 1727c.

(b) Notwithstanding any other provision of this Act, no payment except as provided for under this title shall be required of the recipient government as a part of any agreement to finance the sale of agricultural commodities pursuant to a Food for Development Program.

(c) In making food assistance available under this title to a country on the United Nations Conference on Trade and Development list of relatively least developed countries, the President may waive any requirement contained in section 303 (a) or (b), in that portion of section 303(c) which requires that assistance under this title is intended to complement but not replace any part of the development program of the participating country, or in section 306, if he finds that such country is unable to meet such requirement but could use assistance under this title to meet important humanitarian or developmental objectives of this Act. Such waivers, and the reasons therefor, shall be reported annually by the President to the Congress.

(d) [104] The Commodity Credit Corporation may pay, with respect to commodities made available under this title to a country on the United Nations Conference on Trade and Development list of relatively least developed countries, freight charges from United States ports to designated ports of entry abroad or to designated points of entry abroad in the case of landlocked countries.

Sec. 305.[93] [105] (a) [106] Funds generated from the sale of agricultural commodities by any participating country under this title shall be held in a special account, where practicable, to be disbursed for the purposes described in the approved Food for Development Program of such country. The amount of funds disbursed for such purposes and in accordance with the agreement shall be deemed payments for the purposes of section 103(b) of this Act. Disbursements of funds from the special account in an amount equivalent to the dollar value of the credit furnished by the Commodity Credit Corporation under section 304(a) shall be deemed to be payment of all installments of principal and interest payable thereon for the commodities purchased by the participating country for purposes of this title.[107]

(b) [106] Such disbursement shall be deemed to be payments with respect to the credit furnished pursuant to the agreement or if, in the case of a country on the United Nations Conference on Trade and Development list of relatively least developed countries, the disbursement in a fiscal year are greater than the amount of the annual repayment obligation which that country would have to meet for that fiscal year under the agreement but for the disbursements in accordance with the Food for Development Program, then the disbursements which are in excess of the amount of that annual repayment obligation may, to the extent provided in the agreement, be considered as payments with respect to the annual repayment obligations of that country for that fiscal year under other financing agreements under this Act.

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[104] Subsec. (d) was added by sec. 202 of the International Development and Food Assistance Act of 1978 (Public Law 95-424; 92 Stat. 955).

[105] 7 U.S.C. 1727d.

[106] The subsection designation "(a)" and subsec. (b) were added by sec. 203 of the International Development and Food Assistance Act of 1978 (Public Law 95-424; 92 Stat. 955).

[107] This sentence was added by sec. 206 of the International Development Cooperation Act of 1979 (Public Law 96-53; 93 Stat. 369).

(c) [108] When agricultural commodities made available under this title are used by the participating country in development projects in accordance with the applicable Food for Development Program, the dollar sales value of such commodities shall be applied, in accordance with subsections (a) and (b) of this section, against repayment obligations of that country under this Act, with the value of the commodities so used being deemed to be disbursements made at the time of such use.

Sec. 306.[93] [109] Not more than one year after the initial delivery of commodities to any country under this title and each year thereafter for the period of agreement, the government of the participating country, with the assistance (if requested) of the United States Government, shall submit a comprehensive report to the President on the activities and progress achieved under the Food for Development Program for such country, including, but not limited to, a comparison of results with projected targets, a detailed description of how the commodities were used or [110] a specific accounting for funds generated, their uses, and the outstanding balances at the end of the most recent fiscal year. Such annual report may also include recommendations for modification and improvement in the Food for Development Program of such country.

Sec. 307.[93] [111] Each year the President shall review all agreements providing for the use under this title of the proceeds from the sale of agricultural commodities, or of the commodities themselves, with respect to which there was not full disbursement during the preceding fiscal year.[112] The results of such review shall be included in the annual report to the Congress required under section 408(a) of this Act.

(b) If the President finds that the provisions of an agreement are not being substantially met, he shall not extend financing for sales under this title until the end of the following fiscal year or until the situation is remedied, whichever occurs first, unless the failure to meet the provisions is due to unusual circumstances beyond the control of the recipient government.

Sec. 308.[113] * * * [Superseded]

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[108] Subsec. (c) was added by sec. 204(b) of the International Development Cooperation Act of 1979 (Public Law 96-53; 93 Stat. 369).

[109] 7 U.S.C. 1727e.

[110] This requirement for a detailed description of how the commodities were used was added by sec. 207(a) of the International Development Cooperation Act of 1979 (Public Law 96-53; 93 Stat. 369).

[111] 7 U.S.C. 1727f.

[112] This sentence was amended and restated by sec. 207(b) of the International Development Cooperation Act of 1979 (Public Law 96-53; 93 Stat. 369). It formerly read as follows: "Each year the President shall review the disposition of all agreements providing for the use of the proceeds from the sale of agricultural commodities pursuant to this title for which such funds were not fully disbursed the preceding year."

[113] This section contained an amendment to sec. 407 of the Agricultural Act of 1949. Since enactment of the Agricultural Trade Development and Assistance Act of 1954, sec. 407 has been amended several additional times. The provisions of sec. 407 as they now exist can be found at 7 U.S.C. 1427.

Sec. 309.[114] * * * [Superseded]

Sec. 310.[115] The Secretary shall, whenever he determines that such action is in the best interest of the United States, and to the maximum extent practicable, barter or exchange agricultural commodities owned by the Commodity Credit Corporation for (a) such strategic or other materials of which the United States does not domestically produce its requirements and which entail less risk of loss through deterioration of substantially less storage charges as the President may designate, or (b) materials, goods, or equipment required in connection with foreign economic and military aid and assistance programs, or (c) materials or equipment required in substantial quantities for offshore construction programs. He is hereby directed to use every practicable means, in cooperation with other Government agencies, to arrange and make, through private channels, such barters or exchanges or to utilize the authority conferred on him by section 4(h) of the Commodity Credit Corporation Charter Act, as amended,[116] to make such barters or exchanges.[117] To the maximum extent practicable, the Secretary shall solicit bids from, and utilize, private trading firms to arrange or make barters or exchanges for strategic or other materials under clause (a). In carrying out barters or exchanges authorized by this section, no restrictions shall be placed on the countries of the free world into which surplus agricultural commodities may be sold, except to the extent that the Secretary shall find necessary in order to take reasonable precautions to safeguard usual marketings of the United

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[114] This section contained an amendment to sec. 416 of the Agricultural Act of 1949. Since enactment of the Agricultural Trade Development and Assistance Act of 1954, sec. 416 has been amended several additional times. The Food for Peace Act of 1966 (see page 871) deleted from sec. 416 authority vested in the Commodity Credit Corporation to donate food commodities to non-profit, voluntary agencies registered with the Committee on Voluntary Foreign Aid of the Foreign Operations Administration or other appropriate department or agency of the Federal Government and intergovernmental organizations for use in the assistance of needy persons and in non-profit school lunch programs outside the United States. The assistance authorized by the provision is now contained in title II of this Act. The provisions of sec. 416 as they now exist can be found at 7 U.S.C. 1431.

[115] 7 U.S.C. 1727g. This section, originally added as sec. 303, was amended by sec. 9 of Public Law 85–931, 72 Stat. 1791. It formerly read as follows:

"Whenever the Secretary has reason to believe that, in addition to other authorized methods and means of disposing of agricultural commodities owned by the Commodity Credit Corporation, there may be opportunity to protect the funds and assets of the Commodity Credit Corporation by barter or exchange of such agricultural commodities for (a) strategic materials entailing less risk of loss through deterioration or substantially less storage charges, or (b) materials, goods or equipment required in connection with foreign economic and military aid and assistance programs, or (c) materials or equipment required in substantial quantities for offshore construction programs, he is hereby directed to use every practicable means, in cooperation with other Government agencies, to arrange and make, through private trade channels, such barters or exchanges or to utilize the authority conferred on him by section 4(h) of the Commodity Credit Corporation Charter Act, as amended, to make such barters or exchanges. Agencies of the United States Government procuring such materials, goods or equipment are hereby directed to cooperate with the Secretary in the disposal of surplus agricultural commodities by means of barter or exchange. Strategic materials so acquired by the Commodity Credit Corporation shall be considered as assets of the Corporation and other agencies of the government, in purchasing strategic materials, shall purchase such materials from Commodity Credit Corporation inventories to the extent available in fulfillment of their requirements. The Secretary is also directed to assist through such means as are available to him, farmers' cooperatives in effecting exchange of agricultural commodities in their possession for straight materials."

See also sec. 302 of Public Law 98–180 (97 Stat. 1151) which expressed a sense of Congress that the Secretary of Agriculture should exchange or barter commodities (especially dairy products) owned by the Commodity Credit Corporation for materials, goods, and equipment produced in foreign countries, under the provision of this section.

[116] 15 U.S.C. 714b.

[117] The third sentence of sec. 310, which immediately follows this point, was added by sec. 1167(c) of the Food Security Act of 1985 (Public Law 99–198; 99 Stat. 1503).

States and to assure that barters or exchanges under this Act will not unduly disrupt world prices of agricultural commodities or replace cash sales for dollars. The Secretary may permit the domestic processing of raw materials of foreign origin. The Secretary shall endeavor to cooperate with other exporting countries in preserving normal patterns of commercial trade with respect to commodities covered by formal multilateral international marketing agreements to which the United States is a party. Agencies of the United States Government procuring such materials, goods, or equipment are hereby directed to cooperate with the Secretary in the disposal of surplus agricultural commodities by means of barter or exchange. The Secretary is also directed to assist, through such means as are available to him, farmers' cooperatives in effecting exchange of agricultural commodities in their possession for strategic materials. Barter or exchange of agricultural commodities under clause (a) of this section shall be limited to exchange for materials which originate in the country to which the surplus agricultural commodities are exported and to arrangements which will prevent resale or transshipment of the agricultural commodities to other countries.[118]

TITLE IV

Sec. 401.[119] (a)[120] After consulting with other agencies of the Government affected and within policies laid down by the President for implementing this Act, and after taking into account productive capacity, domestic requirements, farm and consumer price levels, commercial exports, and adequate carryover, the Secretary of Agriculture shall determine the agricultural commodities and quantities thereof available for disposition under this Act, and the commodities and quantities thereof which may be included in the negotiations with each country. No commodity shall be available for disposition under this Act if such disposition would reduce the domestic supply of such commodity below that needed to meet domestic requirements, adequate carryover, and anticipated exports for dollars as determined by the Secretary of Agriculture at the time of exportation of such commodity, unless the Secretary of Agriculture determines that some part of the supply thereof should be used to carry out urgent humanitarian purposes of this Act.[121]

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[118] The last sentence was added by sec. 7 of Public Law 90-436 (82 Stat. 451).

[119] 7 U.S.C. 1731. Sec. 401 was amended by Public Law 86-341 (73 Stat. 610); Public Law 87-703 (76 Stat. 610); further amended and restated by sec. 2(E) of Public Law 89-808 (80 Stat. 1536).

In addition, sec. 39(b) of Public Law 93-189 (87 Stat. 714) provides:

"(b) It is further the sense of the Congress that—

"(1) in making assessments which would affect or relate to the level of domestic production, the Executive Branch should include in the estimates of overall utilization the expected demands for humanitarian food assistance through such programs as are carried out under the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480); and

"(2) legislation providing increased flexibility for responding to emergency and humanitarian requirements for food assistance should be considered as promptly as possible to the end that the last sentence of sec. 401 of the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480), may be amended by striking the period and inserting in lieu thereof a comma and the following: 'unless the Secretary determines that some part of the exportable supply should be used to carry out the national interest and humanitarian objectives of this Act.' "

[120] Sec. 212 of the International Development and Food Assistance Act of 1977 (Public Law 95-88; 91 Stat. 551) inserted the subsection designation "(a)" and added subsec. (b).

(b) [120] No agricultural commodity may be financed or otherwise made available under the authority of this Act except upon a determination by the Secretary of Agriculture that (1) adequate storage facilities are available in the recipient country at the time of exportation of the commodity to prevent the spoilage or waste of the commodity, and (2) the distribution of the commodity in the recipient country will not result in a substantial disincentive to or interference with domestic production or marketing in that country.[122]

Sec. 402.[123] The term "agricultural commodity" as used in this Act shall include any agricultural commodity produced in the United States (including fish, without regard to whether such fish are harvested in aquaculture operations) [124] or product thereof produced in the United States: *Provided, however,* That the term "agricultural commodity" shall not include alcoholic beverages, and for the purposes of title II of this Act, tobacco or products thereof. The foregoing proviso shall not be construed as prohibiting representatives of the domestic wine, beer, distilled spirits, or other alcoholic beverage industry [125] from participating in market development activities carried out with foreign currencies made available under title I of this Act which have as their purpose the expansion of export sales of United States agricultural commodities. In the allocation of funds made available under title I of this Act, priority shall be given to financing the sale of food and fiber commodities.[126]

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[121] Sec. 1204 of the Food and Agriculture Act of 1977 (Public Law 95-113; 91 Stat. 956) added the words to this point beginning with "unless the Secretary of Agriculture". Sec. 8 of Public Law 85-931, 72 Stat. 1792, as amended by Public Law 89-808, 80 Stat. 1538, provides as follows:

"In carrying out the provisions of the Agricultural Trade Development and Assistance Act of 1954, as amended, extra long staple cotton shall be made available for sale pursuant to the provisions of title I of the Act in the same manner as upland cotton or any other surplus agricultural commodity is made available, and products manufactured entirely from upland or long staple cotton shall be made available for sale pursuant to the provisions of title I of the Act as long as cotton is in surplus in the same manner as any other agricultural commodity or product is made available, and no discriminatory or other conditions shall be imposed which will prevent or tend to interfere with their sale or availability for sale under the Act." (7 U.S.C. 1701 note)

[122] The phrases "or interference with" and "or marketing" found in this sentence were added by sec. 208 of the International Development Cooperation Act of 1979 (Public Law 96-53; 93 Stat. 370). See also sec. 1110(e)(1) of the Food Security Act of 1985 [Food for Progress Act of 1985] Public Law 99-198; 99 Stat. 1472.

[123] 7 U.S.C. 1732. Sec. 402 was amended by Public Law 86-341 (73 Stat. 610); Public Law 87-703 (76 Stat. 611); further amended and restated by sec. 2(E) of Public Law 89-808 (80 Stat. 1536). The sentence commencing with "the foregoing proviso * * *" was added by Public Law 92-42 (85 Stat. 99).

[124] Sec. 405(b) of Public Law 98-623 (98 Stat. 3409) added this parenthetical phrase and deleted the third sentence of this section. The deleted sentence read as follows: "Subject to the availability of appropriations therefore, any domestically produced fishery product may be made available under this Act." Sec. 405(d) of Public Law 98-623 further states that for purposes of sec. 135 of the Omnibus Budget Reconciliation Act of 1982, these amendments shall be considered to have taken effect before the date of enactment of that Act. Sec. 135 of such Act, which became effective on Sept. 8, 1982, authorized minimum and maximum amounts of funds of the Commodity Credit Corporation to be used for export activities during fiscal years 1983, 1984, and 1985. See page 911 for complete text of Sec. 135.

[125] The reference to the beer industry was added by sec. 24 of the Export Administration Act of 1979 (Public Law 96-72; 93 Stat. 536). The references to the distilled spirits and other alcoholic beverage industries were added by sec. 1213 of Public Law 97-98 (95 Stat. 1281).

[126] The last sentence of sec. 402 was added by sec. 1205 of the Food and Agriculture Act of 1977 (Public Law 95-113; 91 Stat. 956).

Sec. 403.[127] (a)[128] There are hereby authorized to be appropriated such sums as may be necessary to carry out this Act including such amounts as may be required to make payments to the Commodity Credit Corporation, to the extent the Commodity Credit Corporation is not reimbursed under section 104(j) and 105, for its actual cost incurred or to be incurred.[129] In presenting his budget, the President shall classify expenditures under this Act as expenditures for international affairs and finance rather than for agriculture and agricultural resources.

(b)[128] Notwithstanding any other provision of law, in determining the reimbursement due the Commodity Credit Corporation for all costs incurred under this Act, commodities from the Commodity Credit Corporation inventory, which were acquired under a domestic price support program, shall be valued at a price not greater than[130] the export market price therefor, as determined by the Secretary of Agriculture, as of the time the commodity is made available under this Act.

(c)[131] Notwithstanding any other provision of this Act or any other Act, if the President determines it to be necessary for the purposes of this Act, he may direct that not to exceed 15 percent of the funds available in any fiscal year for carrying out any title of this Act be used to carry out any other title of this Act.

Sec. 404.[132] (a) The programs of assistance conducted under this Act, and the types and quantities of agricultural commodities to be made available, shall be directed in the national interest toward the attainment of humanitarian and developmental objectives as well as the development and expansion of United States and recipient country agricultural commodity markets. To the maximum extent possible, either the commodities themselves shall be used to improve the economic and nutritional status of the poor through effective and sustainable programs, or any proceeds generated from the sales of agricultural commodities shall be used to promote policies and programs that benefit the poor.

(b) Country assessments shall be carried out whenever necessary in order to determine the types and quantities of agricultural commodities needed, the conditions under which commodities should be provided and distributed, the relationship between United States food assistance and other development resources, the development plans of that country, the most suitable timing for commodity deliveries, the rate at which food assistance levels can be effectively used to meet nutritional and developmental needs, and the country's potential as a new or expanded market for both United States agricultural commodities and recipient country foodstuffs.

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[127] 7 U.S.C. 1733. Sec. 403 was amended by Public Law 86–341 (73 Stat. 610); Public Law 87–703 (76 Stat. 611); Public Law 88–638 (78 Stat. 1037); further amended and restated by sec. 2(E) of Public Law 89–808 (80 Stat. 1536).

[128] Sec. 1206 of the Food and Agriculture Act of 1977 (Public Law 95–113; 91 Stat. 956) inserted the subsection designation "(a)" and added subsec. (b).

[129] Sec. 1301 of the Omnibus Budget Reconciliation Act (Public Law 97–35; 95 Stat. 739) provided the following appropriation limits for fiscal years 1982–1984:

"Sec. 1301. Notwithstanding any other provision of law, programs shall not be undertaken under title I (including title III) and title II of the Agricultural Trade Development and Assistance Act of 1954 during any calendar year which call for an appropriation of more than $1,304,836,000 for the fiscal year 1982, $1,320,292,000 for the fiscal year 1983, and $1,402,278,000 for the fiscal year 1984."

[130] The words "a price not greater than" were added by sec. 1214 of Public Law 97–98 (95 Stat. 1282).

[131] Subsec. (c) was added by sec. 407 of the International Security and Development Cooperation Act of 1980 (Public Law 96–533; 94 Stat. 3151).

[132] 7 U.S.C. 1734. Sec. 404, which had been amended by Public Law 86–341 (73 Stat. 610) and Public Law 89–808 (80 Stat. 1536), was further amended and restated by sec. 209 of the International Development Cooperation Act of 1979 (Public Law 96–53; 93 Stat. 370). It formerly read as follows:

"Sec. 404. The programs of assistance undertaken pursuant to this Act shall be directed toward the attainment of the humanitarian objectives and national interest of the United States."

Sec. 405.[133] The authority and funds provided by this Act shall be utilized in a manner that will assist friendly countries that are determined to help themselves toward a greater degree of self-reliance in providing enough food to meet the needs of their people and in resolving their problems relative to population growth.

Sec. 406.[134] (a) In order to further assist friendly developing countries to become self-sufficient in food production, the President[135] is authorized, notwithstanding any other provision of law—

(1) To establish and administer[136] a program of farmer-to-farmer assistance between the United States and such countries to help farmers in such countries in the practical aspects of increasing food production and distribution and improving the effectiveness of their farming operations;

(2) To enter into contracts or other cooperative agreements with, or make grants to, land-grant colleges and universities and other institutions of higher learning in the United States to recruit persons who by reason of training, education, or practical experience are knowledgeable in the practical arts and sciences of agriculture and home economics, and to train such persons in the practical techniques of transmitting to farmers in such countries improved practices in agriculture, and to participate in carrying out the program in such countries including, where desirable, additional courses for training or retraining in such countries;

(3) To consult and cooperate with private non-profit farm organizations in the exchange of farm youth and farm leaders with developing countries and in the training of farmers of such developing countries within the United States or abroad;

(4) To conduct research in tropical and subtropical agriculture for the improvement and development of tropical and subtropical food products for dissemination and cultivation in friendly countries;

(5)[137] To coordinate the program authorized in this section with other foreign assistance activities of the United States;

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[133] 7 U.S.C. 1735. Sec. 405 was amended by Public Law 86-341 (73 Stat. 610); Public Law 89-803 (76 Stat. 611); further amended and restated by sec. 2(E) of Public Law 89-808 (80 Stat. 1536).

[134] 7 U.S.C. 1736. Sec. 406 was amended by Public Law 86-341 (73 Stat. 610); Public Law 87-703 (76 Stat. 611); further amended and restated by sec. 2(E) of Public Law 89-808 (80 Stat. 1536).

[135] Sec. 214(1) of Public Law 94-161 (89 Stat. 855) substituted the words "the President" in lieu of "the Secretary of Agriculture."

[136] Sec. 214(2) of Public Law 94-161 (89 Stat. 855) struck the words "through existing agencies of the Dept. of Agriculture" which appeared at this point.

[137] Sec. 214(3) of Public Law 94-161 (89 Stat. 855) amended par. (5). It formerly read as follows: "(5) To coordinate the program authorized in this section with the activities of the Peace Corps, the Agency for International Development, and other agencies of the United States and

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(6) To establish by such rules and regulations as he deems necessary the conditions for eligibility and retention in and dismissal from the program established in this section, together with the terms, length and nature of service, compensation, employee status, oaths of office, and security clearances and such persons shall be entitled to the benefits and subject to the responsibilities applicable to persons serving in the Peace Corps pursuant to the provisions of section 612, volume 75 of the Statutes at Large, as amended; and

(7) To the maximum extent practicable, to pay the costs of such program through the use of foreign currencies accruing from the sale of agricultural commodities under this Act, as provided in section 104(i).

(b) There are hereby authorized to be appropriated not to exceed $33,000,000 during any fiscal year for the purpose of carrying out the provisions of this section.

Sec. 407.[138] There is hereby established an Advisory Committee composed of the Secretary of State, the Secretary of the Treasury, the Secretary of Agriculture, the Director of the Bureau of the Budget, the Administrator of the Agency for International Development, the chairman [139] and the ranking minority member of both the House Committee on Agriculture and the House Committee on Foreign Affairs, and the chairman and the ranking minority member of both the Senate Committee on Agriculture and Forestry and the Senate Committee on Foreign Relations, or their designees (who shall be members of such committees or, in the case of members from the executive branch, who shall have been confirmed by the Senate).[140] The Advisory Committee shall survey the general policies relating to the administration of the Act, including the manner of implementing the self-help provisions, and uses to be made of foreign currencies which accrue in connection with sales for foreign currencies under title I, the amount of currencies to be reserved in sales agreements for loans to private industry under section 104(e), rates of exchange, interest rates, and the terms under which dollar credit sales are made, and shall advise the President with respect thereto. The Advisory Committee shall meet not less than four times during each calendar year at the call of

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to assign, upon agreement with such agencies, such persons to work with and under the administration of such agencies: *Provided*, That nothing in this section shall be construed to infringe upon the powers or functions of the Secretary of State;".

[138] 7 U.S.C. 1736a. Sec. 407 was amended by sec. 8 of Public Law 90–436. It formerly read as follows:

"Sec. 407. There is hereby established an advisory committee composed of the Secretary of State, the Secretary of the Treasury, the Secretary of Agriculture, the Director of the Bureau of the Budget, the Administrator of the Agency for International Development, the chairman, the vice chairman and the two ranking minority members of the House Committee on Agriculture and the House Committee on Foreign Affairs, and the chairman, the next ranking majority member and the two ranking minority members of the Senate Committee on Agriculture and Forestry and the Senate Committee on Foreign Relations. The advisory committee shall survey the general policies relating to the administration of the Act, including the manner on implementing the self-help provisions, and uses to be made of foreign currencies which accrue in connection with sales for foreign currencies under title I, the amount of currencies to be reserved in sales agreements for loans to private industry under section 104(e), rates of exchange, interest rates, and the terms under which dollar credit sales are made, and shall advise the President with respect thereto."

[139] The function of the Administrator of AID under this section was transferred to the Director of IDCA, pursuant to sec. 6 of Reorganization Plan No. 2 of 1979 (establishing IDCA).

[140] The phrase commencing with ", or their designees (who shall be members * * *" was added by sec. 210 of Public Law 94–161 (89 Stat. 854).

the Acting Chairman of such Committee who shall preside in the following order: The chairman of the House Committee on Agriculture, the chairman of the Senate Committee on Foreign Relations, the chairman of the Senate Committee on Agriculture and Forestry, and the chairman of the House Committee on Foreign Affairs.

Sec. 408.[141] (a) [142] The President shall make a report to Congress not later than February 15 [143] each year with respect to the activities carried out under this Act during the preceding fiscal [144] year. Such report shall describe the progress of each country with which agreements are in effect under title I in carrying out its agreements under such title.

(b) [145] Not later than September 30 of each year, the President shall submit to the Congress a report containing a global assessment of food production and needs and setting forth planned programing of food assistance under titles I and II [146] for the coming fiscal year. Not later than December 31, and June 30 of each year,[147] the President shall submit a report to the Congress showing the current status of planned programing of food assistance under titles I and II [146] for the current fiscal year.

(c) [145] Beginning October 1, 1978, and at each five-year interval thereafter, the President shall submit to the Congress a comparative cross-country evaluation of programs conducted under titles II and III. Such evaluations shall cover no fewer than five countries sampled from the developing regions (Asia, Africa, Latin America, and the Caribbean), and shall assess the nutritional and other impacts, achievements, problems, and future prospects for programs under these titles.

(d) [148] (1) Not later than six months following the date of enactment of this subsection, and at each two-year interval thereafter, the Secretary of Agriculture shall issue revised regulations governing all operations under title I of this Act, including operations relating to purchasing countries, suppliers of commodities or ships, and purchasing or shipping agents. The regulations shall include, but not be limited to, prohibitions against conflicts of interest, as determined by the Secretary, between (A) recipient countries (or other purchasing entities) and their agents, (B) supplies of commodities, (C) supplies of ships, and (D) other shipping interests.

(2) The regulations shall be designed to encourage an increase in the number of exporters participating in the program.

(3) All revised regulations governing operations under title I and title III of this Act shall be transmitted to Congress by the Secretary as soon as practicable after their issuance.

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[141] 7 U.S.C. 1746b. Sec. 408 was added by sec. 2(E) of Public Law 80-808 (80 Stat. 1537).

[142] Subsection designation "(a)" was added by sec. 211(1) of Public Law 94-161 (89 Stat. 854).

[143] This date was changed from Apr. 1 to Feb. 15 by sec. 1215 of Public Law 97-98 (95 Stat. 1282).

[144] Sec. 211(2) of Public Law 94-161 (89 Stat. 854) substituted the word "fiscal" in lieu of "calendar".

[145] Subsecs. (b) and (c), as added by sec. 211(3) of Public Law 94-161 (89 Stat. 854) were amended and restated by sec. 213 of the International Development and Food Assistance Act of 1977 (Public Law 95-88; 91 Stat. 551).

[146] Sec. 1006 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 271, added the reference to title II.

[147] An additional status report due on Mar. 31 of each year was removed from this reporting requirement by sec. 213 of Public Law 96-470 (94 Stat. 2246).

[148] Subsecs. (d) and (e) were added by sec. 1207 of the Food and Agriculture Act of 1977 (Public Law 95-113; 91 Stat. 957).

(e) [148] Bagged commodities for the purpose of financing by the Commodity Credit Corporation under this Act may, subject to regulations issued by the Secretary of Agriculture, be considered "exported" upon delivery at port, and upon presentation of a dock receipt in lieu of an on-board bill of lading.

Sec. 409.[149] No agreement to finance sales under title I and no programs of assistance under title II shall be entered into after December 31, 1990. New spending authority provided for title I of this Act by the amendments to this section made by the Agriculture and Food Act of 1981 [150] and the Food Security Act of 1985 [151] shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

Sec. 410.[152] The provisions of section 620(e) of the Foreign Assistance Act of 1961, as amended (referring to nationalization, expropriation, and related governmental Acts affecting property owned by United States citizens), shall be applicable to assistance provided under title I of this Act.

Sec. 411.[153] No agricultural commodities shall be sold under title I or title III or donated under title II of this Act to North Vietnam, unless by an Act of Congress enacted subsequent to July 1, 1973, assistance to North Vietnam is specifically authorized.

Sec. 412.[154] The President is authorized and encouraged to seek international agreement, subject to congressional approval, for a system of food reserves to meet food shortage emergencies and to provide insurance against unexpected shortfalls in food production, with costs of such a system to be equitably shared among nations and with farmers and consumers to be given firm safeguards against market price disruption from such a system.

Sec. 413.[155] In order to best meet the humanitarian and developmental purposes of this Act, commodities provided under this Act for developmental purposes shall be made available, to the maximum extent practicable, on a multiyear basis when necessary for the most effective accomplishment of these purposes.

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[149] 7 U.S.C. 1736c. Sec. 409 was added by sec. 2(E) of Public Law 89-808 (80 Stat. 1537). Sec. 1 of Public Law 90-436 changed the date to Dec. 31, 1970. Sec. 701 of Public Law 91-524 (84 Stat. 1379), changed the date to Dec. 31, 1973. Sec. 1(26) of Public Law 93-86 (87 Stat. 237) changed the date to Dec. 31, 1977. Sec. 1208 of the Food and Agriculture Act of 1977 (91 Stat. 957) changed the date to Dec. 31, 1981 and added the final sentence. Sec. 1216(1) of Public Law 97-98 (95 Stat. 1282) changed the date to Dec. 31, 1985. Sec. 1105 (1) of the Food Security Act of 1985 (Public Law 99-198; 99 Stat. 1466), changed the date to December 31, 1990.

[150] This reference to the Agriculture and Food Act of 1981 was substituted in lieu of a reference to the Food and Agriculture Act of 1977 by sec. 1216(2) of Public Law 97-98 (95 Stat. 1282).

[151] The reference to the Food Security Act of 1985 was added by sec. 1105(2) of that Act (Public Law 99-198; 99 Stat. 1466).

[152] 7 U.S.C. 1736d. Sec. 410 was added by sec. 2(E) of Public Law 89-808 (80 Stat. 1538).

[153] 7 U.S.C. 1736e. Sec. 411 was added by Public Law 93-86 (87 Stat. 237).

[154] 7 U.S.C. 1736f. Sec. 412 was added by sec. 212 of Public Law 94-161 (89 Stat. 855).

[155] 7 U.S.C. 1736g. Sec. 413 was added by sec. 210 of the International Development Cooperation Act of 1979 (Public Law 96-53; 93 Stat. 370).

NOTE.—Section 5 of Public Law 85–128 [S. 1314], 71 Stat. 345, approved August 13, 1957, made the following provision for reporting to Congress:

"(5) Within sixty days after any agreement is entered into for the use of any foreign currencies, a full report thereon shall be made to the Senate and the House of Representatives of the United States and to the Committees on Agriculture and Appropriations thereof."

NOTE.—Section 3 of Public Law 84–962 [S. 3903], 70 Stat. 988, approved August 3, 1956, provides:

"Sales of fresh fruit and the products thereof under title I of the Act shall be exempt from the requirements of the cargo preference laws (Public Resolution 17, Seventy-third Congress (15 U.S.C. 616a) and section 901(b) of the Merchant Marine Act, 1936 (46 U.S.C. 1241 (b)))."

NOTE.—Section 709 of Public Law 89-321 [H.R. 9811] (Food and Agriculture Act of 1965), 79 Stat. 1212, approved November 3, 1965, provides:

"The Secretary of Agriculture is hereby authorized to use funds of the Commodity Credit Corporation to purchase sufficient supplies of dairy products at market prices to meet the requirements of any programs for the schools (other than fluid milk in the case of schools), domestic relief distribution, community action,[156] and such other programs as are authorized by law, when there are insufficient stocks of dairy products in the hands of Commodity Credit Corporation available for these purposes."

NOTE.—Section 407 of the Agricultural Act of 1949, as amended July 10, 1954 by Public Law 83-480, 68 Stat. 458; July 29, 1954 by Public Law 83-554, 68 Stat. 583; January 28, 1956 by Public Law 84-395, 70 Stat. 6; August 28, 1958 by Public Law 85-835, 72 Stat. 993; August 7, 1961 by Public Law 87-127, 75 Stat. 293; September 27, 1962 by Public Law 87-703, 76 Stat. 631; April 11, 1964 by Public Law 88-297, 78 Stat. 175, 183; September 11, 1964 by Public Law 88-585, 78 Stat. 927; November 3, 1965, by Public Law 89-321, 79 Stat. 1197; November 11, 1966, by Public Law 89-808, 80 Stat. 1538; August 11, 1968, by Public Law 90-475, 82 Stat. 703; October 11, 1968, by Public Law 90-559, 82 Stat. 996; November 30, 1970, by Public Law 91-524, 84 Stat. 1367; August 3, 1977 by Public Law 95-88, 91 Stat. 548; September 29, 1977 by Public Law 95-113, 91 Stat. 927, December 22, 1981 by Public Law 97-98, 95 Stat. 1240, 1264, 1267, and August 26, 1983 by Public Law 98-88, 97 Stat. 499, and found at 7 U.S.C. 1427, provides the minimum prices the Commodity Credit Corporation may sell farm commodities owned or controlled by it.

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[156] The words "foreign distribution" which appeared at this point were struck out by sec. 3(B) of the Food for Peace Act of 1966, effective Jan. 1, 1967. The authority to purchase dairy products for foreign donation is now provided in the general authority stated in sec. 201 of Public Law 480. See also sec. 416 of the Agricultural Act of 1949 which provides for, among other things, the donation of dairy products through foreign governments and public and nonprofit private humanitarian organizations.

b. Extension of Agricultural Trade Development and Assistance Act of 1954, as amended

Partial text of Public Law 85-931 [S. 3420], 72 Stat. 1790, approved September 6, 1958, as amended by P.L. 87-703 [H.R. 12391], 76 Stat. 605 at 611, approved September 27, 1962, and P.L. 89-808 [H.R. 14929], 80 Stat. 1526 at 1538, approved November 11, 1966

AN ACT To extend and amend the Agricultural Trade Development and Assistance Act of 1954.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * *

* * * * * * *

NOTE.—Except for Sections 7, 8, and 9, reprinted below, the whole of Public Law 85-931 consists of amendments to the Agricultural Trade Development and Assistance Act of 1954, as amended.

* * * * * * *

Sec. 7. Section 206(a) of the Agricultural Act of 1956 [1] is amended by inserting before the period at the end thereof a semicolon and the following: "but no strategic or critical material shall be acquired by the Commodity Credit Corporation as a result of such barter or exchange except for such national stockpile, for such supplemental stockpile, for foreign economic or military aid or assistance programs, or for offshore construction programs".

Sec. 8.[2] In carrying out the provisions of the Agricultural Trade Development and Assistance Act of 1954, as amended, extra long staple cotton shall be made available for sale pursuant to the provisions of title I of the Act in the same manner as upland cotton or any other surplus agricultural commodity is made available, and products manufactured entirely [3] from upland or long staple cotton shall be made available for sale pursuant to the provisions of title I of the Act as long as cotton is in surplus supply in the same manner as any other agricultural commodity or product is made available,[3] and no discriminatory or other conditions shall be imposed which will prevent or tend to interfere with their sale or availability for sale under the Act.[4]

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[1] 7 U.S.C. 1856.

[2] 7 U.S.C. 1601 note.

[3] The word "entirely" and the words "in the same manner as any other agricultural commodity or product is made available" were added by sec. 3(d) of Public Law 89-808 (Food for Peace Act of 1966).

Sec. 9.[5] Notwithstanding any other provision of law 6 those areas under the jurisdiction or administration of the United States are authorized to receive from the Department of Agriculture for distribution on the same basis as domestic distribution in any State, Territory, or possession of the United States, without exchange of funds, such surplus commodities as may be available pursuant to clause (2) of section 32 of the Act of August 24, 1935, as amended (7 U.S.C. 612c), and section 416 of the Agricultural Act of 1949, as amended (7 U.S.C. 1431).[6]

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[4] Sec. 3(d) of Public Law 89-808 inserted a period in lieu of the colon and struck out the proviso, which read as follows: "*Provided*, That that portion of sales price of such products which is financed as a sale for foreign currency under title I of the Act shall be limited to the estimated portion of the sales price of such products attributable to the raw cotton content of such products".

[5] 7 U.S.C. 1431b.

[6] Sec. 3(a) of Public Law 89-808 struck out the symbol "(1)" after the word "law"; inserted a period in lieu of the semicolon, and struck out the language after the semicolon, which read as follows: "and (2) the Commodity Credit Corporation is authorized to purchase products of oil seeds, and edible oils and fats and the products thereof in such form as may be needed for donation abroad as provided in the following sentence. Any such commodities or products if purchased shall be donated to nonprofit voluntary agencies registered with the Department of State, other appropriate agencies of the Federal Government or international organizations for use in the assistance of needy persons and in nonprofit school lunch programs outside the United States. Commodity Credit Corporation may incur such additional costs with respect to such oil as it is authorized to incur with respect to food commodities disposed of under section 416 of the Agricultural Act of 1949." The words "and in nonprofit school lunch programs" were added by sec. 204 of Public Law 87-703 (76 Stat. 611).

c. President's Emergency Food Assistance Act of 1984

Partial text of Public Law 98-473 [Continuing Appropriations Act, 1985; H.J. Res. 648], 98 Stat. 1837 at 2194, approved October 12, 1984

JOINT RESOLUTION Making continuing appropriations for the fiscal year 1985, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

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TITLE III—PRESIDENT'S EMERGENCY FOOD ASSISTANCE ACT OF 1984

SHORT TITLE

Sec. 301. This title may be cited as the "President's Emergency Food Assistance Act of 1984".

PART A—PRESIDENT'S EMERGENCY FUND

FINDINGS

Sec. 302. The Congress finds that—

(1) acute food crises continue to cause loss of life, severe malnutrition, and general human suffering in many areas of the Third World, especially in sub-Saharan Africa;

(2) the United States continues to respond to these needs, as a reflection of its humanitarian concern for the people of the Third World, with emergency food and other necessary assistance to alleviate the suffering of those affected by severe food shortages;

(3) the timely provision of food and other necessary assistance to those in need is of paramount importance if the worst effects of such food crisis are to be mitigated; and

(4) the ability of the United States to provide food and other necessary assistance on a timely basis, and to ensure that such assistance is distributed to those in need, should be enhanced in order to better enable the United States to help those affected by severe food shortages.

ESTABLISHMENT OF THE FUND

Sec. 303. (a) There is hereby established the President's Emergency Food Assistance Fund (hereafter in this title referred to as the "Fund"). Whenever the President determines it to be in the national interest of the United States, he is authorized to furnish, in accordance with the provisions of this part, and on such terms and conditions as he may determine, assistance from the Fund for the purpose of alleviating the human suffering of peoples outside the

United States caused by acute food shortages. Such assistance may be provided through such governments or other entities, private or public, including intergovernmental and multilateral organizations, as the President deems appropriate.

(b) Because the effects of severe food shortages will vary with the country or region, assistance to alleviate human suffering may include the provision of food assistance or such activities as the provision of seed, animal fodder, animal vaccines, and transportation (including inland transportation) and distribution services.

(c) There are authorized to be appropriated to the President $50,000,000 each for fiscal year 1985 and fiscal year 1986 to carry out the purposes of this title, to remain available until expended.

(d) The President may make loans, advances, and grants to, make and perform agreements and contracts with, or enter into transactions with, any individual, corporation, or other body of persons, government or government agency, whether within or without the United States, and international and intergovernmental organizations in furtherance of the purposes and within the limitations of this title.

REPORTS

Sec. 304. Not later than December 31 of each year, the President shall submit a comprehensive report to the appropriate committees of Congress detailing all activities carried out under the authority of this title during the previous fiscal year.

PART B—FOOD FOR PEACE PROGRAM

TRANSPORTATION AND STORAGE

Sec. 305. Section 203 of the Agricultural Trade Development and Assistance Act of 1954 is amended by inserting after the semicolon at the end of clause (4) the following: "in the case of commodities for urgent and extraordinary relief requirements, including prepositioned commodities, transportation costs from designated points of entry or ports of entry abroad to storage and distribution sites and associated storage and distribution costs;".

d. Food and Agriculture Act of 1977

Partial text of Public Law 95-113 [S. 275], 91 Stat. 913, approved September 29, 1977

AN ACT To provide price and income protection for farmers and assure consumers of an abundance of food and fiber at reasonable prices, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, with the following table of contents, may be cited as the "Food and Agriculture Act of 1977".

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TITLE XI—GRAIN RESERVES

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INTERNATIONAL EMERGENCY FOOD RESERVE

Sec. 1102. Title I of the Agricultural Act of 1949, as amended, is amended by adding at the end thereof a new section 111 as follows:

"INTERNATIONAL EMERGENCY FOOD RESERVE

"Sec. 111. The President is encouraged to enter into negotiations with other nations to develop an international system of food reserves to provide for humanitarian food relief needs and to establish and maintain a food reserve, as a contribution of the United States toward the development of such a system, to be made available in the event of food emergencies in foreign countries. The reserves shall be known as the International Emergency Food Reserve.".

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TITLE XII—PUBLIC LAW 480

Note.—Sections 1201–1208 of Title XII amend the Agricultural Trade Development and Assistance Act of 1954.

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USE OF NONPRICE-SUPPORTED COMMODITIES UNDER PUBLIC LAW 480

Sec. 1209.[1] It is the sense of Congress that there be no discrimination between "price-supported" and "nonprice-supported" commodities in the programing of commodities under the Agricultural Trade Development and Assistance Act of 1954, as amended (Public Law 480).

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[1] 7 U.S.C. 1691 note.

SPECIAL TASK FORCE ON THE OPERATION OF PUBLIC LAW 480

Sec. 1210.[1] (a) It is the sense of Congress that attention be given to handling, storage, transportation, and administrative procedures in order to make improvements in the operation of the Agricultural Trade Development and Assistance Act of 1954, as amended (Public Law 480). Toward this objective, the Secretary of Agriculture shall appoint a special task force to review and report upon the administration of the Act.

(b) Such review shall include, but not be limited to, organizational arrangements for the administration of Public Law 480, or parts thereof, title I allocation criteria and procedures, quality control, including handling and storage through the first stage of distribution in the recipient country, and regulation of businesses and organizations to which services are contracted under Public Law 480.

(c) Not later than eighteen months following enactment of this Act, the Secretary of Agriculture shall transmit to Congress the report of such task force, along with administrative actions the Secretary has taken or intends to take as a result of such report, and recommendations, if any, for legislative changes.

e. Agricultural Exports

Partial text of Public Law 98-258 [Agricultural Programs Adjustment Act of 1984; H.R. 4072], 98 Stat. 130, approved April 10, 1984

AN ACT To make adjustments in the commodity programs for wheat, feed grains, upland cotton, and rice, to provide agricultural credit assistance, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Agricultural Programs Adjustment Act of 1984".

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TITLE V—AGRICULTURAL EXPORTS

EXPORT ASSISTANCE

Sec. 501. It is the sense of Congress that the President should implement, as soon as practicable after the enactment of this Act, the actions, proposed by the Administration to complement the provisions of this Act, to further assist in the development, maintenance, and expansion of international markets for United States agricultural commodities and products thereof, as follows—

(1) for the fiscal year ending September 30, 1984, the President will—

(A) request congressional approval for the appropriation of funds in the amount of $150,000,000, in addition to the President's February 1984 request for a supplemental appropriation of $90,000,000, to carry out programs of assistance under titles I, II, and III of the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480); [1] and

(B) direct the Secretary of Agriculture to increase funding, over the current budgeted level, for the Export Credit Guarantee Program (GSM-102), carried out through the Commodity Credit Corporation, by not less than $500,000,000; and

(2) for the fiscal year ending September 30, 1985, the President will—

(A) request congressional approval for the appropriation of funds in the amount of at least $175,000,000, in addition to the current funding level contained in the President's budget for that year, to carry out programs of assistance under titles I, II, and III of Public Law 480;

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[1] Second Supplemental Appropriations Act, 1984, (Public Law 98-396; 98 Stat. 1369 at 1371) provides:

"For an additional amount for 'Public Law 480', for financing the sale of agricultural commodities for convertible foreign currencies and for dollars on credit terms, pursuant to titles I and III of said Act, $175,000,000, of which $175,000,000 is hereby appropriated, to remain available until September 30, 1985."

(B) direct the Secretary of Agriculture to increase funding, over the levels contained in the President's budget for that year or otherwise required by law, by not less than $1,100,000,000 for the Export Credit Guarantee Program (GSM-102) and by not less than $100,000,000 for direct export credit programs carried out through the Commodity Credit Corporation (GSM-5, GSM-201, and GSM-301); and

(C) request or use an additional amount of $50,000,000 (over the amounts specified in clauses (2)(A) and (2)(B)) either for increased funding for direct export credit programs carried out through the Commodity Credit Corporation or for additional assistance under Public Law 480, in such proportions as determined necessary and appropriate by the President.

EXPANDED AUTHORITY FOR THE USE ABROAD OF COMMODITY CREDIT CORPORATION STOCKS; ACQUISITION AND DONATION OF ULTRA-HIGH TEMPERATURE PROCESSED MILK

Sec. 502. * * * [2]

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[2] Sec. 502 amended sec. 416 of the Agricultural Act of 1949 by adding new subsections (b) and (c).

f. National Agricultural Export Week-Proclamation Public Law 99-341, 100 Stat. 669, Approved June 19, 1986

JOINT RESOLUTION To proclaim June 15, 1986, through June 21, 1986, as "National Agricultural Export Week".

Whereas agriculture comprises the Nation's largest single industry;

Whereas the economic well-being of the Nation's agricultural industry is directly related to its ability to export and to compete in world markets;

Whereas earnings from agricultural exports have contributed $333,000,000,000 to our Nation's balance of payments in the past decade;

Whereas these earnings have stimulated nearly $1,000,000,000,000 in total national economic activity and provided millions of man years of total national employment; and

Whereas it is the policy of the United States to expand international trade in United States in agricultural commodities and products and to develop, maintain, and expand markets for United States agricultural exports: Now, therefore, be it

Resolved by the Senate and House of Represenatatives of the United States of America in Congress assembled, That the week of June 15, 1986, through June 21, 1986, is hereby proclaimed "National Agricultural Export Week", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe this week with appropriate ceremonies and activities.

g. Agricultural Act of 1949

Partial text of Public Law 81-439 [H.R. 5345], 63 Stat. 1051, approved October 31, 1949; as amended by Public Law 83-480 [S. 2475], 68 Stat. 458, approved July 10, 1954; Public Law 84-540 [H.R. 10875], 70 Stat. 203, approved May 28, 1956; Public Law 85-483 [H.R. 12164], 72 Stat. 286, approved July 2, 1958; Public Law 86-108 [H.R. 7500], 73 Stat. 250, approved July 24, 1959; Public Law 87-703 [H.R. 12391], 76 Stat. 611, approved September 27, 1962; Public Law 88-638 [S. 2687], 78 Stat. 1038, approved October 8, 1964; Public Law 89-808 [H.R. 14929], 80 Stat. 1538, approved November 11, 1966; Public Law 91-233 [S. 2595], 84 Stat. 199, approved April 17, 1970; Public Law 92-603 [H.R. 1], 86 Stat. 1492, approved October 30, 1972; Public Law 95-113 [S. 275], 91 Stat. 979, approved September 29, 1977; Public Law 97-253 [Omnibus Budget Reconciliation Act of 1982; H.R. 6955], 96 Stat. 766, approved September 8, 1982; Public Law 98-258 [Agricultural Programs Adjustment Act of 1984; H.R. 4072], 98 Stat. 137, approved April 10, 1984; by Public Law 99-83 [S. 960], 99 Stat. 271, approved August 8, 1985; and by Public Law 99-198 H.R. 2100] 99 Stat. 1354, approved December 23, 1985

AN ACT To stabilize prices of agricultural commodities

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Agricultural Act of 1949".

* * * * * * *

Sec.[1] **107F.** (a)(1) The Secretary may establish a program, applicable to any of the 1986 through 1990 crops of wheat or feed grains, to provide incentives for the export of any of such crops of wheat and feed grains from private stocks. The program for any such crop established under this subsection by the Secretary shall include the following terms:

(A) The Secretary shall issue wheat or food grain export certificates to producers to whom the Secretary makes loans and payments under section 107D or 105C, respectively, for a crop if such producers comply with the terms and conditions of the program for such crop.

(B) Each such certificate shall bear a monetary denomination and a designation specifying a quantity of the crop of the commodity involved, selected by the Secretary.

(C) The aggregate quantity of wheat or feed grains specified in all export certificates distributable to eligible producers of the crop involved shall be equal to—

(i) the aggregate amount of wheat or feed grains produced by producers participating in the program for the crop under section 107D or 105C, as determined by multiplying the acreage planted by each such producer for harvest times the farm program payment yield for the commodity, times

(ii) an export production factor.

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[1] Sec. 107F. was added by sec. 1006 of the Food Security Act of 1985 (Public Law 99-198; 99 Stat. 1448).

For purposes of this subparagraph, the export production factor for a crop shall be determined by the Secretary by dividing the quantity of such crop harvested domestically that the Secretary estimates will not be used domestically and will be available for export (excluding the portion of the crop expected to be added to carryover stocks) during the marketing year for such crop by the quantity of such crop that the Secretary estimates will be harvested domestically.

(D) Wheat or feed grain export certificates shall be distributed among eligible producers in a manner that will ensure that each eligible producer receives certificates having an aggregate face value that represents an equal rate of return per unit of wheat or feed grains produced by such producer for such crop. For purposes of determining such rate of return, the Secretary shall take into consideration regional variations in the costs incurred by producers to market the commodity (including transportation costs).

(E) An export certificate issued under this subsection shall be redeemed by the Secretary for a cash amount equal to the monetary denomination on such certificate (or, at the option of the Secretary, a quantity of the commodity involved having a current fair market value equal to such amount) only on presentation by a holder who exports a quantity of the crop involved (including processed wheat or feed grains) equal to the quantity designated in the certificate and only if the Secretary has not redeemed previously an export certificate issued under this subsection presented in connection with the particular wheat or feed grains so exported.

(2) The Secretary shall carry out this subsection through the Commodity Credit Corporation. If sufficient funds are available to the Corporation, there shall be expended to carry out this subsection with respect to the export of the crop of wheat or feed grains involved an amount not less than the product of multiplying—

(A) 21 cents for wheat, 11 cents for corn and such amounts for grain sorghums, oats, and, if designated by the Secretary, barley as the Secretary determines fair and reasonable in relation the amount specified for corn, times.

(B) the aggregate of the wheat or feed grain acreage planted to the commodity for harvest by producers participating in the program for the crop with respect to which deficiency payments are available under section 107D or 105C, times.

(C) the average of the program yields for the crop.

(3) Funds expended to carryout export certificate programs established under this subsection shall be in addition to, and not in place of, funds authorized by any other law to be expended to finance or encourage the export of wheat or feed grains.

(4) For purposes of facilitating the transfer of export certificates under this subsection, the Commodity Credit Corporation may buy and sell certificates in accordance with regulations prescribed by the Secretary.

(b)(1) Effective for each of the 1986 through 1990 crops of wheat or feed grains, the Secretary may issue to eligible producers (who, for purposes of this subsection, are producers of wheat or feed grains participating in the program under this Act for such crop who meet the requirements of paragraph (2)) export marketing certificates, denominated in bushels of wheat or feed grains, as applicable, for the crop, which shall be used, under such terms and conditions as the Secretary may prescribe consistent with the provision of this subsection, as follows:

(A) Not later than 3 months before the beginning of the marketing year for a crop of wheat or feed grains, the Secretary may issue to eligible producers that plant at least 50 percent of the farm's wheat or feed grain crop acreage base for such crop, export marketing certificates to be applicable to such marketing year that, in the aggregate, shall equal the quantity of the commodity and the Secretary estimates will be exported during the marketing year. Each such eligible producer shall receive certificates for a quantity of the commodity that bears the same ratio to the quantity of estimated exports as the producer's crop acreage base for that crop of the commodity bears to the aggregate total of all such eligible producers' crop acreage bases for that crop, rounded upward to the nearest full bushel.

(B) The denomination of export marketing certificates shall be 1 bushel (with no accompanying cash face value, except that the Secretary may issue certificates in multiples of such denomination, and any certificate in the multiple of such denomination, may be exchanged by the producer, at the country Agricultural Stabilization and Conservation Service Office, for certificates representing an equivalent quantity of the commodity in different multiples, to facilitate the operation of the program under this subsection. Each export marketing certificate shall designate the producer by name and the crop involved.

(C) If 7 months after the beginning of the marketing year for the crop, the Secretary determines that the amount of the commodity that will be exported during the marketing year for that crop will exceed the aggregate quantity of the commodity represented by all the export marketing certificates so issued, the Secretary may issue additional export marketing certificates to producers that initially received certificates for the crop sufficient to cover the additional exports, such certificates to be apportioned among such producers so that producer receives the same portion of the additional certificates issued that the producer received of the export certificates initially issued for the crop, as provided in subparaгraph (A), rounded upward to the nearest full bushel.

(D) Producers may convey export marketing certificates issued under this subsection to purchasers of the commodity involved sold by the producers at any time prior to the end of the marketing year for the crop described in the certificate. If a producer has less wheat or feed grains to sell than the quantity represented by the export marketing certificates issued to the producer, because of reduced production or other reason or because, in the case of additional certificates issued under subparagraph (C), the producer had disposed of the producer's wheat or feed grains prior to the issuance of such additional certificates, the producer, at any time prior to the end of the marketing year for the crop involved, may sell the extra export marketing certificates to any person for such price as agreed on by the producer and purchaser. Any certificate may be reconveyed without restriction.

(2) To be eligible to receive export certificates under this subsection for a crop of wheat or feed grains, a producer of such commodity must participate in the program under this title for such crop, and—

(A) if there is no acreage limitation or set-aside in effect for the crop, limit the acreage on the farm planted to the crop for harvest to the farm's wheat or feed grain crop acreage base, as applicable;

(B) if an acreage limitation is in effect for the crop, limit the acreage on the farm planted to the crop for harvest to the farm's wheat or feed grain crop acreage base, as applicable, reduced to the extent required under the acreage limitation program, and comply with any other terms of the acreage limitation program established by the Secretary; or

(C) if a set-aside program is in effect for the crop, comply with the set-aside and other terms of the set-aside program established by the Secretary.

(3) Whenever the Secretary issues certificates under this subsection for a crop of wheat or feed grains, no person may export wheat or feed grains or products thereof, from the United States during the marketing year for the crop without surrendering to the Secretary, at the time of export, export marketing certificates for such crop representing the quantity of the commodity being exported or, in the case of wheat or feed grain products, the equivalent quantity of the commodity contained in the products being exported. Persons that fail to comply with the requirements of the preceding sentence shall be subject, for each violation thereof, to a fine of not more than $25,000 or imprisonment for not to exceed 1 year, or both such fine and imprisonment. This paragraph shall not apply to exports of commodities or products owned by the Federal Government or any agency or instrumentality thereof, not to commodities or products provided to the exporter by the Commodity Credit Corporation under an export development program.

(4) Any person who falsely makes, issues, alters, forges, or counterfeits any export marketing certificate, or with fraudulent intent possesses, transfers, or uses any such falsely made, issued, altered, forged, or counterfeited export marketing certificate, shall be subject to a fine of not more than $10,000 or imprisonment of not more than 10 years, or both such fine and imprisonment.

(5) For purposes of facilitating the transfer of export certificates under this subsection, the Commodity Credit Corporation may buy and sell certificates in accordance with regulations prescribed by the Secretary.

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Sec. 416.[2] (a)[3] In order to prevent the waste of commodities whether private stocks[4] or acquired through price-support operations by Commodity Credit Corporation before they can be disposed of in normal domestic channels without impairment of the price-support program or sold abroad at competitive world prices, the Commodity Credit Corporation is authorized, on such terms and under such regulations as the Secretary of Agriculture may deem in the public interest: (1) upon application, to make such commodities available to any Federal agency for use in making payment for commodities not produced in the United States; (2) to barter or exchange such commodities for strategic or other materials as authorized by law; (3) in the case of food commodities to donate such commodities to the Bureau of Indian Affairs and to such State, Federal, or private agency or agencies as may be designated by the proper State or Federal authority and approved by the Secretary, for use in the United States in nonprofit school-lunch programs, in nonprofit summer camps for children,[5] in the assistance of needy persons, and in charitable institutions, including hospitals, to the extent that needy persons are served.[6] In the case of clause (3) the Secretary shall obtain such assurance as he deems necessary that the recipients thereof will not diminish their normal expenditures for food by reason of such donation. In order to facilitate the appropriate disposal of such commodities, the Secretary may from time to time estimate and announce the quantity of such commodities which he anticipates will become available for distribution under clause (3). The Commodity Credit Corporation may pay, with respect to commodities disposed of under this section, reprocessing, packaging, transporting, handling, and other charges accruing up to the time of their delivery to a Federal agency, or to the designated State or private agency. In addition, in the case of food commodities disposed of under this section, the Commodity Credit Corporation may pay the cost of processing such commodities into a form suitable for home or institutional use, such processing to be accomplished through private trade facilities to the greatest extent possible.[7] For the purpose of this section the terms "State" and "United States" include the District of Columbia and any Territory or possession of the United States. Dairy products acquired by the Commodity Credit Corporation through price support operations may, insofar as they can be used in the United

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[2] 7 U.S.C. 1431. Sec. 302 of Public Law 83–480 (68 Stat. 458) comprehensively amended and restated sec. 416.

[3] Sec. 502 of Public Law 98–258 (98 Stat. 137) inserted the subsec. designation "(a)" and added new subsecs. (b) and (c).

See also sec. 513 of Public Law 98–411 (Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1985) that states the sense of the Congress that the newly enacted authority under sec. 416 of this Act should be used to help feed the Guatemalan refugees in Mexico.

[4] Sec. 205(c) of Public Law 86–108 (73 Stat. 250) added the reference to private stocks.

[5] Sec. 1 of Public Law 85–483 (72 Stat. 286) added the reference to nonprofit summer camps for children.

[6] Sec. 3(c) of Public Law 89–808 (80 Stat. 1538) struck out clause (4) which previously appeared at this point. Clause (4) had provided for the donation of excess food commodities to nonprofit voluntary agencies registered with the Committee on Voluntary Foreign Aid or other appropriate Federal agencies and intergovernmental organizations for use in assistance of needy persons and in nonprofit lunch programs outside the United States. The authority for such assistance was shifted to title II of Public Law 480.

[7] Sec. 212 of Public Law 84–540 (70 Stat. 203) added this sentence.

States in nonprofit school lunch and other nonprofit child feeding programs, in the assistance of needy persons, and in charitable institutions, including hospitals, to the extent that needy persons are served, be donated for any such use prior to any other use or disposition.[8] Notwithstanding any other provision of law, such dairy products may be donated for distribution to needy households in the United States and to meet the needs of persons receiving nutrition assistance under the Older Americans Act of 1965.[9]

(b)[3] [10] (1) The Secretary, subject to the requirements of paragraph (10), may furnish eligible commodities for carrying out programs of assistance in developing countries and friendly countries under title II of the Agricultural Trade Development and Assistance Act of 1954 and under the Food for Progress Act of 1985, as approved by the Secretary, and for such purposes as are approved by the Secretary. To ensure that the furnishing of commodities under this subsection is coordinated with and complements other United States foreign assistance, assistance under this subsection shall be coordinated through the mechanism designated by the President to coordinate assistance under the Agricultural Trade Development and Assistance Act of 1954.

(2) As used in this subsection, the term 'eligible commodities' means—

(A) dairy products, grains, and oilseeds acquired by the Commodity Credit Corporation through price support operations that the Secretary determines meet the criteria specified in subsection (a); and

(B) such other edible agricultural commodities as may be acquired by the Secretary or the Commodity Credit Corporation in the normal course of operations and that are available for disposition under this subsection, except that no such commodities may be acquired for the purpose of their use under this subsection.

(3)(A) Commodities may not be made available for disposition under this subsection in amounts that (i) will in any way reduce the amounts of commodities that traditionally are made available through donations to domestic feeding programs or agencies, or (ii) will prevent the Secretary from fulfilling any agreement entered into by the Secretary under a payment-in-kind program under this Act or other Acts administered by the Secretary.

(B)(i) The requirements of section 401(b) of the Agricultural Trade Development and Assistance Act of 1954 shall apply with respect to commodities furnished under this subsection. Commodities may not be furnished for disposition to any country under this subsection except on determinations by the Secretary that—

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[8] Public Law 91-233 (84 Stat. 199) added this sentence.

Another sentence, that previously appeared at this point, was repealed by sec. 1302(a)(2) of Public Law 95-113 (91 Stat. 979). This sentence, which had been added by sec. 411(g) of Public Law 92-603 (86 Stat. 1492), had prohibited persons eligible to receive supplementary income under title XVI of the Food Stamp Act of 1964 from participating in any program conducted under sec. 416.

[9] Sec. 1109(1) of the Food Security Act of 1985 (Public Law 99-198; 99 Stat. 1467), deleted at this point language authorizing donation of such dairy products for the assistance of needy persons outside the United States. This text was originally added by sec. 110 of the Omnibus Budget Reconciliation Act of 1982 (Public Law 97-253, 96 Stat. 766).

[10] Sec. 1109(2) of the Food Security Act of 1985 (Public Law 99-198; 99 Stat. 1467), comprehensively amended and restated subsec. b.

(I) the receiving country has the absorptive capacity to use the commodities efficiently and effectively; and

(II) such disposition of the commodities will not interfere with usual marketings of the United States, nor disrupt world prices of agricultural commodities and normal patterns of commercial trade with developing countries.

(ii) The requirement for safeguarding usual marketings of the United States shall not be used to prevent the furnishing under this subsection of any eligible commodity for use in countries that—

(I) have not traditionally purchased the commodity from the United States; or

(II) do not have adequate financial resources to acquire the commodity from the United States through commercial sources or through concessional sales arrangements.

(C) The Secretary shall take reasonable precautions to ensure that—

(i) commodities furnished under this subsection will not displace or interfere with sales that otherwise might be made; and

(ii) sales or barter under paragraph (7) will not unduly disrupt world prices of agricultural commodities nor normal patterns of commercial trade with friendly countries.

(4) Agreements may be entered into under this subsection to provide eligible commodities in installments over an extended period of time.

(5)(A) Section 203 of the Agricultural Trade Development and Assistance Act of 1954 shall apply to the commodities furnished under this subsection.

(B) The Commodity Credit Corporation may pay the processing and domestic handling costs incurred, as authorized under this subsection, in the form of eligible commodities, as defined in paragraph (2)(A), if the Secretary determines that such in-kind payment will not disrupt domestic markets.

(6) The cost of commodities furnished under this subsection, and expenses incurred under section 203 of the Agricultural Trade Development and Assistance Act of 1954 in connection with those commodities, shall be in addition to the level of assistance programmed under that Act and shall not be considered expenditures for international affairs and finance.

(7) Eligible commodities, and products thereof, furnished under this subsection may be sold or bartered only with the approval of the Secretary and solely as follows:

(A) Sales and barter that are incidental to the donation of the commodities or products.

(B) Sales and barter to finance the distribution, handling, and processing costs of the donated commodities or products in the importing country or in a country through which such commodities or products must be transshipped, or other activities in the importing country that are consistent with providing food assistance to needy people.

(C) Sales and barter of commodities and products furnished to intergovernmental agencies or organizations, insofar as they are consistent with normal programming procedures in the distribution of commodities by those agencies or organizations.

(D)(i) Sales of commodities and products furnished to nonprofit and voluntary agencies, or cooperatives, for food assistance under agreements that provide for the use, by the agency or cooperative, of foreign currency proceeds generated from such sale of commodities or products for the purposes established in clause (ii) of this subparagraph.

(ii) Foreign currency proceeds generated from the sales of commodities and products under this subparagraph shall be used by nonprofit and voluntary agencies, or cooperatives, for activities carried out by the agency or cooperative that will enhance the effectiveness of transportation, distribution, and use of commodities and products donated under this subsection, including food for work programs and cooperative and agricultural projects.

(iii) Except as otherwise provided in clause (v), such agreements, taken together for each fiscal year, shall provide for sales of commodities and products for foreign currency proceeds in amounts that are, in the aggregate, not less than 5 percent of the aggregate value of all commodities and products furnished for carrying out programs of assistance under this subsection in such fiscal year. The minimum allocation requirements of this clause apply with respect to commodities and products made available under this subsection for carrying out programs of assistance under title II of the Agricultural Trade Development and Assistance Act of 1954, and not with respect to commodities and products made available to carry out the Food for Progress Act of 1985.

(iv) Foreign currency proceeds generated from the sale of commodities or products under this subparagraph shall be expended within the country of origin within one year of acquisition of such currency, except that the Secretary may permit the use of such proceeds (I) in countries other than the country of origin as necessary to expedite the transportation of commodities and products furnished under this subsection, and (II) after one year of acquisition as appropriate to achieve the purpose of clause (i).

(v) The provisions of clause (iii) of this subparagraph establishing minimum annual allocations for sales and use of proceeds shall not apply to the extent that there have not been sufficient requests for such sales and use of proceeds nor to the extent required under paragraph (3).

(E) Sales and barter to cover expenses incurred under paragraph (5)(a).

No portion of the proceeds or services realized from sales or barter under this paragraph may be used to meet operating and overhead expenses, except as otherwise provided in subparagraph (C) and except for personnel and administrative costs incurred by local cooperatives.

(8)(A) To the maximum extent practicable, expedited procedures shall be used in the implementation of this subsection.

(B) The Secretary shall be responsible for regulations governing sales and barter, and the use of foreign currency proceeds, under paragraph (7) of this subsection that will provide reasonable safeguards to prevent the occurrence of abuses in the conduct of activities provided for in paragraph (7).

(9)(A) Each recipient of commodities and products approved for sale or barter under paragraph (7) shall report to the Secretary information with respect to the items required to be included in the Secretary's report pursuant to clause (i) through (iv) of subparagraph (B). Reports pursuant to this subparagraph shall be submitted in accordance with regulations of the Secretary. Such regulations shall require at least one report annually, to be submitted not later than December 31 following the end of the fiscal year in which the commodities and products are received; except that a report shall not be required with respect to fiscal year 1985.

(B) Not later than February 15, 1987, and annually thereafter, the Secretary shall report to the Congress on sales and barter, and use of foreign currency proceeds, under paragraph (7) during the preceding fiscal year. Such report shall include information on—

(i) the quantity of commodities furnished for such sale or barter;

(ii) the amount of funds (including dollar equivalents for foreign currencies) and value of services generated from such sales and barter in such fiscal year;

(iii) how such funds and services were used;

(iv) the amount of foreign currency proceeds that were used under agreements under subparagraph (D) of paragraph (7) in such fiscal year, and the percentage of the quantity of all commodities and products furnished under this subsection in such fiscal year such use represented;

(v) the Secretary's best estimate of the amount of foreign currency proceeds that will be used, under agreements under subparagraph (D) of paragraph (7), in the then current fiscal year and the next following fiscal year (if all requests for such use are agreed to), and the percentage that such estimated use represents of the quantity of all commodities and products that the Secretary estimates will be furnished under this subsection in each such fiscal year;

(vi) the effectiveness of such sales, barter, and use during such fiscal year in facilitating the distribution of commodities and products under this subsection;

(vii) the extent to which sales, barter, or uses—

(I) displace or interfere with commercial sales of United States agricultural commodities and products that otherwise would be made,

(II) affect usual marketings of the United States,

(III) disrupt world prices of agricultural commodities or normal patterns of trade with friendly countries, or

(IV) discourage local production and marketing of agricultural commodities in the countries in which commodities and products are distributed under this subsection; and

(viii) the Secretary's recommendations, if any, for changes to improve the conduct of sales, barter, or use activities under paragraph 7.

(10)(A) Subject to the limitations established under paragraph (3), the Secretary shall make available for disposition under this subsection in each of the fiscal years 1986 through 1990 not less than the minimum quantities of eligible commodities specified in subparagraph (B).

(B) The minimum quantity of eligible commodities that shall be made available for disposition under this subsection in each fiscal year shall be—

(i) 500,000 metric tons of grains and oilseeds from the Corporation's uncommitted stocks, or an amount equal to 10 percent of the Corporation's uncommitted stocks of grains and oilseeds as of the end of such fiscal year (as estimated by the Secretary), whichever is less; and

(ii) 10 percent of the Corporation's uncommitted stocks of dairy products, but not less than 150,000 metric tons of such products to the extent that uncommitted stocks are available.

The Secretary shall make such estimation of expected year-end levels of the Corporation's uncommitted stocks prior to the beginning of the fiscal year. The Secretary's determination as to the amount of the Corporation's stocks that shall be made available for disposition under this subsection for such fiscal year shall be published in the Federal Register, along with a breakdown by kind of commodity and the quantity of each kind of commodity that shall be made available, before the beginning of such fiscal year.

(C) Of the aggregate amounts made available each fiscal year pursuant to both clauses (i) and (ii) of subparagraph (B), not less than 75,000 metric tons shall be made available to carry out the Food for Progress Act of 1985.

(D)(i) The Secretary—

(I) may waive the minimum quantity requirements of subparagraphs (A) and (B) for a fiscal year to the extent that the Secretary determines and reports to Congress that there are not sufficient requests for eligible commodities under this subsection for such fiscal year, except that the waiver authority of this subclause may not be used to waive the minimum quantity requirement of subparagraph (C);

(II) may waive the minimum quantity requirement of subparagraph (C) in accordance with subsection (f)(2) of the Food for Progress Act of 1985; and

(III) may waive the minimum quantity requirements of subparagraphs (A), (B), and (C) for a fiscal year, if the Secretary determines that the restrictions on the furnishing of commodities under paragraph (3) prevent the making available of commodities in such quantities.

(ii) For any fiscal year in which the minimum levels of uncommitted Commodity Credit Corporation stocks specified in subparagraph (B) are not made available and during which any requests for commodities under this subsection are rejected, the Secretary shall provide a detailed, written explanation to Congress, at the end of such fiscal year, of the reasons for the rejections of such requests.

(11)(A) The Secretary may furnish eligible commodities under this subsection in connection with (i) concessional sales agreements entered into under title I of the Agricultural Trade Development and Assistance Act of 1954 or other statutes, or (ii) agricultural export bonus or promotion program carried out under the Commodity Credit Corporation Charter Act or other statutes.

(B) Eligible commodities may be furnished by the Secretary under this subsection in connection with agreements by recipient countries to acquire additional agricultural commodities from the United States through commercial arrangements.

(C) The amount of any commodity furnished under subparagraphs (A) and (B) of this paragraph in any fiscal year shall not be considered for the purpose of determining whether the requirements of paragraph (10)(A) of this subsection have been met during such fiscal year.

(c) To prevent the waste of dairy products acquired by the Commodity Credit Corporation through price support operations, the Corporation, on such terms and under such regulations as the Secretary may prescribe, shall carry out a two-year pilot program under which the Corporation shall barter or exchange such dairy products, to the extent they are available, for forty thousand metric tons (consisting of twenty thousand metric tons in each year of the pilot program) of ultra-high temperature processed fluid milk. Such barter or exchange shall be effected on the basis of competitive bids submitted by domestic processors. The processed milk acquired by the Corporation under this subsection shall be available for donation through foreign governments and public and nonprofit private humanitarian organizations for the assistance of needy persons outside the United States, and the Corporation may pay, with respect to such processed milk donated under this subsection, transporting, handling, and other charges, including the cost of overseas delivery. Any donations under this subsection shall be coordinated through the mechanism designated by the President to coordinate assistance under the Agricultural Trade Development and Assistance Act of 1954 and shall be in addition to the level of assistance programmed under that Act. The pilot program shall be implemented by the Corporation as soon as practicable after the enactment of the Agricultural Programs Adjustment Act of 1984 and shall be operated for a period of two years after its implementation. Upon completion of the pilot program, the Secretary shall submit a report to Congress on its operation.

(d)[11] (1) The Secretary shall establish and carry out a pilot program under which strategic or other materials that the United States does not produce domestically in amounts sufficient for its requirements and for which national stockpile or reserve goals established by law are unmet shall be acquired in exchange for commodities meeting the criteria specified in subsection (a).

(2) The program established under paragraph (1) shall be carried out through agreements with at least two countries.

(3) In establishing the pilot program under paragraph (2), the Secretary shall give priority to—

(A) the acquisition of materials that involve less risk of loss through deterioration and have lower storage costs than the agricultural commodities or products for which they are exchanged; and

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[11] Subsec. (d) was added by sec. 1129 of the Food Security Act of 1985 (Public Law 99-190; 99 Stat. 1486).

(B) nations with food and currency reserve shortages.

(4) To the extent practical, the Secretary shall use private channels of commerce to consummate any exchange of commodities for materials under the program.

(5) Any materials acquired under the programs shall be held by the Commodity Credit Corporation and may be transferred, on a reimbursable basis, to any Department or agency of the United States that has responsibility for any reserve or other need for the material. Any material acquired, in excess of any required reserve, may be sold by the Corporation to the extent authorized by the Secretary taking into consideration any effect that such sale may have on the commercial market of such material.

(6) The program established by the Secretary shall be carried out during the fiscal years ending September 30, 1986, and September 30, 1987, and the Secretary shall submit a report to Congress, not later than 60 days after the end of each such fiscal year with respect to the operation of the program.

h. Food Security Act of 1985

Public Law 99-198 [H.R. 2100], 99 Stat. 1354, approved December 23, 1985, as amended by Public Law 99-260 [Food Security Improvements Act of 1986; H.R. 1614]; 100 Stat. 45, approved March 20, 1986

AN ACT To extend and revise agricultural price support and related programs, to provide for agricultural export, resource conservation, farm credit, and agricultural research and related programs, to continue food assistance to low-income persons, to ensure consumers an abundance of food and fiber at reasonable prices, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * * * *

TITLE I—DAIRY

Subtitle A—Milk Price Support and Producer-Supported Dairy Program

Sec. 101. * * *
Sec. 102. * * *
Sec. 103. * * *

AVOIDANCE OF ADVERSE EFFECT OF MILK PRODUCTION TERMINATION PROGRAM ON BEEF, PORK, AND LAMB PRODUCERS

Sec. 104. To minimize the adverse effect of the milk production termination program on beef, pork, and lamb producers in the United States during the 18-month period for which such program is in effect under section 201(d) of the Agricultural Act of 1949 (7 U.S.C. 1446(d)), in such period—

(1) the Secretary of Agriculture shall use funds available for the purposes of clause (2) of section 32 of the Act entitled "An Act to amend the Agricultural Adjustment Act, and for other purposes" (7 U.S.C. 612c), approved August 14, 1935, including the contingency funds appropriated under such section 32, and other funds available to the Secretary under the commodity distribution and other nutrition programs of the Department of Agriculture, and including funds available through the Commodity Credit Corporation, to purchase and distribute 200,000,000 pounds of red meat in addition to those quantities normally purchased and distributed by the Secretary. Such purchases by the Secretary shall not reduce purchases of any other agricultural commodities under section 32;

(2) the Secretary of Agriculture shall use funds available through the Commodity Credit Corporation to purchase 200,000,000 pounds of red meat, in addition to those quantities normally purchased and distributed by the Secretary, and to make such meat available—

(A) to the Secretary of Defense, on a nonreimbursable basis, for use in commissaries on military installations located outside of the United States; or

(B) for export under the authority of any law in effect on or after the date of the enactment of this Act;

(3) the Secretary of Defense and other Federal agencies, to the maximum extent practicable, shall use increased quantities of red meat to meet the food needs of the programs that they administer, and State agencies are encouraged to cooperate in such effort; and

(4) the Secretary of Agriculture shall encourage the consumption of red meat by the public.

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TITLE XI—TRADE

Subtitle A—Public Law 480 and Use of Surplus Commodities in International Programs

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FACILITATION OF EXPORTS

Sec. 1106. It is the sense of Congress that the President should work with the People's Republic of China to facilitate the export of agricultural commodities to the People's Republic of China.

FARMER-TO-FARMER PROGRAM UNDER PUBLIC LAW 480

Sec. 1107. Notwithstanding any other provision of law, not less than one-tenth of 1 percent of the funds available for each of the fiscal years ending September 30, 1986, and September 30, 1987, to carry out the Agricultural Trade Development and Assistance Act of 1954 shall be used to carry out paragraphs (1) and (2) of section 406(a) of that Act. Any such funds used to carry out paragraph (2) of section 406(a) shall not constitute more than one-fourth of the funds used as provided by the first sentence of this subsection, shall be used for activities in direct support of the farmer-to-farmer program under paragraph (1) of section 406(a), and shall be administered whenever possible in conjunction with programs under sections 296 through 300 of the Foreign Assistance Act of 1961.

(b) Not later than 120 days after the date of enactment of this Act, the Administrator of the Agency for International Development, in conjunction with the Secretary of Agriculture, shall submit to Congress a report indicating the manner in which the Agency intends to implement the provisions of paragraphs (1) and (2) of section 406(a) of the Agricultural Trade Development and Assistance Act of 1954 with the funds made available under subsection (a).

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FOOD FOR PROGRESS

Sec. 1110. (a) This section may be cited as the "Food for Progress Act of 1985".

(b) In order to use the food resources of the United States more effectively in support of countries that have made commitments to introduce or expand free enterprise elements in their agricultural economies through changes in commodity pricing, marketing, input availability, distribution, and private sector involvement, the President is authorized to enter into agreements with developing countries to furnish commodities made available pursuant to subsections (e) and (f) of this section. Such agreements may provide for commodities to be furnished on a multiyear basis.

(c) As used in this section, the term "commodities" means agricultural commodities and the products thereof.

(d) In determining whether to enter into an agreement with countries under this section, the President shall consider whether a potential recipient country is committed to carry out, or is carrying out, policies that promote economic freedom, private, domestic production of food commodities for domestic consumption, and the creation and expansion of efficient domestic markets for the purchase and sale of such commodities. Such policies may provide for, among other things—

(1) access, on the part of farmers in the country, to private, competitive markets for their product;

(2) market pricing of commodities to foster adequate private sector incentives to individual farmers to produce food on a regular basis for the country's domestic needs;

(3) establishment of market-determined foreign exchange rates;

(4) timely availability of production inputs (such as seed, fertilizer, or pesticides) to farmers;

(5) access to technologies appropriate to the level of agricultural development in the country; and

(6) construction of facilities and distribution systems necessary to handle perishable products.

(e)(1) The Commodity Credit Corporation shall make available to the President such commodities determined to be available under section 401 of the Agricultural Trade Development and Assistance Act of 1954 as the President may request for purposes of furnishing commodities under this section.

(2) Notwithstanding any other provision of law, the Commodity Credit Corporation may use funds appropriated to carry out title I of the Agricultural Trade Development and Assistance Act of 1954 in carrying out this section with respect to commodities made available under that Act.

(3) The Commodity Credit Corporation may finance the sale and exportation of commodities, made available under the Agricultural Trade Development and Assistance Act of 1954, which are furnished to a developing country under this section. Payment by a developing country for commodities made available under that Act which are purchased on credit terms under this section shall be on the same basis as the terms provided in section 106 of that Act.

(4) In the case of commodities made available under the Agricultural Trade Development and Assistance Act of 1954 for purposes of this section, section 203 of that Act shall apply to commodities furnished on a grant basis to a developing country under this sec-

tion and section 401(b) of that Act shall apply to all commodities furnished to a developing country under this section.

(f)(1) Commodities made available under section 416(b) of the Agricultural Act of 1949 for use in carrying out this section shall be provided to developing countries on a grant basis.

(2) Not less than 75,000 metric tons shall be made available pursuant to section 416(b)(10)(C) of the Agricultural Act of 1949 to carry out this section unless the President determines there are an insufficient number of eligible recipients.

(3) In carrying out section 416(b) of the Agricultural Act of 1949, the Commodity Credit Corporation may purchase commodities for use under this section if—

(A) the Commodity Credit Corporation does not hold stocks of such commodities; or

(B) Commodity Credit Corporation stocks are insufficient to satisfy commitments made in agreements entered into under this section and such commodities are needed to fulfill such commitments.

(4) No funds of the Commodity Credit Corporation in excess of $30,000,000 (exclusive of the cost of commodities) may be used to carry out this section with respect to commodities made available under section 416(b) of the Agricultural Act of 1949 unless authorized in advance in appropriation Acts.

(5) The cost of commodities made available under section 416(b) of the Agricultural Act of 1949 which are furnished under this section, and the expenses incurred in connection with furnishing such commodities, shall be in addition to the level of assistance programmed under the Agricultural Trade Development and Assistance Act of 1954 and may not be considered expenditures for international affairs and finance.

(g) Not more than 500,000 metric tons of commodities may be furnished under this section in each of the fiscal years 1986 through 1990.

(h) An agreement entered into under this section shall prohibit the resale or transshipment of the commodities provided under the agreement to other countries.

(i) In entering into agreements under this section, the President shall take reasonable steps to avoid displacement of any sales of United States commodities that would otherwise be made to such countries.

(j) Within 90 days after the end of each fiscal year in which an agreement entered into with a country under this section is in effect, the President shall report to the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on the status of such agreement and the progress being made to implement private, free enterprise agricultural policies for long-term agricultural development in such country.

(k) This section shall be effective during the period beginning October 1, 1985, and ending September 30, 1990.

SALES FOR LOCAL CURRENCIES; PRIVATE ENTERPRISE PROMOTION

Sec. 1111. (a) * * *

(b) The Congress finds that additional steps should be taken to use the agricultural abundance produced by American farmers—

(1) to relieve hunger and promote long-term food security and economic development in developing countries in accordance with the development assistance policy established under section 102 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151-1); and

(2) to promote United States agricultural trade interests.

CHILD IMMUNIZATION

Sec. 1112. (a) * * *

(b) In the implementation of health programs undertaken in relation to assistance provided under the Agricultural Trade Development and Assistance Act of 1954, it shall be the goal of the organizations and agencies involved to provide as many additional immunizations of children as possible. Such increased immunization activities should be taken in coordination with similar efforts of other organizations and in keeping with any national plans for expanded programs of immunization. The President shall include information concerning such immunization activities in the annual reports required by section 634 of the Foreign Assistance Act of 1961, including a report on the estimated number of immunizations provided each year pursuant to this subsection.

SPECIAL ASSISTANT FOR AGRICULTURAL TRADE AND FOOD ASSISTANCE [1]

Sec. 1113. (a) The President shall appoint a Special Assistant to the President for Agricultural Trade and Food Assistance [1] (hereinafter in this section referred to as the "Special Assistant"). The President shall appoint the initial Special Assistant not later than May 1, 1986.[2]

(b) The Special Assistant shall serve in the Executive Office of the President.

(c) The Special Assistant shall—

(1) assist and advise the President in order to improve and enhance food assistance programs carried out in the United States and foreign countries;

(2) be available to receive suggestions and complaints concerning the implementation of United States food aid and agricultural export programs anywhere in the United States Government and provide prompt responses thereto, including expediting the program implementation in any instances in which there is unreasonable delay;

(3) make recommendations to the President on means to coordinate and streamline the manner in which food assistance programs are carried out by the Department of Agriculture and the Agency for International Development, in order to improve their overall effectiveness;

(4) make recommendations to the President on measures to be taken to increase use of United States agricultural commod-

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[1] The word "assistance" replaced the word "aid" as a result of Sec. 4(a) of Public Law 99-260, 100 Stat. 49.

[2] The last sentence of Sec. 1113(a) was added by Sec. 4(d) of Public Law 99-260, 100 Stat. 49.

ities and the products thereof through food assistance programs;

(5) advise the President on agricultural trade;

(6) advise the President on the Food for Progress Program and expedite its implementation;

(7) serve as a member of the Development Coordination Committee and the Food Aid Subcommittee of such Committee;

(8) advise departments and agencies of the Federal Government on their policy guidelines on basic issues of food assistance policy to the extent necessary to assure the coordination of food assistance programs, consistent with law, and with the advice of such Subcommittee; and

(9) submit a report to the President and Congress each year through 1990 containing—

(A) a global analysis of world food needs and production;

(B) an identification of at least 15 target countries which are most likely to emerge as growth markets for agricultural commodities in the next 5 to 10 years; and

(C) a detailed plan for using available export and food aid authorities to increase United States agricultural exports to those targeted countries.

(d)[3] The Special Assistant shall also—

(1) solicit information and advice from private and governmental sources and recommend a plan to the President and Congress on measures that should be taken—

(A) to promote the export of United States agricultural commodities and the products thereof; and

(B) to expand export markets for United States agricultural commodities and the products thereof;

(2) develop and recommend to the President national agricultural policies to foster and promote the United States agricultural industry and to maintain and increase strength of this vitally important sector of the United States economy; and

(3)(A) appraise the various programs and activities of the Federal Government, as they affect the United States agricultural industry, for the purpose of determining the extent to which such programs and activities are contributing or not contributing to such industry; and

(B) make recommendations to the President and Congress with respect to the effectiveness of such programs and activities in contributing to such industry.

(d)[3] Section 5312 of title 5, United States Code, is amended by adding at the end thereof the following new item:

"Special Assistant for Agricultural Trade and Food Aid."

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[3] Sec. 4(d) of Public Law 99-260, 100 Stat. 49 reads as follows:

(d) COMPENSATION FOR THE SPECIAL ASSISTANT.—Section 1113(d) of the Food Security Act of 1985 is amended to read as follows:

"(d) Compensation for the Special Assistant shall be fixed by the President at an annual rate of basic pay of not less than the rate applicable to positions in level III of the Executive Schedule.".

The changes were not incorporated into the above text as it does not appear to be fully certain where they go.

Subtitle B—Maintenance and Development of Export Markets

TRADE POLICY DECLARATION

Sec. 1121. (a) Congress finds that—

(1) the volume and value of United States agricultural exports have significantly declined in recent years as a result of unfair foreign competition and the high value of the dollar;

(2) this decline has been exacerbated by the lack of uniform and coherent objectives in United States agricultural trade policy and the absence of direction and coordination in trade policy formulation;

(3) agricultural interests have been under-represented in councils of government responsible for determining economic policy that has contributed to a strengthening of the United States dollar;

(4) foreign policy objectives of the United States have been introduced into the trade policy process in a manner injurious to the goal of maximizing United States economic interests through trade; and

(5) the achievement of that goal is in the best interests of the United States.

(b) It is hereby declared to be the agricultural trade policy of the United States to—

(1) provide through all means possible agricultural commodities and their products for export at competitive prices, with full assurance of quality and reliability of supply;

(2) support the principle of free trade and the promotion of fairer trade in agricultural commodities and their products;

(3) cooperate fully in all efforts to negotiate with foreign countries reductions in current barriers to fair trade;

(4) counter aggressively unfair foreign trade practices using all available means, including export restitution, export bonus programs, and, if necessary, restrictions on United States imports of foreign agricultural commodities and their products, as a means to encourage fairer trade;

(5) remove foreign policy constraints to maximize United States economic interests through agricultural trade; and

(6) provide for the consideration of United States agricultural trade interests in the design of national fiscal and monetary policy that may foster continued strength in the value of the dollar.

TRADE LIBERALIZATION

Sec. 1122. (a) Congress finds that—

(1) the present high level of agricultural protectionism contrasts sharply with the general trade liberalization that has been achieved since the inception of the General Agreements on Tariffs and Trade (hereinafter referred to as "GATT"); and

(2) GATT procedures should explicitly recognize the protective effect of domestic subsidies that alter trade indirectly by reducing the demand for imports and increasing the supply of exports.

(b) It is the sense of Congress that the President should negotiate with other parties to GATT to revise GATT rules and codes with the goal of reducing agricultural export subsidies, tariffs, and nontariff barriers to trade.

AGRICULTURAL TRADE CONSULTATIONS

Sec. 1123. (a) To improve the orderly marketing of United States agricultural commodities, to achieve higher income for United States producers of agricultural commodities, and to reduce the likelihood of an agricultural commodity price war and the need for export subsidy programs, the Secretary of Agriculture shall, in coordination with the United States Trade Representative, confer with representatives of other major agricultural producing countries and, at the earliest possible date, initiate and pursue agricultural trade consultations among major agricultural producing countries.

(b) It is the sense of Congress that the objectives of the consultations called for in subsection (a) should be to—

(1) increase the exchange of information on worldwide agricultural production, demand, and commodity supply levels;

(2) determine a more equitable sharing of responsibility for maintaining agricultural commodity reserves and managing supplies of agricultural commodities; and

(3) attain increased cooperation in restraining export subsidy programs.

(c) The Secretary of Agriculture shall report to Congress by July 1, 1986, and annually thereafter through fiscal year 1990, on the progress of efforts to initiate and pursue the consultations called for in subsection (a), including any agreements reached with respect to the objectives set forth in subsection (b).

TARGETED EXPORT ASSISTANCE

Sec. 1124. (a)[4] For export activities authorized to be carried out by the Secretary of Agriculture or the Commodity Credit Corporation, in addition to any funds or commodities otherwise required under this Act to be used for such activities—

(1) for each of the fiscal years ending September 30, 1986, through September 30, 1988, the Secretary shall use under this section not less $110,000,000 of funds of, or commodities owned by, the Corporation; and

(2) for each of the fiscal years ending September 30, 1989, and September 30, 1990, the Secretary shall use under this section not less than $325,000,000 of funds of, or commodities owned by, the Corporation.

(b)(1) Funds or commodities made available for use under this section shall be used by the Secretary only to counter or offset the adverse effect on the export of a United States agricultural commodity or the product thereof of a subsidy (as defined in paragraph (2)), import quotas, or other unfair trade practices of a foreign country.

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[4] Subsec. (a) was substantially revised and restated by sec. 5 of Public Law 99-260, 100 Stat. 49.

(2) As used in paragraph (1), the term subsidy includes an export subsidy, tax rebate on exports, financial assistance on preferential terms, financial assistance for operating losses, assumption of costs or expenses of production, processing, or distribution, a differential export tax or duty exemption, a domestic consumption quota, or other method of furnishing or ensuring the availability of raw materials at artificially low prices.

(c) The Secretary shall provide export assistance under this section on a priority basis in the case of—

(1) agricultural commodities and the products thereof with respect to which there has been a favorable decision under section 301 of the Trade Act of 1974 (19 U.S.C. 2411); or

(2) agricultural commodities and the products thereof for which exports have been adversely affected, as defined by the Secretary, by retaliatory actions related to a favorable decision under section 301 of the Trade Act (19 U.S.C. 2411).

SHORT-TERM EXPORT CREDIT

Sec. 1125. (a) In making available any guarantees of the repayment of credit extended on terms of up to 3 years in connection with the export sale of United States agricultural commodities or the products thereof, the Commodity Credit Corporation shall take into account—

(1) the credit needs of countries that are potential purchasers of United States agricultural exports;

(2) the creditworthiness of such countries; and

(3) whether the availability of Commodity Credit Corporation guarantees will improve the competitive position of United States agricultural exports in world markets.

(b) Effective for the fiscal year ending September 30, 1986 and each fiscal year thereafter through the fiscal year ending September 30, 1990, the Commodity Credit Corporation shall make available not less than $5,000,000,000 in credit guarantees under its export credit guarantee program for short-term credit extended to finance the export sale of United States agricultural commodities and the products thereof.

(c) Notwithstanding any other provision of law, the Secretary of Agriculture may not charge an origination fee with respect to any credit guarantee transaction under the Export Credit Guarantee Program (GSM-102) in excess of an amount equal to one percent of the credit extended under the transaction.

COOPERATOR MARKET DEVELOPMENT PROGRAM

Sec. 1126. (a) It is the sense of Congress that the cooperator market development program of the Foreign Agricultural Service should be continued to help develop new markets and expand and maintain existing markets for United States agricultural commodities, using nonprofit agricultural trade organizations to the maximum extent practicable.

(b) The cooperator market development program shall be exempt from the requirements of Circular A 110 issued by the Office of Management and Budget.

(c) * * *

DEVELOPMENT AND EXPANSION OF MARKETS FOR UNITED STATES AGRICULTURAL COMMODITIES

Sec. 1127. (a)(1) Notwithstanding any other provisions of law, the Secretary of Agriculture (hereafter in this section referred to as the "Secretary") shall formulate and carry out a program under which agricultural commodities and the products thereof acquired by the Commodity Credit Corporation are provided to United States exporters, users, and processors and foreign purchasers at no cost to encourage the development, maintenance, and expansion of export markets for United States agricultural commodities and the products thereof, including value-added or high-value agricultural products produced in the United States.

(2)(A) The term "agricultural commodities", as used in this section in referring to United States agricultural commodities, includes, but is not limited to—

(i) wheat, feed grains, upland cotton, rice, soybeans, and dairy products produced in the United States;

(ii) any other agricultural commodity produced in the United States that is determined by the Secretary of Agriculture to be in surplus supply and that can be purchased with funds available under section 32 of the Act entitled "An Act to amend the Agricultural Adjustment Act, and for other purposes", approved August 24, 1935; and

(iii) products of the commodities and products described in clauses (i) and (ii) that are process in the United States.

(B) United States agricultural commodities, as described in clause (ii) of subparagraph (A), may not be purchased with funds available under section 32 of the Act entitled "An Act to amend the Agricultural Adjustment Act, and for other purposes", approved August 24, 1935, for the sole purpose of use under the program under this section; and such commodities, or products thereof, may not be furnished to a United States user, exporter, processor, or foreign purchaser under the program under this section except by mutual agreement of such user, exporter, processor, or purchaser and the Secretary.

(3) In carrying out paragraph (a), the Secretary may provide such commodities in order to make United States commodities more competitive and shall, to the extent necessary, provide such commodities and products—

(A) to counter or offset—

(i) the adverse effect on the export of a United States agricultural commodity or the product thereof of a subsidy (as defined in paragraph (4)) or other unfair trade practice of a foreign country that directly or indirectly benefits producers, processors, or exporters of agricultural commodities in such foreign country;

(ii) the adverse effects of United States agricultural price support levels that are temporarily above the export prices offered by overseas competitors in export markets; or

(iii) fluctuations in the exchange rate of the United States dollar against other major currencies; and

(B) in conjunction with an intermediate export credit program conducted by the Commodity Credit Corporation—

(i) for the export sale of breeding animals (including, but not limited to, cattle, swine, sheep, and poultry), including the cost of freight from the United States to designated points of entry in other nations; and

(ii) for the establishment of facilities in the importing nation to improve handling, marketing, processing, storage, or distribution of imported agricultural commodities (through the use of local currency generated from the import and sale of United States agricultural commodities or the products thereof to finance all or part of such facilities).

(4) As used in paragraph (3)(A)(i), the term "subsidy" includes an export subsidy, tax rebate on exports, financial assistance on preferential terms, financial assistance for operating losses, assumption of costs or expenses of production, processing, or distribution, a differential export tax or duty exemption, a domestic consumption quota, or other method of furnishing or ensuring the availability of raw materials at artificially low prices.

(b) In carrying out the program established by this section, the Secretary of Agriculture—

(1) shall take such action as may be necessary to ensure that the program provides equal treatment to domestic and foreign purchasers and users of United States agricultural commodities and the products thereof in any case in which the importation of a manufactured product made, in whole or in part, from a commodity or the product thereof made available for export under this section would place domestic users of the commodity or the product thereof at a competitive disadvantage;

(2) shall, to the extent that agricultural commodities and the products thereof are to be provided to foreign purchasers during any fiscal year, consider for participation all interested foreign purchasers, giving priority to those who have traditionally purchased United States agricultural commodities and the products thereof and who continue to purchase such commodities and the products thereof on an annual basis in quantities greater than the level of purchases in a previous representative period;

(3) shall encourage increased use and avoid displacing usual marketings of United States agricultural commodities and the products thereof;

(4) shall take reasonable precautions to prevent the resale or transshipment to other countries, or use for other than domestic use in the importing country, of agricultural commodities or the products thereof the export of which is assisted under this section; and

(5) may provide to a United States exporter, user, processor, or foreign purchaser, under the program, agricultural commodities of a kind different than the agricultural commodity involved in the transaction for which assistance under this section is being provided.

(c)(1) If a country does not meet the financial qualifications for export credit or credit guarantees provided by the Commodity Credit Corporation, the Secretary may provide to such country agricultural commodities and the products thereof acquired by the Corporation to the extent necessary to reduce the cost to such country of purchasing United States agricultural commodities and to allow such country to meet such qualifications.

(2) The Secretary shall review and adjust annually the quantity of commodities provided to a country under paragraph (1) in order to encourage such country to place greater reliance on increased use of commercial trade to meet the qualifications referred to in paragraph (1).

(d)(1) In carrying out this section, the Secretary may make green dollar export certificates available to commercial exporters of United States agricultural commodities and the products thereof.

(2) The Secretary shall make such certificates available under such terms and conditions as the Secretary determines appropriate.

(3) The amounts of such certificates to be made available to an exporter may be determined—

(A) on the basis of competitive bids submitted by exporters; or

(B) by announcement of the Secretary.

(4)(A) An exporter may redeem a green dollar export certificate for commodities owned by the Commodity Credit Corporation.

(B) For purposes of redeeming such certificates, the Secretary may establish values for such commodities that are different than the acquisition prices of such commodities.

(5) Such certificates—

(A) may be transferred among commercial exporters of United States agricultural commodities; and

(B) shall be redeemed within 6 months after the date of issuance.

(e) The Secretary of Agriculture shall carry out the program established by this section through the Commodity Credit Corporation.

(f) Any price restrictions that otherwise may be applicable to dispositions of agricultural commodities owned by the Commodity Credit Corporation shall not apply to agricultural commodities provided under this section.

(g) The program established under this section shall be in addition to, and not in place of, any authority granted to the Secretary of Agriculture or the Commodity Credit Corporation under any other provision of law.

(h) The authority provided under this section shall terminate on September 30, 1990.

(i)[5] During the period beginning October 1, 1985, and ending September 30, 1988, the Secretary shall use agricultural commodities and the products thereof referred to in subsection (a) to carry out this section, except that the value of the commodities and products may not be less than $1,000,000,000, no more than $1,500,000,000. To the maximum extent practicable, such commodities shall be used in equal amounts during each of the years in such period.

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[5] Subsec. (i) was substantially revised and amended by sec. 6 of Public Law 99-260, 100 Stat. 50.

POULTRY, BEEF AND PORK MEATS AND MEAT-FOOD PRODUCTS, EQUITABLE TREATMENT

Sec. 1128. In the case of any program operated by the Secretary of Agriculture during the years 1986 through 1989, for the purpose of encouraging or enhancing commercial sales in foreign export markets of agricultural products or commodities produced in the United States, which program includes the payment of a bonus or incentive (in cash, commodities, or other benefits) provided to the purchaser, the Secretary shall seek to expend annually at least 15 per centum of the total funds available (or 15 per centum of the value of any commodities employed to encourage such sales) for program activities to likewise encourage and enhance the export sales of poultry, beef or pork meat and meat products.

PILOT BARTER PROGRAM FOR EXCHANGE OF AGRICULTURAL COMMODITIES FOR STRATEGIC MATERIALS

Sec. 1129. Section 416 of the Agricultural Act of 1949 is amended by adding at the end thereof the following:

"(d)(1) The Secretary shall establish and carry out a pilot program under which strategic or other materials that the United States does not produce domestically in amounts sufficient for its requirements and for which national stockpile or reserve goals established by law are unmet shall be acquired in exchange for commodities meeting the criteria specified in subsection (a).

"(2) The program established under paragraph (1) shall be carried out through agreements with at least two countries.

"(3) In establishing the pilot program under paragraph (2), the Secretary shall give priority to—

"(A) the acquisition of materials that involve less risk of loss through deterioration and have lower storage costs than the agricultural commodities or products for which they are exchanged; and

"(B) nations with food and currency reserve shortages.

"(4) To the extent practical, the Secretary shall use private channels of commerce to consummate any exchange of commodities for materials under the program.

"(5) Any materials acquired under the programs shall be held by the Commodity Credit Corporation and may be transferred, on a reimbursable basis, to any Department or agency of the United States that has responsibility for any reserve or other need for the material. Any material acquired, in excess of any required reserve, may be sold by the Corporation to the extent authorized by the Secretary taking into consideration any effect that such sale may have on the commercial market of such material.

"(6) The program established by the Secretary shall be carried out during the fiscal years ending September 30, 1986, and September 30, 1987, and the Secretary shall submit a report to Congress, not later than 60 days after the end of each such fiscal year with respect to the operation of the program.".

* * * * * * *

AGRICULTURAL ATTACHÉ REPORTS

Sec. 1132. (a) The Secretary of Agriculture shall require appropriate officers and employees of the Department of Agriculture, including those stationed in foreign countries, to prepare and submit annually to the Secretary detailed reports that—

(1) document the nature and extent of—

(A) programs in such countries that provide direct or indirect government support for the export of agricultural commodities and the products thereof; and

(B) other trade practices that may impede the entry of United States agricultural commodities and the products thereof into such countries; and

(2) identify opportunities for the export of United States agricultural commodities and the products thereof to such countries.

(b) The Secretary shall annually compile the information contained in such reports and make such information available to Congress, the Agricultural Policy Advisory Committee and the agricultural technical advisory committees established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155), and other interested parties.

(c) The United States Trade Representative shall—

(1) review the reports prepared under subsection (a) and any other information available to identify export subsidies or other export enhancing techniques (within the meaning of the agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade);

(2) identify markets (in order of priority) in which United States export subsidies can be used most efficiently and will have the greatest impact in offsetting the benefits of foreign export subsidies that—

(A) harm United States exports,

(B) are inconsistent with the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade,

(C) nullify or impair benefits accruing to the United States under international agreements, or

(D) cause serious prejudice to the interests of the United States and

(3) submit to the Congress and to the Secretary of Agriculture an annual report on—

(A) the existence and status of export subsidies and other export enhancing techniques that are the subject of the investigation conducted under paragraph (1), and

(B) the identification and assignment of priority to markets under paragraph (2).

(d) The Secretary and the United States Trade Representative shall convene a meeting, at least once a year, of the Agricultural Policy Advisory Committee and the agricultural technical advisory committees to develop specific recommendations for actions to be taken by the Federal Government and private industry to—

(1) reduce or eliminate trade barriers or distortions identified in the annual reports required to be submitted under subsections (a) and (c); and

(2) expand United States agricultural export opportunities identified in such annual reports.

CONTRACT SANCTITY AND PRODUCER EMBARGO PROTECTION

Sec. 1133. (a) It is hereby declared to be the policy of the United States—

(1) to foster and encourage the export of agricultural commodities and the products of such commodities;

(2) not to restrict or limit the export of such commodities and products except under the most compelling circumstances;

(3) that any prohibition or limitation on the export of such commodities or products should be imposed only in time of a national emergency declared by the President under the Export Administration Act; and

(4) that contracts for the export of such commodities or products entered into before the imposition of any prohibition or limitation on the export of such commodities or products should not be abrogated.

STUDY TO REDUCE FOREIGN EXCHANGE RISK

Sec. 1134. (a) The Secretary of Agriculture shall conduct a study to determine the feasibility, practicability and cost of implementing a program to reduce the risk of foreign exchange fluctuations that is incurred by the purchasers of United States agricultural exports under United States export credit promotion programs. The purpose of the study is to examine whether the GSM-102 program and all other United States export credit initiatives relating to agricultural exports would be enhanced by the United States assuming the foreign exchange risk of the buyer which resulted from a rise in the value of the United States dollar compared to the trade-weighted index of the dollar. The index referred to is the "trade-weighted index" published by the Department of Commerce as a measurement of the relative buying power of the dollar compared to the currencies of nations trading with the United States. The elements of the program to be considered in this study would include the following:

(1) On the date a foreign buyer receives GSM-102 or other credit for purposes of purchasing United States agricultural products, the maximum loan repayment exchange rate would be tied to the trade-weighted value of the United States dollar on the same date.

(2) If in the future the United States dollar gains in strength (a higher trade-weighted index), the buyer would continue to repay the loan at the lower value fixed at the time the GSM-102 credit was extended.

(3) If the United States dollar falls in value during the term of the repayment period, the foreign buyer could calculate his repayment on the lower dollar value.

(b) Not later than six months after the enactment of this Act, the Secretary shall report the results of such study to the Committee on Agriculture of the House of Representatives and to the Committee on Agriculture, Nutrition, and Forestry of the Senate.

Subtitle C—Export Transportation of Agricultural Commodities

FINDINGS AND DECLARATIONS

Sec. 1141. (a) The Congress finds and declares—

(1) that a productive and healthy agricultural industry and a strong and active United States maritime industry are vitally important to the economic well-being and national security objectives of our Nation;

(2) that both industries must compete in international markets increasingly dominated by foreign trade barriers and the subsidization practices of foreign governments; and

(3) that increased agricultural exports and the utilization of United States merchant vessels contribute positively to the United States balance of trade and generate employment opportunities in the United States.

(b) It is therefore declared to be the purpose and policy of the Congress in this subtitle—

(1) to enable the Department of Agriculture to plan its export programs effectively, by clarifying the ocean transportation requirements applicable to such programs;

(2) to take immediate and positive steps to promote the growth of the cargo carrying capacity of the United States merchant marine;

(3) to expand international trade in United States agricultural commodities and products and to develop, maintain, and expand markets for United States agricultural exports;

(4) to improve the efficiency of administration of both the commodity purchasing and selling and the ocean transportation activities associated with export programs sponsored by the Department of Agriculture;

(5) to stimulate and promote both the agricultural and maritime industries of the United States and encourage cooperative efforts by both industries to address their common problems; and

(6) to provide in the Merchant Marine Act, 1936, for the appropriate disposition of these findings and purposes.

EFFECT ON OTHER LAWS

Sec. 1143. This subtitle shall not be construed as modifying in any manner the provisions of section 4(b)(8) of the Food for Peace Act of 1966 (7 U.S.C. 1707a(b)(8)) or chapter 5 of title 5, United States Code.

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Subtitle E—Trade Practices

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ASSESSMENT OF EXPORT DISPLACEMENT

Sec. 1162. (a) The Secretary of Agriculture shall assess each program, project, or activity administered by the Secretary or the Department of Agriculture that—

(1) provides assistance for establishing, expanding, or facilitating the production, marketing, or use of any agricultural commodity in a foreign country; and

(2) the Secretary determines is likely to have a detrimental impact on efforts to promote the export of United States agricultural commodities;

in order to determine if such program, project, or activity is likely to have such a detrimental impact.

(b) The Secretary shall provide the results of the assessment required under subsection (a)—

(1) in the case of current programs, projects, or activities, in a report made to the Congress not later than one year from the date of enactment of this section; and

(2) in the case of programs, projects, or activities undertaken after the date of enactment of this section, on a regular basis.

EXPORT SALES OF DAIRY PRODUCTS

Sec. 1163. (a) In each of the fiscal years ending September 30, 1986, September 30, 1987, and September 30, 1988, the Secretary of Agriculture shall sell for export, at such prices as the Secretary determines appropriate, not less than 150,000 metric tons of dairy products owned by the Commodity Credit Corporation, of which not less than 100,000 metric tons shall be butter and not less than 20,000 metric tons shall be cheese, if that disposition of such commodities will not interfere with the usual marketings of the United States nor disrupt world prices of agricultural commodities and normal patterns of commercial trade.

(b) Such sales shall be made through the Commodity Credit Corporation under existing authority available to the Secretary or the Commodity Credit Corporation.

(c) Through September 30, 1988, the Secretary shall report semiannually to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on the volume of sales made under this section.

UNFAIR TRADE PRACTICES

Sec. 1164. The Congress finds that—

(1) United States producers and processors of citrus, wheat flour, poultry, canned fruits, and raisins have filed petitions under section 302 of the Trade Act of 1974 alleging that the subsidies and discriminatory tariffs of the European Communities are inconsistent with the principles and terms of the General Agreement on Tariffs and Trade (hereafter referred to in this section as the "GATT") and have placed United States exporters at a competitive disadvantage;

(2) throughout the past decade, the European Communities has repeatedly rebuffed extensive United States efforts to resolve these matters through bilateral consultations and multi-

lateral negotiations, as well as through consultations under the provisions of the GATT;

(3) after many years of frustrated discussions, the United States had no choice but to invoke the dispute settlement procedures of the GATT as the only remaining means of seeking redress for American producers and processors;

(4) investigatory panels, established by the GATT to review United States complaints with respect to citrus, canned fruits, and raisins, concluded that European Communities subsidies and discriminatory tariffs had nullified and impaired rights of United States exporters and were in violation of the GATT and recommended that the European Communities take necessary steps to rectify the matters;

(5) the European Communities has effectively and repeatedly prevented adoption by the GATT of each of these reports, most recently, the favorable report involving the 15-year-old citrus complaint;

(6) on May 1, 1985, the President concluded that the GATT dispute settlement process with respect to the citrus complaint was terminated and, pursuant to section 301 of the Trade Act of 1974, the President had to consider a subsequent course of action to redress the injury to United States citrus exporters;

(7) on June 20, 1985, the President announced that a reasonable and appropriate course of acton in response to the unwillingness of the European Communities to implement the unanimous finding of the GATT panel or to negotiate a mutually acceptable resolution of the citrus complaint is to withdraw an equivalent amount of concessions from imported European Communities pasta products and, in response, the European Communities notified the United States that the European Communities would retaliate by increasing the European Communities duties on United States lemon and walnut imports;

(8) on July 19, 1985, the United States and the European Communities agreed to suspend until October 31, 1985, the tariff increases, in order to provide the European Communities with additional time to resolve the citrus complaint; and

(9) despite this suspension, the European Communities has failed to present to the United States an acceptable proposal to resolve the citrus complaint, and effective November 1, 1985, the United States reinstated the pasta tariff increase, and in turn, the European Communities reinstated the lemon and walnut tariff increase.

(b) The President shall take all appropriate and feasible action within the power of the Presidency (including, but not limited to, the actions described in section 301 of the Trade Act of 1974 (19 U.S.C. 2411)) to—

(1) ensure a prompt and satisfactory resolution of all complaints regarding subsidies and discriminatory tariffs of the European Communities which—

(A) are set forth in petitions filed under section 302 of the Trade Act of 1974 by United States exporters of citrus, wheat flour, poultry, canned fruits, and raisins, and

(B) are pending before the GATT on the date of enactment of this Act; and

(2) balance the level of concessions in the trade between the United States and the European Communities.

THAI RICE

Sec. 1165. (a) Congress finds that—

(1) Rice ranks 9th among major domestic field crops in value of production;

(2) Rice accounts for about 5 percent of the value of major field crops produced in the United States;

(3) The value of domestic rice production annually is over $1,500,000,000;

(4) Ending stocks for rice have sharply increased since 1980;

(5) The projected 1985–1986 carryover of rice as a percentage of annual use is 62 percent;

(6) Between 1980 and 1983, rice stocks rose and prices fell, pushing rice program costs from less than one-tenth to over nine-tenths of the value of United States rice production;

(7) Over the last several years, percentage of world rice exports from the United States has fallen from a high of 25 percent to 18 percent in 1985;

(8) In the last several years, Thailand has become the largest rice exporter in the world, accounting for 30 percent of the world market;

(9) Thai rice imports into the United States have displaced normal sales of United States rice and have increased Government costs;

(10) In 1983, the United States imported 33.2 million pounds of rice from Thailand, in 1984 the United States imported 51.3 million pounds of rice (an increase of 53 percent), and in the first six months of 1985, rice imports from Thailand to the United States have already reached 58.3 million pounds; and

(11) A petition has been filed with the Department of Commerce asking that countervailing duties be imposed upon imports of Thai rice into the United States.

(b) Based upon these findings, it is the sense of Congress that—

(1) our domestic rice industry is of vital importance and must be protected from unfair foreign competition; and

(2) the Secretary of Commerce should give immediate consideration to the countervailing duty petition referred to in subsection (a)(11).

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BARTER OF AGRICULTURAL COMMODITIES FOR STRATEGIC AND CRITICAL MATERIALS

Sec. 1167. (a) Congress finds that—

(1) the Commodity Credit Corporation, the General Services Administration, and the Department of Agriculture have authority to barter or exchange agricultural commodities for strategic and critical materials for the national defense stockpile;

(2) from 1950 to 1973, the Department of Agriculture conducted a highly successful barter program using agricultural commodities to acquire strategic and critical materials;

(3) private commercial firms in the United States have entered into effective barter agreements with foreign governments or private parties in foreign countries to barter or exchange commodities and services to supplement customary commercial transactions in international markets;

(4) barter can be an effective secondary method of reducing excess supplies of agricultural commodities and adding needed strategic and critical materials to the national defense stockpile;

(5) barter can be used to help overcome certain currency exchange and balance-of-trade problems and to develop new markets for United States agricultural products;

(6) barter can be used to promote United States foreign policy interests; and

(7) several nations are potential partners in a revival of a coherent and well-managed government barter program.

(b) Section 4(h) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b(h)) is amended—

(1) in the fourth sentence—

(A) by striking out "is authorized," and inserting in lieu thereof "shall, to the maximum extent practicable, in consultation with the Secretary of State, and"; and

(B) by striking out "to";

(2) in the fifth sentence, by striking out "normal commercial trade channels shall be utilized and priority shall be given" and inserting in lieu thereof "the Secretary shall: (1) use normal commercial trade channels; (2) take action to avoid displacing usual marketings of United States agricultural commodities and the products thereof; (3) take reasonable precautions to prevent the resale or transshipment to other countries, or use for other than domestic use in the importing country, of agricultural commodities used for such exchange; and (4) give priority";

(3) by inserting after the fifth sentence the following new sentence: "The Corporation may solicit bids from and utilize, private trading firms to elect such exchange of goods.";

(4) in the eighth sentence (as amended by clause (3)), by striking out "when" and inserting in lieu thereof "in the same fiscal year such materials are"; and

(5) by inserting after the eighth sentence (as amended by clause (3)) the following new sentence: "If the volume of petroleum products (including crude oil) stored in the Strategic Petroleum Reserve is less than the level prescribed under section 154 of the Energy Policy and Conservation Act (42 U.S.C. 6234), the Corporation shall, to the maximum extent practicable and with the approval of the Secretary of Agriculture, make available annually to the Secretary of Energy, upon the request of the Secretary of Energy, a quantity of agricultural products owned by the Corporation with a market value at the time of such request of at least $300,000,000 for use by the Secretary of Energy in acquiring petroleum products (including crude oil)

produced abroad for placement in the Strategic Petroleum Reserve through an exchange of such agricultural products. The terms and conditions of each such exchange, including provisions for full reimbursement to the Commodity Credit Corporation, shall be determined by the Secretary of Energy and the Secretary of Agriculture.".

(c) * * *

(d)(1) The Secretary of Agriculture shall encourage United States exporters of agricultural commodities and the products thereof to barter such commodities and products for foreign products needed by such exporters.

(2) The Secretary shall provide technical advice and assistance relating to the barter of agricultural commodities and the products thereof to any United States exporter who requests such advice or assistance.

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TITLE XIV—AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING

Subtitle A—General Provisions

Sec. 1401. * * *

Sec. 1402. Section 1402 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101)[6] is amended by—

(1) * * *

(2) in paragraph (10)

(A) * * *

(B) redesignating subparagraphs (B), (C), (D), (E), (F), and (G) as subparagraphs (C), (D), (F), (G), (H), and (I), respectively;

(C) * * *

(D) * * *

(E) * * *

(F) * * *

(G) striking out subparagraph (I) (as redesignated by subparagraph (B)) and inserting in lieu thereof the following new subparagraph:

"(I) INTERNATIONAL FOOD AND AGRICULTURE.—United States agricultural production has proven its ability to produce abundant quantities of food for an expanding world population. Despite rising expectation for improved diets in the world today, there are instances of drought, civil unrest, economic crisis, or other conditions that preclude the local production or distribution of food. There are instances where localized problems impede the ability of farmers to produce needed food products. It is also recognized that many nations have progressive and effective agricultural research programs that produce results of interest and applicability to United States agriculture. The exchange of knowledge and information between nations is essential to the well-being of all nations. A dedicated effort involving the Federal Government, the State cooperative institutions, and other colleges and universities is needed to expand international food and agricultural research, extension, and teaching programs. Improved cooperation and communication by the Department of Agriculture and the cooperators with international agricultural research centers, counterpart agencies, and universities in other nations are necessary to improve food and agricultural progress throughout the world.";

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[6] This section of the Act deals with Congressional findings.

(3) * * *

(4) * * *

DEFINITIONS

Sec. 1403. Section 1404(8) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(8)) [7] is amended by—

(1) * * *

(2) * * *

(3) adding at the end thereof the following new subparagraph:

> "(J) international food and agricultural issues, such as agricultural development, development of institutions, germ plasm collection and preservation, information exchange and storage, and scientific exchanges;".

* * * * * * *

INTERNATIONAL AGRICULTURAL RESEARCH AND EXTENSION

Sec. 1418. Section 1458(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3291(a)) [8] is amended by—

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[7] This section of the Act defines the term "food and agricultural sciences" as including but not limited to, activities relating to those listed in subpara (J).

[8] Prior to this amendment, Sec. 3291(a) read as follows:

SUBCHAPTER VIII—INTERNATIONAL AGRICULTURAL RESEARCH AND EXTENSION

§ 3291. Authorized activities

(a) Activities coordinated with other Federal officals, departments, and agencies

The Secretary, subject to such coordination with other Federal officals, departments, and agencies as the President may direct, is authorized to—

(1) expand the operational coordination of the Department of Agriculture with institutions and other persons throughout the world performing agricultural and related research and extension activities by exchanging research materials and results with such institutions or persons and by conducting with such institutions or persons joint or coordinated research and extension on problems of significance to food and agriculture in the United States;

(2) assist the Agency for International Development with food, agricultural, research and extension programs in developing countries;

(3) work with developed and transitional countries on food, agricultural and related research and extension, including the training of persons from such countries engaged in such activities and the stationing of scientists at naitonal and international institutions in such countries;

(4) assist United States colleges and universities in strengthening their capabilities for food, agricultural, and related research and extension relevant to agricultural development activities in other countries; and

Continued

(1) in paragraph (3) striking out "the training of" and inserting in lieu thereof "providing technical assistance, training, and advice to"; and

(2) in paragraph (4), inserting "through the development of highly qualified scientists with specialization in international development" after "countries".

* * * * * * *

AGRICULTURAL INFORMATION EXCHANGE WITH IRELAND

Sec. 1420. (a) The Secretary of Agriculture shall undertake discussions with representatives of the Government of Ireland that may lead to an agreement that will provide for the development of a program between the United States and Ireland whereby there will be—

(1) a greater exchange of—

(A) agricultural scientific and educational information, techniques, and data;

(B) agricultural marketing information, techniques, and data; and

(C) agricultural producer, student, teacher, agribusiness (private and cooperative) personnel; and

(2) the fostering of joint investment ventures, cooperative research, and the expansion of United States trade with Ireland.

(b) The Secretary shall periodically report to the Chairman of the Committee on Agriculture of the House of Representatives and the Chairman of the Committee on Agriculture, Nutrition, and Forestry of the Senate to keep such Committees apprised of the progress and accomplishments, and such other information as the Secretary considers appropriate, with regard to the development of such program.

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(5) further develp within the Department of Agriculture highly qualified and experienced scientists who specialize in international programs, to be available for the activities described in this section.

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(2) assist the Agency for International Development with food, agricultural, research and extension programs in developing countries;

(3) work with developed and transitional countries on food, agricultural and related research and extension, including the training of persons from such countries engaged in such activities and the stationing of scientists at national and international institutions in such countries;

(4) assist United States colleges and universities in strengthening their capabilities for food, agricultural, and related research and extension relevant to agricultural development activities in other countries; and

(5) further develop within the Department of Agriculture highly qualified and experienced scientists who specialize in international programs, to be available for the activities described in this section.

i. World Food Day—Proclamation

Public Law 99-288 [S.J. Res. 296], approved May 1, 1986

JOINT RESOLUTION To designate October 16, 1986, as "World Food Day".

Whereas hunger and malnutrition remain daily facts of life, for hundreds of millions of people throughout the world;

Whereas the children of the world suffer the most serious effects of hunger and malnutrition, with millions of children dying each year from hunger-related illness and disease, and many others suffering permanent physical or mental impairment because of vitamin or protein deficiencies;

Whereas the United States and the American people have a long tradition of demonstrating humanitarian concern for the hungry and malnourished, recently manifested in their response to African famine;

Whereas the United States, as the world's largest producer and trader of food, has a key role to play in assisting countries and people to improve their ability to feed themselves;

Whereas efforts to resolve the world hunger problem are critical to the maintenance of world peace and, therefore, to the security of the United States;

Whereas although progress has been made in reducing the incidence of hunger and malnutrition in the United States, certain groups, notably Native Americans, migrant workers, the elderly, and children, remain vulnerable to malnutrition and related diseases;

Whereas there is growing recognition that improved agricultural policies, including farmer incentives, are necessary in many developing countries to increase food production and economic growth;

Whereas United States has always supported the principle that the health of the nation depends on a strong agriculture based on private enterprise and the primacy of the independent family farmer;

Whereas national policies concerning food, farmland, and nutrition require continuing evaluation and should consider and strive for the well-being and protection of all residents of the United States and particularly those most at health risk;

Whereas there is widespread concern that the use and conservation of natural resources required for food production throughout the United States ensure care for the national patrimony we bequeath to future generations;

Whereas Congress is acutely aware of the paradox of immense farm surpluses and rising farm foreclosures in the United States despite the desperate need for food by hundreds of millions of people throughout the world;

Whereas participation by the private voluntary and business sectors, working with national governments and the international community, is essential to the search for solutions to food and hunger problems;

Whereas the member nations of the Food and Agriculture Organization of the United Nations unanimously designated October 16 of each year as World Food Day because of the need to increase public awareness of world hunger problems;

Whereas past observances of World Food Day have been supported by proclamations by the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States, by resolution of Congress, by Presidential proclamations, by programs of the United States Department of Agriculture and other Government departments and agencies, and by the governments and peoples of many other nations; and

Whereas more than three hundred and fifty private and voluntary organizations and many thousands of community leaders are participating in the planning of World Food Day observances for 1986: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 16, 1986, is hereby designated as "World Food Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate programs and activities.

Approved May 1, 1986.

j. Agriculture and Related Agencies Appropriations for Fiscal Year 1987

Public Law 99-591 [Sec. 101(a) of the Continuing Appropriations Act, Fiscal Year 1987. H.J. Res. 738], 100 Stat. 3341, Approved October 30, 1986

JOINT RESOLUTION Making continuing appropriations for the fiscal year 1987, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1987, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary for programs, projects or activities provided for in the Agriculture, Rural Development, and Related Agencies Appropriations Act, 1987, at a rate of operations and to the extent and in the manner provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

AN ACT

Making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1987, and for other purposes.

* * * * * * *

TITLE IV—INTERNATIONAL PROGRAMS

FOREIGN AGRICULTURAL SERVICE

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954, as amended (7 U.S.C. 1761–1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $110,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $81,109,000: *Provided,* That not less than $255,000 of this appropriation shall be available to obtain statistics and related facts on foreign production and full and complete information on methods used by other countries to move farm commodities in world trade on a competitive basis.

PUBLIC LAW 480

(INCLUDING TRANSFER OF FUNDS)

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1691, 1701–1715, 1721–1726, 1727–1727f, 1731–1736g), as follows: (1) financing the sale of agricultural commodities for convertible foreign currencies and for dollars on credit terms pursuant to titles I and III of said Act, or for convertible foreign currency for use under 7 U.S.C. 1708, and for furnishing commodities to carry out the Food for Progress Act of 1985, not more than $834,727,000, of which $454,727,000 is hereby appropriated and the balance derived from proceeds from sales of foreign currencies and dollar loan repayments, repayments on long-term credit sales and carryover balances, and (2) commodities supplied in connection with dispositions abroad, pursuant to title II of said Act, not more than $628,344,000, of which $628,344,000 is hereby appropriated: *Provided,* That not to exceed 15 per centum of the funds made available to carry out any title of this paragraph may be used to carry out any other title of this paragraph.

OFFICE OF INTERNATIONAL COOPERATION AND DEVELOPMENT

For necessary expenses of the Office of International Cooperation and Development to coordinate, plan, and direct activities involving international development, technical assistance and training, and international scientific and technical cooperation in the Department of Agriculture, including those authorized by the Food and Agriculture Act of 1977 (7 U.S.C. 3291), $5,035,000; and the Office may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1736) and the foreign assistance programs of the International Development Cooperation Administration (22 U.S.C. 2392).

SCIENTIFIC ACTIVITIES OVERSEAS

(FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies owed to or owned by the United States for market development research authorized by section 104(b)(1) and for agricultural and forestry research and other functions related thereto authorized by section 104(b)(3) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(b)(1), (3)), $2,500,000: *Provided,* That this appropriation shall be available, in addition to other appropriations for these purposes, for payments in the foregoing currencies: *Provided further,* That funds appropriated herein shall be used for payments in such foreign currencies as the Department determines are needed and can be used most effectively to carry out the purposes of this paragraph: *Provided further,* That not to exceed $25,000 of this appropriation shall be available for payments in foreign currencies for expenses of employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), as amended by 5 U.S.C. 3109.

* * * * * * *

TITLE VI—GENERAL PROVISIONS

* * * * * * *

SEC. 620. During fiscal year 1987, notwithstanding any other provision of law, no funds may be paid out of the Treasury of the United States or out of any fund of a Government corporation to any private individual or corporation in satisfaction of any assurance agreement or payment guarantee or other form of loan guarantee entered into by any agency or corporation of the United States Government with respect to loans made and credits extended to the Polish People's Republic, unless the Polish People's Republic has been declared to be in default of its debt to such individual or corporation or unless the President has provided a monthly written report to the Speaker of the House of Representatives and the President of the Senate explaining the manner in which the national interest of the United States has been served by any payments during the previous month under loan guarantee or credit assurance agreement with respect to loans made or credits extended to the Polish People's Republic in the absence of a declaration of default.[1]

* * * * * * *

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[1] By Executive Order 12453; Dec. 23, 1983, 48 F.R. 57101, the President delegated the functions vested in him by sec. 619 of this Act to the Secretary of State. The President also delegated any other function vested in him by any other legislation requiring the submission of periodic reports to Congress as a condition for the payment of U.S. funds in satisfaction of guarantees or assurances given by the U.S. with respect to loans made and credits extended to Poland, to the Secretary of State. Furthermore, the President directed the Secretary of State to confer with the Secretary of Agriculture and the heads of other interested Executive departments and agencies prior to making any determinations or providing reports referred to above.

k. Urgent Supplemental Appropriations, 1985—Africa Famine Relief

Public Law 99-10 [H.R. 1239]; 99 Stat. 27, approved April 4, 1985 as amended by Public Law 99-260 [Food Security Improvements Act of 1986; HR 1614]; 100 Stat. 55, approved March 20, 1986 and by Public Law 99-591 [Continuing Appropriations Act, 1987, H.J. Res. 738], 100 Stat. 3341, approved October 30, 1986

AN ACT Making urgent supplemental appropriations for the fiscal year ending September 30, 1985, for emergency famine relief and recovery in Africa and for other purposes.

Be it enacted by the State and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply urgent supplemental appropriations for the fiscal year ending September 30, 1985, and for other purposes, namely:

TITLE I

CHAPTER I

AFRICAN FAMINE RELIEF

PUBLIC LAW 480

For an additional amount for "Public Law 480", for agricultural commodities supplied in connection with dispositions abroad, pursuant to title II of the Agricultural Trade Development and Assistance Act of 1954, as amended, $400,000,000 of which $384,000,000 is hereby appropriated to be available through December 31, 1985, and $16,000,000 shall be derived from unobligated balances in the Commodity Credit Corporation: *Provided,* That not to exceed $100,000,000 of the above appropriated funds shall be available for inland transportation upon certification for each country by the Administrator of the Agency for International Development that without such funds the delivery of the emergency food would not be possible or would not take place in time to prevent starvation or unacceptable levels of loss or spoilage.

CHAPTER II

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for "International disaster assistance", $137,500,000 for emergency relief and recovery assistance for Africa, to be available only for such purpose and to remain available until March 31, 1986: *Provided,* That the Committee on Appropriations of each House of Congress is notified five days in advance of the obligation of any funds made available under this paragraph, unless the emergency is life threatening and immediate action is necessary.

OPERATING EXPENSES

Of the amount appropriated in this Act for "International disaster assistance", $2,500,000 shall be transferred to "Operating expenses of the Agency for International Development", to be used for monitoring food and disaster assistance in Africa.

Department of State

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601(c)), $25,000,000.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and refugee assistance", notwithstanding any other provision of law, $12,500,000 for emergency assistance in Africa, to be available only for such purpose and to remain available until March 31, 1986.

TITLE II [1]

Funds Appropriated to the President

EMERGENCY RESERVE FOR AFRICAN FAMINE RELIEF

In addition to funds and authority provided for in chapter I of title I of this Act, $525,000,000 [2] to remain available until September 30, 1986, is provided as an Emergency Reserve for African Famine Relief for title II of Public Law 480, including inland transportation, to be used if funds and authority provided in chapter I of title I are exhausted and [3] the President certifies that the use of such funds is essential to famine relief in Africa. The Administrator of the Agency for International Development shall prepare and submit to Congress before April 15, 1986, a plan specifying how such additional funds for African famine relief would be used. The plan shall ensure, among other things, that the funds for the reserve, if utilized, shall be available to cover all costs for inland transportation of food only as are necessary for its timely delivery.

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[1] Public Law 99-591, (Continuing Appropriations Act, 1987) 100 Stat. 3341, provides the following:

* * * * * *

TITLE III—EMERGENCY RESERVE FOR AFRICAN FAMINE RELIEF

Sec. 302. Of the funds appropriated under title II of Public Law 99-10, as amended by this Act, $300,000,000 shall remain available for obligation until September 30, 1987, notwithstanding any other provision of law or this Act.

* * * * * * *

[2] The amount $525,000,000 was substituted in lieu of $325,000,000 by Public Law 99-591; 100 Stat. 3341

[3] The text from here to the end of Title II was added by sec. 15 of Public Law 99-260, 100 Stat. 55, and replaces language which contained less detail about the plan and date required for its submittal.

TITLE III

GENERAL PROVISIONS

Funds and authority made available in this Act which have not previously been authorized shall not be obligated until authorized: *Provided,* That none of the funds in this Act may be used to reimburse the Commodity Credit Corporation for the cost of wheat released from the Food Security Wheat Reserve: *Provided further,* That before funds provided in this Act may be obligated or expended, the Administrator for International Development shall certify that a plan has been established, on a country by country basis, that will ensure effective use of the funds and that the food provided by this Act will be delivered in a timely and efficient manner and be distributed to those most in need.

The Administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 shall have the responsibility for determining the emergency food and disaster assistance needs for which funds are appropriated by this Act.

DISPOSITION OF ADDITIONAL AGRICULTURAL COMMODITIES UNDER SECTION 416 OF THE AGRICULTURAL ACT OF 1949

To prevent the waste of commodities acquired by the Commodity Credit Corporation through price support operations, the Secretary of Agriculture shall make available, through Private Voluntary Organizations for donation to African nations requiring emergency food assistance, for calendar year 1985, not more than two hundred thousand metric tons of agricultural commodities: *Provided,* That 50 per centum of the commodities made available under this sentence shall be in the form of wheat or wheat products: *Provided further,* That none of the commodities made available for donation under this sentence shall be made available until the Secretary of Agriculture has certified to the appropriate committees of the Congress that the commodities shall not be distributed through or otherwise be allowed to come under the possession or control of the Government of Ethiopia. The Corporation shall pay, with respect to the commodities donated under the foregoing sentence, transporting, handling, and other charges, including the cost of overseas delivery. Such donations shall be in addition to the level of assistance programmed under any other authority.

l. Executive Order 12220, June 27, 1980, 45 F.R. 44245 [1]

AGRICULTURAL TRADE DEVELOPMENT

By the authority vested in me as President of the United States of America by the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1691, *et seq.*) and Section 301 of Title 3 of the United States Code, and in order to provide for the delegation of certain functions to the United States International Development Cooperation Agency and to revise existing delegations, it is hereby ordered as follows:

1-1. Department of Agriculture.

1-101. Except as otherwise provided in this Order, the following functions vested in the President by the Agricultural Trade Development and Assistance Act of 1954, as amended (hereinafter referred to as the Act), are delegated to the Secretary of Agriculture: Titles I and IV (7 U.S.C. 1701, *et seq.*, and 1731, *et seq.*).

1-102. The Secretary of Agriculture shall transmit the reports required by the provisions of paragraph 5 of the Act of August 13, 1957 (71 Stat. 345; 7 U.S.C. 1704a).

1-103. The Secretary of Agriculture, after consultation with the Secretary of State, the Secretary of the Treasury, the Director of the United States International Development Cooperation Agency, the Chairman of the Council of Economic Advisers, the Director of the Office of Management and Budget, and the Assistant to the President for National Security Affairs, shall transmit to the Congress all reports required by Section 408 of the Act (7 U.S.C. 1736b).

1-2. United States International Development Cooperation Agency.

1-201. Administration of Title II. The functions vested in the President by Title II of the Act (7 U.S.C. 1721, *et seq.*) are delegated to the Director of the United States International Development Cooperation Agency.

1-202. Other functions:

(a) The functions vested in the President by the Act of negotiating and entering into agreements with friendly countries are delegated to the Director of the United States International Development Cooperation Agency. Such functions shall be exercised in accord with Section 112b of Title I of the United States Code and applicable regulations and procedures of the Department of State.

(b) The functions delegated to the Director of the United States International Development Cooperation Agency by subsection (a) of this section are exclusive of any functions under Section 104 of the Act (7 U.S.C. 1704) that are delegated to any other agency by this Order and of functions under Section 310 of the Act (7 U.S.C. 1692).

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[1] This Executive order replaced Executive Order 10900 which had governed Public Law 499 from Jan. 5, 1961, until June 27, 1980.

(c) The functions delegated by this Order to the Director of the United States International Development Cooperation Agency may be redelegated to the head of any other Executive agency.

1-3. Department of State.

1-301. The Secretary of State shall perform the function of determining which countries are friendly countries within the meaning of Section 103(d) of the Act (7 U.S.C. 1703(d)).

1-302. The functions delegated by this Order to the Secretary of State may be redelegated to the head of any Executive agency.

1-4. Foreign Currencies.

1-401. (a) Foreign currencies which accrue under Title I of the Act (7 U.S.C. 1701, *et seq.*) may be used for the purposes set forth in Section 104 of the Act (7 U.S.C. 1704) in amounts consistent with applicable provisions of law, sales agreements and loan assessments. Except as may be inconsistent with such law or agreements, priority shall be accorded to the sale of such currencies to appropriations or to their sale otherwise for dollars. The Director of the Office of Management and Budget shall fix the amounts of such currencies to be used for the purpose set forth in Section 104 of the Act. The Director of the Office of Management and Budget shall notify the Secretary of the Treasury with respect to any amounts so fixed.

(b) The function vested in the President by the penultimate proviso of Section 104 of the Act (7 U.S.C. 1704) of waiving the applicability of Section 1415 of the Supplemental Appropriation Act of 1953 (31 U.S.C. 724) is delegated to the Director of the United States International Development Cooperation Agency with respect to Section 104(e) of the Act and to the Director of the Office of Management and Budget in all other respects.

1-402. The Secretary of the Treasury shall issue regulations governing the purchase, custody, deposit, transfer and sale of foreign currencies received under the Act.

1-403. The provisions of Sections 1-401 and 1-402 of this Order shall not limit Sections 1-202 and 1-3 of this Order. The provisions of Section 1-402 of this Order shall not limit Section 1-401 of this Order.

1-404. The purposes of the following paragraphs of Section 104 of the Act (7 U.S.C. 1704) shall be carried out as follows:

(a) Those under paragraph (a) by the agencies with authority to pay the United States' obligations abroad.

(b) Those under paragraph (b)(1) by the Department of Agriculture.

(c) Those under paragraph (b)(2) by the agencies with responsibility for such functions.

(d) Those under paragraph (b)(3) of the Act as follows:

(1) Those with respect to collecting, collating, translating, abstracting, and disseminating scientific and technological infor-

mation by the Director of the National Science Foundation and the head of such other agency or agencies as the Director of the Office of Management and Budget may designate after appropriate consultation;

(2) Those with respect to programs of culture and educational development, health, nutrition, and sanitation by the Director of the International Communication Agency, the Department of State, and the head of any other appropriate agency;

(3) All others by such agency or agencies as the Director of the Office of Management and Budget may designate after appropriate consultation.

(4) The term "appropriate consultation" shall include consultation with the Secretary of State, the Director of the National Science Foundation, and the head of any other appropriate agency.

(e) Those under paragraph (b)(4) by the Department of State and any other agency or agencies designated by the Secretary of State.

(f) Those under paragraph (b)(5) by the Librarian of Congress.

(g) Those under paragraphs (d), (e), (f), (g), and (h) by the United States International Development Cooperation Agency.

(h) Those under paragraph (j) by the Department of the Treasury in consultation with the Department of State.

1-405. The functions vested in the President by Section 104 of the Act (7 U.S.C. 1704) are delegated as follows:

(a) Those under paragraph (f) of determining the manner in which the loans provided for in that paragraph shall be made to the Director of the United States International Development Cooperation Agency.

(b) Those under paragraph (j) of prescribing terms and conditions to the Secretary of the Treasury in consultation with the Secretary of State.

1-406. In negotiating international agreements pursuant to the Act, the Secretary of State shall avoid restrictions which would limit the application of normal budgetary and appropriation controls to the use of foreign currencies accruing under Title I of the Act (7 U.S.C. 1701, *et seq.*) which are available for operations of the United States Government.

1-5. Revocations.

1-501. Executive Order No. 10900 of January 5, 1961, as amended, is revoked.

1-502. The following Executive Orders which have previously been superseded, at least in part, are revoked:

(a) Executive Order No. 10560 of September 9, 1954;
(b) Executive Order No. 10685 of October 27, 1956;
(c) Executive Order No. 10708 of May 6, 1957;
(d) Executive Order No. 10746 of December 12, 1957;
(e) Executive Order No. 10799 of January 15, 1959;
(f) Executive Order No. 10827 of June 25, 1959;
(g) Executive Order No. 10884 of August 17, 1960; and
(h) Executive Order No. 10893, as amended, except Section 201 thereof.

m. Executive Order 11252, October 23, 1965, 30 F.R. 13507, 3 CFR, 1965 Supp., p. 181

FOOD-FOR-PEACE PROGRAM

WHEREAS the Food-For-Peace Program has fulfilled and continues to fulfill the hopes of its creators and is providing the United States with a significant new medium for advancing the cause of world peace and understanding through the use of our agricultural abundance to alleviate hunger, malnutrition, and privation among our neighbors abroad; and

WHEREAS the objectives of the Food-For-Peace Program can now best be achieved by vesting responsibility for the Program in the Secretary of State, the Cabinet official chiefly responsible for our policies and programs abroad, so that the activities of this Program will be coordinated, consolidated, and carried out more effectively with related activities of the United States abroad; and

WHEREAS the Secretary of State will be able to discharge these responsibilities more effectively through a special assistant specifically designated to assist him in carrying out the Food-For-Peace Program:

NOW, THEREFORE, by virtue of the authority vested in me by subsection (f) of section 303 of the Government Employees Salary Reform Act of 1964 and as President of the United States, it is hereby ordered as follows:

Section 1. All functions of the Director of the Food-For-Peace Program, including those under Executive Order No. 10900 of January 5, 1961, as amended,[1] and under the Presidential memorandum of January 24, 1961, relating to the Food-For-Peace Program (26 F.R. 781), are hereby transferred to the Secretary of State; and that order and memorandum are modified accordingly.

Sec. 2.[2] This order shall take effect on November 1, 1965.

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[1] Executive Order 10900 was revoked and replaced by Executive Order 12220, June 27, 1980, 45 F.R. 44245. See page 865 for text.

[2] Executive Order 12527, August 7, 1985, 50 F.R. 32157 repealed secs. 2 and 3 and renumbered sec. 4 as the current sec. 2.

2. Food for Peace Act of 1966

Partial text of Public Law 89-808 [H.R. 14929], 80 Stat. 1526, approved November 11, 1966 as amended by Public Law 95-501 [S. 3447], 92 Stat. 1685, approved October 1, 1978; and by Public Law 97-98 [S. 884], 95 Stat. 1213 at 1274, approved December 22, 1981; and by Public Law 99-198 [H.R. 2100]; 99 Stat. at 1354, approved December 23, 1985

AN ACT To promote international trade in agricultural commodities, to combat hunger and malnutrition, to further economic development, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Food for Peace Act of 1966".

* * * * * * *

Sec. 2. Amended the Agricultural Trade Development and Assistance Act of 1954, as amended, commonly called Public Law 480.

* * * * * * *

Sec. 3. (a) Section 9 of the Act of September 6, 1958 (7 U.S.C. 1431b), is amended, effective January 1, 1967, by deleting the symbol "(1)", by changing the semicolon to a period and by striking out all of the language in the section after the semicolon.

(b) Section 709 of the Food and Agriculture Act of 1965 (7 U.S.C. 1446a-1) is amended, effective January 1, 1967, by striking out "foreign distribution,".

(c) Section 416 of the Agricultural Act of 1949, as amended (7 U.S.C. 1431), is amended, effective January 1, 1967, by striking out the following: "and (4) to donate any such food commodities in excess of anticipated disposition under (1), (2), and (3) above to nonprofit voluntary agencies registered with the Committee on Voluntary Foreign Aid of the Foreign Operations Administration or other appropriate department or agency of the Federal Government and intergovernmental organizations for use in the assistance of needy persons and in nonprofit school lunch programs outside the United States"; "and (4) above"; ", in the case of commodities made available for use within the United States, or their delivery free alongside ship or free on board export carrier at point of export, in the case of commodities made available for use outside the United States"; and "The assistance to needy persons provided in (4) above shall, insofar as practicable be directed toward community and other self-help designed to alleviate the causes of the need for such assistance."

(d) Section 8 of Public Law 85-931 (72 Stat. 1792) is amended (1) by inserting a period in lieu of the colon after the word "Act" and striking out the proviso; (2) by inserting after the word "manufactured" the word "entirely"; and (3) by inserting before the comma following the words "surplus supply" the words "in the same manner as any other agricultural commodity or product is made available".

(e) Section 407 of the Agricultural Act of 1949, as amended, is amended by striking the period at the end of the third sentence thereof and adding the following: ": *Provided*, That whenever the Secretary of Agriculture determines that the carryover at the end of any marketing year of a price supported agricultural commodity for which a voluntary adjustment program is in effect will be less than 25 per centum (35 per centum in the case of wheat) of the estimated export and domestic consumption of such commodity during such marketing year, the Commodity Credit Corporation shall not sell any of its stocks of such commodity during such year for unrestricted use at less than 115 per centum (120 per centum in the case of wheat whenever its carryover will be less than 25 per centum of such estimated export and domestic consumption) of the current price support loan plus reasonable carrying charges."

Sec. 4.[1] (a) Commercial export sales of agricultural commodities out of private stocks on credit terms of not to exceed three years may be financed by the Commodity Credit Corporation under its export credit sales program.

(b) [2] (1) Export sales of agricultural commodities out of Commodity Credit Corporation and private stocks on credit terms in excess of three years, but not more than ten years, may be financed by the Commodity Credit Corporation. In addition, the corporation may guarantee the repayment of loans made to finance such sales.[3]

(2) No export sale may be financed and no loan may be guaranteed,[4] under this subsection unless the Secretary of Agriculture determines that the sale will—

(A) develop, expand, or maintain the importing nation as a foreign market, on a long-term basis, for the commercial sale and export of United States agricultural commodities without displacing normal commercial sales;

(B) otherwise improve the capability of the importing nation to purchase and use, on a long-term basis, United States agricultural commodities; or

(C) [5] otherwise promote the export of United States agricultural commodities.

(3) [6] The Secretary is encouraged, to the maximum extent practicable, to finance or guarantee the export sales of agricultural commodities under this subsection to purchasers from—

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[1] U.S.C. 1707a. Sec. 4 was amended and restated by sec. 101 of the Agricultural Trade Act of 1978 (92 Stat. 1685). It formerly read as follows:

"Sec. 4. Commercial sales of agricultural commodities out of private stocks on credit terms of not to exceed three years may be financed by Commodity Credit Corporation under its Export Credit Sales Program. There are hereby authorized to be appropriated such sums as may be necessary to reimburse the Commodity Credit Corporation annually for its actual costs incurred or to be incurred under its Export Credit Sales Program."

[2] Sec. 4(b) was comprehensively amended by sec. 1131 of the Food Security Act of 1985 (Public Law 99-198) 99 Stat. 1486.

[3] The sentence beginning with the words "In addition" to this point were added by sec. 1131 (1) of Public Law 99-198.

[4] The reference to guarantee was added by sec. 1131 of Public Law 99-198.

[5] Clause (C) was added by sec. 1131 of Public Law 99-198.

[6] Para. (3) was added by sec. 1131(5) of Public Law 99-198.

(A) countries that are previous recipients of credit extended under title I of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1701 et seq.);

(B) countries unable, as determined by the Secretary, to utilize other short-term export credit programs offered by the Secretary or the Commodity Credit Corporation; and

(C) countries that are friendly countries, as defined in section 103(d) of such Act (7 U.S.C. 1703(d)).

(4) Consistent with the provisions of paragraph (2) of this subsection, intermediate credit financing or guarantees[4] under this subsection may be made available for the following uses:

(A) to establish reserve stocks consistent with international commodity agreements or other stock building plans acceptable to the United States;

(B) the export sale of breeding animals (including, but not limited to, cattle, swine, sheep, and poultry), including the cost of freight from the United States to designated points of entry in other nations;

(C) where determined feasible, for the establishment of facilities in the importing nation to improve handling, marketing, processing, storage, or distribution of imported agricultural commodities (through the use of local currency generated from the import and sale of United States agricultural commodities to finance all or part of such facilities);

(D) to meet credit competition for agricultural export sales;

(E)[7] to finance the importation of agricultural commodities by developing nations for use in meeting their food and fiber needs; and

(F)[7] otherwise to promote the export sales of agricultural commodities.

(5) Intermediate financing or guarantees,[4] under this subsection may not be used for the purpose of foreign aid or debt rescheduling:

(6)(A) The terms of credit for export sales financed under this subsection shall include the following terms:

(i)[8] Repayment shall be in dollars with interest at a rate determined by the Secretary.

(ii) The Secretary may, if the Secretary deems such action appropriate to protect the interests of the United States, require an initial payment from the purchaser at the time of sale or shipment of the agricultural commodity.

(B)[9] Contracts of guarantee under this subsection shall contain such terms and conditions as the Commodity Credit Corporation shall determine.

(7)[10] The Secretary shall, wherever feasible, obtain commitments from purchasers that will prevent resale or transshipment to other nations of agricultural commodities purchased with financing or guarantees[4] provided under this subsection.

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[7] Subparas. (E) and (F) were added by sec. 1131 of Public Law 99-198.

[8] Sec. 1131 of Public Law 99-198 provided that the rate shall be determined by the Secretary in contrast to previously stated guidelines.

[9] Sec. 1131(8) (D) of Public Law 99-198 added subpara. (B).

[10] Sec. 1131 (3) and (4) of Public Law 99-198 struck out the previous para. (7) and redesignated the previous para. (6) as para. (7). Para. (7) previously included restrictions and guidelines relating to agreements to finance export sales.

(8) The provisions of the cargo preference laws shall not apply to export sales financed or guaranteed[4] under this subsection.

(9) The authority provided under this subsection shall be in addition to, and not in place of, any authority granted to the Secretary or the Commodity Credit Corporation under any other provision of law.

(10)[11] For purposes of guaranteeing export sales under this subsection, the Commodity Credit Corporation shall make available—

(A) for each of the fiscal years ending September 30, 1986, through September 30, 1988, not less than $500,000,000; and

(B) for each of the fiscal years ending September 30, 1989 and September 30, 1990, not more than $1,000,000,000.

(c) The term "agricultural commodity" as used in this section includes any agricultural commodity (including fish, without regard to whether such fish are harvested in aquacultural operations)[12] or product thereof.

(d)[13] (1) There is hereby established in the Treasury a revolving fund to be known as the Agricultural Export Credit Revolving Fund, which shall be available without fiscal year limitation for use by the Commodity Credit Corporation (hereafter referred to in this subsection as the "Corporation" for financing in accordance with this section and section 5(f) of the Commodity Credit Corporation Charter Act the following—

(A) commercial export sales of United States agricultural commodities out of private stocks or stocks owned or controlled by the Corporation on credit terms of not to exceed three years;

(B) export sales of United States breeding animals (including, but not limited to, cattle, swine, sheep, and poultry), including the cost of freight from the United States to designated points of entry in other nations; and

(C) the establishment of facilities in importing countries to improve the capacity of such countries for handling, marketing, processing, storing, or distributing fungible agricultural commodities produced in and exported from the United States (through the use of local currency generated from the sale of United States agricultural commodities).

(2) The Corporation shall use the revolving fund only to extend credit for purposes of market development and expansion and only where there is substantial potential for developing or enhancing regular commercial markets for United States agricultural commodities.

(3) The Secretary of Agriculture shall ensure that the revolving fund is used in such a manner as to involve equitable use of the funds to finance sales to the greatest feasible number of countries consistent with maximizing market opportunities. In carrying out

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[11] Para. (10) was added by sec. 1131(11) of Public Law 99-198.

[12] Sec. 405(c) of Public Law 98-623 (98 Stat. 3409) added this parenthetical phrase.

Sec. 405(d) of Public Law 98-623 further stated that for the purposes of sec. 135 of the Omnibus Budget Reconciliation Act of 1982 (page 911) the amendment made by sec. 405(c) shall be considered to have taken effect before the date of enactment of the 1982 Act (September 8, 1982).

[13] Subsec. (d) was added by sec. 1201 of Public Law 97-98 (95 Stat. 1274).

this objective, the Secretary shall establish procedures under which—

(A) not less than 85 per centum of the estimated amount in the revolving fund for any fiscal year shall be made available for the purposes provided in clause (A) of paragraph (1) of this subsection; and

(B) not to exceed 25 per centum of the estimated amount in the revolving fund for any fiscal year shall be made available for the financing of credit sales to any one country for the purposes described in paragraph (1) of this subsection.

(4) There are authorized to be appropriated to the Agricultural Export Credit Revolving Fund such sums as may be necessary to carry out the provisions of this subsection. All funds received by the Corporation in payment for credit extended by the Corporation using the revolving fund, including interest or other receipts on investments and credit obligations, in financing export sales of the types specified in paragraph (1) of this subsection shall be added to and become a part of such revolving fund.

(5) The Secretary shall submit an annual report to Congress not later than December 1 of each year with respect to the use of the revolving fund in carrying out export credit sales by the Corporation in the previous fiscal year. Such report shall include, for the previous fiscal year, the names of the countries extended credit under this subsection, the total amount of such credit extended to each such country, the names of the United States exporters that received any such credit, the total amount of credit provided to each such exporter stated separately for each commodity for which the credit was extended, and a discussion and evaluation of the market development and expansion activities of the Corporation under this subsection during such fiscal year. The first such report shall be submitted to Congress not later than December 1, 1982.

(6)[14] The revolving fund created by this subsection is abolished effective October 1, 1990, and all unobligated money in such fund on September 30, 1990, shall be transferred to and become part of the miscellaneous receipts account of the Treasury.

(7) The authority provided under this subsection shall be in addition to, and not in lieu of, any authority granted to the Secretary or the Corporation under any other provision of law.

(8) The authority provided under this subsection to incur obligations to make loans shall be effective only to the extent that such obligations do not exceed annual limitations on new direct loan obligations which shall be provided in annual appropriations Acts.

Sec. 5. This Act shall take effect as of January 1, 1967, except that section 4 shall take effect upon enactment.

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[14] Sec. 1130 of the Food Security Act of 1985 charged this date from 1984 to 1990.

3. Agricultural Trade Act of 1978

Public Law 95-501 [S. 3447], 92 Stat. 1685, approved October 21, 1978

AN ACT To strengthen the economy of the United States through increased sales abroad of United States agricultural commodities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Agricultural Trade Act of 1978".

TITLE I—INTERMEDIATE CREDIT

Sec. 101. * * * [1]

TITLE II—COMMODITY CREDIT CORPORATION FINANCING OF DEFERRED PAYMENT SALES; CREDIT SALES TO THE PEOPLE'S REPUBLIC OF CHINA

COMMODITY CREDIT CORPORATION FINANCING OF DEFERRED PAYMENT SALES

Sec. 201.[2] (a) To develop new market opportunities for the sale of United States agricultural commodities and to maintain and expand existing foreign markets for such commodities, the Secretary of Agriculture may provide Commodity Credit Corporation financing to exporters of such commodities who wish to provide deferred payment terms to buyers in other nations in order to meet sales competition from other nations or to make additional export sales. Except as otherwise provided in section 202 of this title, financing under this section shall be available only with respect to sales to those nations that are eligible for financing under the short-term export credit sales program conducted by the Commodity Credit Corporation.

(b) Exporters who are willing to sell United States agricultural commodities to foreign buyers on deferred payment terms of not to exceed three years and who must provide such deferred payment terms in order to meet sales competition from other nations, or to make additional export sales, may apply to the Commodity Credit Corporation for financing such sales. Financing under this section shall not be provided by the Corporation until the applicant's export sales plan has been approved by the Corporation and the applicant has established to the satisfaction of the Corporation that exports have been made in accordance with the approved plan.

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[1] Sec. 101 contains amendments to sec. 4 of the Food for Peace Act of 1966 (see page 872 for text).

[2] 7 U.S.C. 1707b.

(c) Repayment to the Commodity Credit Corporation shall be made in dollars by the exporter in accordance with the terms and at interest rates contained in the approved export sales plan. Interest rates on such financing shall be no higher than those charged for financing under the short-term export credit sales program conducted by the Corporation.

(d) The Secretary may, if the Secretary deems such action appropriate to protect the interests of the United States, require a performance guarantee from the exporter at the time of the sale.

(e) Financing agreements with exporters entered into under this section shall be subject to such other terms and conditions as the Secretary may deem necessary or appropriate and shall be subject only to review by the National Advisory Council on International Monetary and Financial Policies.

(f) The authority provided under this section shall be in addition to, and not in place of, any authority granted to the Secretary or the Commodity Credit Corporation under any other provision of law.

CREDIT SALES TO THE PEOPLE'S REPUBLIC OF CHINA

Sec. 202.[3] Notwithstanding any other provision of law, in order to expand and develop markets for United States agricultural commodities, the Commodity Credit Corporation may provide financing for commercial sales of agricultural commodities out of private stocks on terms of not to exceed three years to the People's Republic of China under (1) the short-term export credit sales program conducted by the Corporation, and (2) the deferred payment sales program for exporters established under section 201 of this title.

DEFINITION

Sec. 203.[4] The term "agricultural commodity" as used in this title includes any agricultural commodity or product thereof.

TITLE III—AGRICULTURAL COUNSELORS

Sec. 301. * * *[5]

TITLE IV—ESTABLISHMENT OF UNITED STATES AGRICULTURAL TRADE OFFICES

Sec. 401. Title VI of the Act of August 28, 1954, as amended by title III of this Act, is further amended by—

(1) adding immediately after section 605 a new subtitle B as follows:

"Subtitle B—United States Agricultural Trade Offices

"Sec. 605A. (a) For the purpose of developing, maintaining, and expanding international markets for United States agricultural commodities, the Secretary of Agriculture, after consultation with the Secretary of State, shall establish not less than six nor more than twenty-five United States Agricultural Trade Offices in other nations.

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[3] 7 U.S.C. 1707c.

[4] 7 U.S.C. 1707d.

[5] Sec. 301 contains several amendments to title VI of the Act of Aug. 28, 1954 (68 Stat. 908–910, as amended; 7 U.S.C. 1761–1768). These amendments generally describe the designation procedure and assignment procedures of Agricultural Counselors and Agricultural Attachés.

"(b) Each United States Agricultural Trade Office shall be directed and administered by an Agricultural Trade Officer who by reason of training, experience, and attainments is qualified to carry out the purposes of this subtitle. Such Officer shall be appointed by the Secretary of Agriculture.

"(c) Each Agricultural Trade Officer may be appointed without regard to the provisions of title 5 of the United States Code governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5 relating to classification and General Schedule pay rates, except that no Agricultural Trade Officer (1) may be paid basic pay at a rate in excess of the maximum annual rate of basic pay payable for GS-17 of the General Schedule under section 5332 of such title, or (2) may be paid at a rate in excess of the highest rate paid to an Agricultural Counselor or Attaché, as the case may be, who is appointed under subtitle A of this title to the nation in which such Officer is to serve.

"(d) Each Agricultural Trade Officer shall, through the Agricultural Counselor or Attaché or other senior representative of the Secretary of Agriculture in each nation in which the United States Agricultural Trade Office administered by such Officer exercises its functions, keep the Chief of the United States diplomatic mission fully and currently informed with respect to all activities and operations of such Office.

"(e) Each Agricultural Trade Officer shall be responsible for the exercise of the functions of the United States Agricultural Trade Office, and shall have the authority to direct and supervise all personnel and activities thereof.

"(f) To carry out the functions of United States Agricultural Trade Offices, the Secretary of Agriculture may appoint such other personnel as the Secretary determines to be necessary and may, with the concurrence of the Secretary of State, assign such personnel abroad and employ local nationals for necessary professional and clerical help.

"(g) No employee of any United States Agricultural Trade Office may engage in any business, vocation, or other employment, or have other interests, that are inconsistent with official responsibilities.

"(h) Upon the request of the Secretary of Agriculture, the Secretary of State shall request for Agricultural Trade Officers and personnel of United States Agricultural Trade Offices diplomatic privileges and immunities equivalent to those enjoyed by members of the Foreign Service [6] of comparable rank and salary.

"Sᴇᴄ. 605B. The functions of each United States Agricultural Trade Office shall be to—

"(1) increase the effectiveness of agricultural export promotion efforts through consideration of activities, providing services and facilities for foreign buyers and United States trade representatives, and coordination of market development activities sponsored by the Department of Agriculture;

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[6] Public Law 96-465 (94 Stat. 2162) substituted this reference to "Members of the Foreign Service" in lieu of the words "Foreign Service Personnel."

"(2) establish goals by nation or region and agricultural commodity for developing, expanding, and maintaining markets for United States agricultural commodities;

"(3) initiate programs to achieve the export marketing goals approved by the Department of Agriculture;

"(4) maintain facilities for use by nonresident cooperators, private trade groups, and other individuals engaged in the import and export of United States agricultural commodities where the use of such facilities would aid in the conduct of market development activities, and cooperate, to the maximum extent practicable, with such cooperators, groups, and individuals to expand the level of United States agricultural exports;

"(5) develop and maintain a current listing of trade, government, and other appropriate organizations for each agricultural commodity area and make such listing available to persons with a bona fide interest in exporting or importing United States agricultural commodities;

"(6) originate and provide assistance for exhibits, sales teams, and other functions for the promotion of United States agricultural commodities;

"(7) provide practical assistance for the use of the programs under the Agricultural Trade Development and Assistance Act of 1954, the export credit sales program, the export incentives program, and related programs of the United States Government where use of such programs will serve as a market development tool for United States agriculture;

"(8) supervise project agreements with United States cooperators, coordinate the activities of the United States Agricultural Trade Office with those of the cooperators, and submit annual recommendations to the Secretary of Agriculture on the efficacy of cooperator programs;

"(9) publicize the services offered by the United States Agricultural Trade Office through advertisements in trade journals or by other appropriate means; and

"(10) perform such other functions as the Secretary of Agriculture, in consultation with the Secretary of State, determines to be necessary and proper for achieving the purposes of this subtitle.

"Sec. 605C. Each United States Agricultural Trade Office shall carry out its functions under section 605B in the nation where the United States Agricultural Trade Office is located and in such other nations as the Secretary of Agriculture, in consultation with the Secretary of State, may prescribe in order to carry out the purposes of this subtitle.

"Sec. 605D. Upon the request of the Secretary of Agriculture, the Secretary of State may use the authorities contained in the Foreign Service Buildings Act, 1926, to acquire sites and buildings, including living quarters, for the purpose of establishing United States Agricultural Trade Offices.

"Sec. 605E. United States Agricultural Trade Offices shall be centrally located in the cities of assignment to facilitate foreign trade meetings and foreign trade reliance on such offices for assistance in marketing activities.

"Sec. 605F. Upon the request of the Secretary of Agriculture, each Federal agency may make its services, personnel, and facilities available to a United States Agricultural Trade Office in the performance of its functions. The Secretary of Agriculture may reimburse or advance funds to any such agency for services, personnel, and facilities so made available.

"Sec. 605G. The provisions of section 604(a) of this title shall apply with respect to personnel appointed and assigned under this subtitle.";

(2) redesignating section 606 as section 606A and inserting immediately after new section 605G, as added by this section, the subtitle designation and new section 606 as follows:

"Subtitle C—Representation Allowances, Regulations, General Provisions, and Authorization for Appropriations

"Sec. 606. Any Agricultural Trade Officer and the senior representative of the Secretary of Agriculture assigned to a nation under subtitle A of this title may, under regulations prescribed by the Secretary of Agriculture, be entitled to receive a representation allowance in an amount determined by considering (1) the extent to which such Agricultural Trade Officer or senior representative can effectively use such funds to further the purposes of this title, (2) travel and entertainment expenses customary in the private trade for persons of comparable rank and salary, and (3) customs and practices in the nation where such Agricultural Trade Officer or senior representative is assigned.";

(3) redesignating sections 602(d), 602(f), and 603 as sections 606B, 606C, and 606D, respectively, and inserting the redesignated sections immediately after section 606A, as redesignated by paragraph (2) of this section;

(4) in section 606C, as redesignated by paragraph (3) of this section, striking out "subsection" wherever that word appears therein and inserting in lieu thereof "section";

(5) redesignating section 602(e) as 602(d); and

(6) adding at the end thereof a new section 609 as follows:

"Sec. 609. The term 'agricultural commodity' as used in this title includes any agricultural commodity or product thereof.".

TITLE V—REORGANIZATION

Sec. 501.[7] (a) There is hereby established in the Department of Agriculture the position of Under Secretary of Agriculture for International Affairs and Commodity Programs to be appointed by the President, by and with the advice and consent of the Senate. The Under Secretary of Agriculture for International Affairs and Commodity Programs is authorized to exercise such functions and perform such duties related to foreign agriculture and agricultural stabilization and conservation, and shall perform such other duties, as may be required by law or prescribed by the Secretary of Agriculture.

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[7] 7 U.S.C. 2211a.

(b) Section 5314 of title 5 of the United States Code is amended by adding at the end thereof a new paragraph (69) as follows:

"(69) Under Secretary of Agriculture for International Affairs and Commodity Programs.".

(c) The designation of "Assistant Secretary of Agriculture for International Affairs and Commodity Programs" shall not be used after the date of enactment of this Act.

TITLE VI—GENERAL PROVISIONS AND REPORTS

IMPLEMENTATION OF THIS ACT; REGULATION

Sec. 601.[8] (a) The Secretary of Agriculture shall implement the provisions of this Act as expeditiously as possible consistent with the efficient and effective administration of the programs established under this Act and their integration with related foreign agricultural programs.

(b) The Secretary may issue such regulations as may be necessary to carry out the provisions of this Act.

ANNUAL REPORT ON EXPORT PROMOTION

Sec. 602.[9] The Secretary of Agriculture shall submit to Congress each year a report providing a comprehensive statement of the activities and accomplishments of the Department of Agriculture, including specifically those of the United States Agricultural Trade Offices, in developing, maintaining, and expanding foreign markets for United States agricultural commodities.

INTERAGENCY TASK FORCE ON EXPORT SALES REPORTING

Sec. 603.[10] The Secretary of Agriculture shall appoint an interagency task force within the Department of Agriculture for the purpose of analyzing the effectiveness of the export sales reporting provisions of section 812 of the Agricultural Act of 1970. The Secretary shall submit, not later than January 3, 1979, a report of the findings of the task force, including legislative recommendations for improving such reporting provisions, to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives.

REPORT ON TITLE IV OF THE TRADE ACT OF 1974

Sec. 604.[11] Within six months after the date of enactment of this Act, the Secretary of Agriculture shall submit to Congress a report detailing the effect on United States agriculture of title IV of the Trade Act of 1974,[12] including a recommendation as to whether the provisions of such title should be repealed or amended.

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[8] 7 U.S.C. 1761 note.

[9] 7 U.S.C. 1765b-1.

[10] 7 U.S.C. 612c-3 note.

[11] 19 U.S.C. 2431 note.

[12] For text, see vol. II, sec. G.

4. Agricultural Act of 1980 and Related Material

a. Agricultural Trade Suspension Adjustment Act of 1980

Partial text of Public Law 96-494 [H.R. 3765], 94 Stat. 2570, approved December 3, 1980 as amended by Public Law 97-98 [S. 884], 95 Stat. 1213 at 1260, approved December 22, 1981

AN ACT To increase the minimum price support loan rates for wheat, feed grains, and soybeans, to improve the farmer-held reserve program for wheat and feed grains, to establish a five-year food security wheat reserve, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Agricultural Act of 1980".

TITLE I—WALNUT AND OLIVE MARKETING ORDERS

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TITLE II—AGRICULTURAL TRADE SUSPENSION ADJUSTMENT ACT OF 1980

SHORT TITLE

Sec. 201. This title may be cited as the "Agricultural Trade Suspension Adjustment Act of 1980".

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ADJUSTED PRICE SUPPORT LOAN LEVELS UNDER THE FARMER-HELD RESERVE PROGRAM FOR THE 1980 AND 1981 CROPS OF WHEAT AND FEED GRAINS

Sec. 203. (a) Section 110(b) of the Agricultural Act of 1949 [1] is amended by—

(1) inserting the following before the period at the end of the first sentence: ": *Provided,* That the Secretary shall make available to producers for the 1980 and 1981 crops of wheat and feed grains price support loans under the producer storage program at such levels as the Secretary determines necessary to mitigate the adverse effects of the restrictions on the export of agricultural products to the Union of Soviet Socialist Republics imposed on January 4, 1980, on the market prices producers receive for their crops, but at not less than $3.30 per bushel for wheat, $2.40 per bushel for corn, and such levels for the other feed grains as the Secretary determines are fair and reasonable in relation to the minimum level for corn, taking into consideration, for barley, oats, and rye, the feeding value of the commodity in relation to corn and other factors specified in

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[1] 7 U.S.C. 1445e.

section 401(b) of this Act and, for grain sorghums, the feeding value and average transportation costs to market of grain sorghums in relation to corn: *Provided further,* That the levels at which loans for the 1980 and 1981 crops of wheat and feed grains are made available to producers under the preceding proviso shall not be used in determining the levels at which producers may repay loans and redeem commodities prior to the maturity dates of the loans under clause (5) of the second sentence of this subsection, or the levels at which the Secretary may call for the repayment of loans prior to their maturity dates under clause (6) of the second sentence of this subsection"; and

(2) in clause (3) of the second sentence after "except that the Secretary may waive or adjust such interest", inserting a comma and the following: "and the Secretary shall waive such interest on loans made on the 1980 and 1981 crops of wheat and feed grains".

(b) Subsection (a) of this section shall become effective October 1, 1980, and any producers who, prior to such date, receive loans on the 1980 crop of the commodity as computed under the Agricultural Act of 1949, as amended prior to the enactment of this Act, may elect after September 30, 1980, to receive loans as authorized under subsection (a) of this section.

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AUTHORITY TO USE THE FUNDS, FACILITIES, AND AUTHORITIES OF THE COMMODITY CREDIT CORPORATION TO PURCHASE AGRICULTURAL PRODUCTS INTENDED TO BE EXPORTED TO THE SOVIET UNION

Sec. 206.[2] Notwithstanding any other provision of law, the Secretary of Agriculture may use, subject to such terms and conditions as the Secretary may deem appropriate, the funds, facilities, and authorities of the Commodity Credit Corporation in purchasing and handling agricultural products, other than grains, that—

(1) were intended to be exported to the Union of Soviet Socialist Republics under contracts entered into prior to January 5, 1980, but

(2) cannot be exported under such contracts due to the imposition, on January 4, 1980, of restrictions on the export of agricultural products to the Union of Soviet Socialist Republics,

in the same manner and under the same conditions as the Secretary purchases and handles grains under similar contracts and subject to the imposition of the same restrictions.

SUPPLEMENTAL SET-ASIDE AUTHORITY

Sec. 207. Effective for the 1981 crops of wheat, feed grains, upland cotton, and rice, the Agricultural Act of 1949 is amended by adding at the end of title I a new section 113 as follows:

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[2] 15 U.S.C. 714c note.

"SUPPLEMENTAL SET-ASIDE AUTHORITY

"SEC. 113.[3] Notwithstanding any other provision of law or prior announcement made by the Secretary to the contrary, effective for one or more of the 1981 crops of wheat, feed grains, upland cotton, and rice, the Secretary may announce and provide for a set-aside of cropland under section 101(h), 103(f)(11), 105A(f), or 107A(f) of this title if the Secretary determines that such action is in the public interest as a result of the imposition of restrictions on the export of any such commodity by the President or other member of the executive branch of Government. In order to carry out effectively a set-aside program authorized under this section, the Secretary may make such modifications and adjustments in such program as the Secretary determines necessary because of any delay in instituting such programs.".

TRADE SUSPENSION RESERVES

Sec. 208.[4] Notwithstanding any other provision of law—

(a) Whenever the President or other member of the executive branch of Government causes the export of any agricultural commodity to any country or area of the world to be suspended or restricted for reasons of national security or foreign policy under the Export Administration Act of 1979 or any other provision of law and the Secretary of Agriculture determines that such suspension or restriction will result in a surplus supply of such commodity that will adversely affect prices producers receive for the commodity, the Secretary may establish a gasohol feedstock reserve or a feed security reserve, or both, of the commodity, as provided in subsections (c) and (d) of this section, if the commodity is suitable for stockpiling in a reserve.

(b) Within thirty days after the export of any agricultural commodity to a country or area is suspended or restricted as described in subsection (a) of this section, the Secretary of Agriculture shall announce whether a gasohol feedstock reserve or a food security reserve of the commodity, or both, will be established under this section and shall include in such announcement the amount of the commodity that will be placed in such reserves, which shall be that portion of the estimated exports of the commodity affected by the suspension or restriction, as determined by the Secretary, that should be removed from the market to prevent the accumulation of a surplus of the commodity that will adversely affect prices producers receive for the commodity.

(c)(1) To establish a gasohol feedstock reserve under this section, the Secretary of Agriculture may acquire agricultural commodities (the export of which is suspended or restricted as described in subsection (a) of this section) that are suitable for use in the production of alcohol for motor fuel through purchases from producers or in the market and by designation by the Secretary of stocks of the commodities held by the Commodity Credit Corporation, and to pay such storage, transportation, and related costs as may be necessary to permit maintenance of the commodities in the reserve for the purposes of this section and disposition of the commodities as provided in paragraph (2) of this subsection.

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[3] 7 U.S.C. 1445h.
[4] 7 U.S.C. 4001.

(2) The Secretary of Agriculture may dispose of stocks of agricultural commodities acquired under paragraph (1) of this subsection only through sale—

(A) for use in the production of alcohol for motor fuel, at not less than the fuel conversion price (as defined in section 212 of this title) for the commodity involved: *Provided,* That, for wheat and feed grains, if the fuel conversion price for the commodity involved is less than the then current release price at which producers may repay producer storage loans on the commodity and redeem the commodity prior to the maturity dates of the loans, as determined under clause (5) of the second sentence of section 110(b) of the Agricultural Act of 1949, the Secretary may dispose of stocks of the commodity for such use only through sale, at not less than the release price: *Provided further,* That such sales shall only be made to persons for use in the production of alcohol for motor fuel at facilities that, whenever supplies of the commodity are not readily available, can produce alcohol from other agricultural or forestry biomass feedstocks; or

(B) for any other use, when sales for use under clause (A) of this paragraph are impracticable, (i) if there is a producer storage program in effect for the commodity, at not less than 110 per centum of the then current level at which the Secretary may encourage repayment of producer storage loans on the commodity prior to the maturity dates of the loans, as determined under clause (5) of the third sentence of section 110(b) of the Agricultural Act of 1949,[5] or, (ii) if there is no producer storage program in effect for the commodity, at not less than the average market price producers received for the commodity at the time the trade suspension was imposed.

(d)(1) To establish a food security reserve under this section, the Secretary of Agriculture may acquire agricultural commodities (the export of which is suspended or restricted as described in subsection (a) of this section) that are suitable for use in providing emergency food assistance and urgent humanitarian relief through purchases from producers or in the market and by designation by the Secretary of stocks of the commodities held by the Commodity Credit Corporation, and to pay such storage, transportation, and related costs as may be necessary to permit maintenance of the commodities in the reserve for the purposes of this section and disposition of the commodities as provided in paragraph (2) of this subsection.

(2) The provisions of subsections (c), (d), (e), (f), and (g)(2) of section 302 of the Food Security Wheat Reserve Act of 1980 shall apply to commodities in any reserve established under paragraph (1) of this subsection, and (except for the last sentence of subsection (c) of section 302) the references to "wheat" in such subsections of

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[5] Sec. 1004 of Public Law 97-98 (95 Stat. 1213) amended clause (i) by raising the level from 105 to 110 per centum and stipulated that the Secretary may "encourage" repayment of producer storage loans rather than "call for" the repayment of such loans.

section 302 shall be deemed to be references to "agricultural commodities".

(3) Any determination by the President or the Secretary of Agriculture under this section shall be final.

(e) The funds, facilities, and authorities of the Commodity Credit Corporation shall be used by the Secretary of Agriculture in carrying out this section, except that any restriction applicable to the acquisition, storage, or disposition of Commodity Credit Corporation owned or controlled commodities shall not apply with respect to the acquisition, storage, or disposition of agricultural commodities under this section.

(f) The Secretary of Agriculture shall establish safeguards to ensure that stocks of agricultural commodities held in the reserves established under this section shall not be used in any manner or under any circumstance to unduly depress, manipulate, or curtail the free market.

(g) Whenever stocks of agricultural commodities are disposed of or released from reserves established under this section, as provided in subsections (c)(2) and (d)(2) of this section, the reserves may not be replenished with replacement stocks.

(h) The provisions of this section shall become effective with respect to any suspension of, or restriction on, the export of agricultural commodities, as described in subsection (a) of this section, implemented after the date of enactment of this Act.

ALCOHOL PROCESSOR GRAIN RESERVE

Sec. 209.[6] (a) As used in this section—

(1) The term "Secretary" means the Secretary of Agriculture.

(2) The term "processor" means any person engaged within the United States in the business of manufacturing grain into alcohol for use as a fuel either by itself or in combination with some other product.

(3) The terms "agricultural grain" and "grain" mean any agricultural commodity (A) that is suitable for processing into alcohol for use as a fuel, and (B) with respect to which a price support operation is in effect.

(4) The term "producer storage program" means the producer storage program provided for under section 110 of the Agriculture Act of 1949.

(5) The term "small scale biomass energy project" shall have the same meaning as defined in section 203(19) of the Energy Security Act.

(b) To assist processors in obtaining a dependable supply of grain at reasonable prices, the Secretary may formulate and administer a program under which processors purchasing and storing grain needed by them for manufacturing into alcohol for use as a fuel may obtain a loan from the Secretary on such grain. Loans under this section may be made available only to processors that (1) operate small scale biomass energy projects financed in whole or in part by the United States Government or any agency thereof, and

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[6] 7 U.S.C. 4002.

(2) as determined by the Secretary, are otherwise unable to obtain a dependable supply of grain at reasonable prices for use in such projects.

(c) Except as otherwise provided in this section, loans made under this section to carry out the processor grain reserve program may be made on the same terms and conditions as loans made to carry out the producer storage program.

(d) The amount of the loan that the Secretary may make to an eligible processor at any time on any quantity of grain purchased by the processor shall be determined by multiplying the price support loan rate in effect for such grain at the time the loan is made times the quantity of grain purchased by the processor. The quantity of grain on which one or more loans may be outstanding at any time in the case of any processor may not exceed the estimated quantity of grain needed by such processor for one year of operation.

(e) Whenever any quantity of grain stored in the processor grain reserve under this section is removed from storage by a processor, the processor may be required to replace such grain with an equal quantity, within such period of time as the Secretary shall prescribe by regulation, or repay that portion of the loan represented by the quantity of grain removed from storage.

(f) Grain on which an eligible processor has received a loan under this section may not be used for any purpose other than the manufacture of alcohol for use as a fuel, and the Secretary shall establish such safeguards as the Secretary deems necessary to assure that such grain is not used for any other purpose and is not used in any manner that would unduly depress, manipulate, or curtail the free market in such grain.

(g) Loans made under this section shall be made subject to such terms and conditions and subject to such security as the Secretary deems appropriate, except that such loans may not be made as nonrecourse loans.

(h) In carrying out the processor grain reserve program under this section, the Secretary may—

(1) provide for the payment to processors of such amounts as the Secretary determines appropriate to cover the cost of storing grain held in the processor grain reserve, except that in no event may the rate of the payment paid under this clause for any period exceed the rate paid by the Secretary under the producer storage program for the same period; and

(2) prescribe conditions under which the Secretary may require processors to repay loans made under this section, plus accrued interest thereon, refund amounts paid to the processors for storage, and require the processors to pay such additional interest and other charges as may be required by regulation in the event any processor fails to abide by the terms and conditions of the loan or any regulation prescribed under this section.

(i) The Secretary shall announce the terms and conditions of the processor grain reserve program as far in advance of making loans as practicable.

(j) The Secretary may use the facilities of the Commodity Credit Corporation to carry out this section.

(k) There are authorized to be appropriated such sums as may be necessary to carry out this section. Any loans made under this section shall be made to such extent and such amounts as provided in appropriation Acts. The authority to make loans under this section shall expire five years after the effective date of this title.

STUDY OF THE POTENTIAL FOR EXPANSION OF UNITED STATES AGRICULTURAL EXPORT MARKETS AND THE USE OF AGRICULTURAL EXPORTS IN OBTAINING NEEDED MATERIALS

Sec. 210.[7] (a) The Secretary of Agriculture, in consultation with the United States Trade Representative and any other appropriate agency of the United States Government as determined by the Secretary, shall perform a study of the potential for expansion of United States agricultural export markets and the use of agricultural exports in obtaining natural resources or other commodities and products needed by the United States. The Secretary shall complete the study and submit to the President and Congress a report on the study before June 30, 1981.

(b) In performing the study, the Secretary shall determine for the next five years—

(1) world food, feed, and fiber needs;

(2) estimated United States and world food, feed, and fiber production capabilities;

(3) potential new or expanded foreign markets for United States agricultural products;

(4) the potential for the development of international agreements for the exchange of United States agricultural products for natural resources, including energy sources, or other commodities and products needed by the United States; and

(5) the steps that the United States must take to (A) increase agricultural export trade, and (B) obtain needed natural resources or other commodities and products in exchange for agricultural products, to the maximum extent feasible.

FOOD BANK DEMONSTRATION PROJECTS

Sec. 211.[8] (a) The Secretary of Agriculture shall carry out demonstration projects to provide agricultural commodities and other foods that might not otherwise be used, or might be more effectively used by organizations assisted under this section, to community food banks for emergency food box distribution to needy individuals and families. Notwithstanding any other provisions of law, the Secretary shall make available for purposes of such special nutrition [9] projects, agricultural commodities and other foods available to the Secretary under section 416 of the Agricultural Act of 1949, section 709 of the Food and Agriculture Act of 1965, and section 32 of the Act of August 24, 1935 (7 U.S.C. 612c). For purposes of distributing agricultural commodities and other foods to community food banks under this section, the Secretary may, in consultation with State agencies, use food distribution systems currently used to distribute agricultural commodities and other foods under the National School Lunch Act and Child Nutrition Act of 1966. The Secretary shall select food banks, in consultation with the Director of the Community Services Administration, for participation in the demonstration projects under this section. Food banks shall be selected for participation so as to ensure adequate geographic distribution of emergency food box programs in at least two but not more than seven Department of Agriculture regions.

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[7] 7 U.S.C. 4003.

[8] 7 U.S.C. 4004.

[9] Sec. 1114(b)(1) of Public Law 97-98 (95 Stat. 1269) substituted the words "special nutrition" in lieu of the word "demonstration".

(b)(1) No food bank may participate in the demonstration projects conducted under this section unless an application therefor is submitted to and approved by the Secretary. Such application shall be submitted in such form and manner and shall contain such information as the Secretary shall prescribe.

(2) Each food bank participating in the special nutrition[9] projects under this section shall establish a recordkeeping system and internal procedures to monitor the use of agricultural commodities and other foods provided under this section. The Secretary shall develop standards by which the feasibility and effectiveness of the projects shall be measured, and shall conduct an ongoing review of the effectiveness of the projects.

(c) The Secretary shall determine the quantities and types of agricultural commodities and other foods to be made available under this section. The Secretary may prescribe regulations regarding the designation of eligible participants in the projects and any other regulations necessary to carry out this section.

(d) The Secretary shall submit to Congress a progress report on July 1, 1983, and a final report on January 1, 1984,[10] regarding the demonstration projects carried out under this section. Such report shall include an analysis and evaluation of Federal participation in food bank emergency food programs, the effectiveness of such participation, and the feasibility of continuing such participation. The Secretary shall also include in such report any recommendations regarding improvements in Federal assistance to community food banks, including assistance for administrative expenses and transportation.

(e) The sale of food provided under this section shall be prohibited and any person who receives any remuneration in exchange for food provided under this section shall be subject to a fine of not more than $1,000 or imprisonment for not more than six months, or both.

(f)[11] The Secretary shall minimize paperwork requirements on food banks which participate in the special nutrition projects established under this section and shall otherwise encourage food banks to participate in such projects.

(g)[11] There is authorized to be appropriated such sums as may be necessary to carry out this section.

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[10] Sec. 1114(b) of Public Law 97-98 (95 Stat. 1269) changed the due date of this report (report originally due Oct. 1, 1982).

[11] Sec. 1114(b) of Public Law 97-98 (95 Stat. 1269) redesignated existing subsec. (f) as subsec. (g) and added a new subsec. (f). Such amendment further revised the text of subsec. (g) as redesignated, by striking out an authorization level of $356,000 and substituting the current language.

DEFINITION OF FUEL CONVERSION PRICE

Sec. 212.[12] As used in this title, the phrase "fuel conversion price" means the price for an agricultural commodity determined by the Secretary of Agriculture that will permit gasoline-alcohol mixtures using alcohol produced from the commodity to be competitive in price with unleaded gasoline priced at the point it leaves the refinery, adjusted for differences in octane rating, taking into consideration the energy value of the commodity and other appropriate values designed to represent, on a national average basis, the value of byproducts also recoverable from the commodity; the direct costs and capital recovery costs for a grain alcohol distillery capable of producing forty million gallons of alcohol and recovering byproducts annually; and Federal tax and other Federal incentives applicable to alcohol used for fuel.

EFFECTIVE DATE

Sec. 213. Except as otherwise provided herein, this title shall become effective October 1, 1980, or the date of enactment, whichever is later.

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[12] 7 U.S.C. 4005.

892

b. Food Security Wheat Reserve Act of 1980 [1]

TITLE III—FOOD SECURITY WHEAT RESERVE ACT OF 1980

SHORT TITLE

Sec. 301. This title may be cited as the "Food Security Wheat Reserve Act of 1980".

FOOD SECURITY WHEAT RESERVE

Sec. 302.[2] (a) To provide for a wheat reserve solely for emergency humanitarian food needs in developing countries, the President shall establish a reserve stock of wheat of up to four million metric tons for use for the purposes specified in subsection (c) of this section.

(b)(1) The reserve stock of wheat under this section shall be established initially by designation for that purpose by the Secretary of Agriculture of wheat owned by the Commodity Credit Corporation.

(2) Subject to the provisions of subsection (i) of this section, stocks of wheat to replenish the reserve may be acquired (A) through purchases from producers or in the market if the Secretary of Agriculture determines that such purchases will not unduly disrupt the market, and (B) by designation by the Secretary of stocks of wheat otherwise acquired by the Commodity Credit Corporation. Any use of funds to acquire wheat through purchases from producers or in

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[1] Sec. 202 of the Temporary Emergency Food Assistance Act of 1983 (title II of Public Law 98–8; 97 Stat. 35), as amended by sec. 2 of Public Law 98–92 (97 Stat. 609), includes the following provision concerning utilization of wheat designated under this Act:

"AVAILABILITY OF CCC COMMODITIES

"Sec. 202. (a) Notwithstanding any other provision of law, in order to complement the domestic nutrition programs, make maximum use of the Nation's agricultural abundance, and expand and improve the domestic distribution of price-supported commodities, commodities acquired by the Commodity Credit Corporation that the Secretary of Agriculture (hereinafter referred to as the "Secretary") determines, in his discretion, are in excess of quantities needed to—

"(1) carry out other domestic donation programs,

"(2) meet other domestic obligations (including quantities needed to carry out a payment-in-kind acreage diversion program),

"(3) meet international market development and food aid commitments, and

"(4) carry out the farm price and income stabilization purposes of the Agricultural Adjustment Act of 1938, the Agricultural Act of 1949, and the Commodity Credit Corporation Charter Act, shall be made available by the Secretary, without charge or credit for such commodities, for use by eligible recipient agencies for food assistance.

"(b) Notwithstanding any other provision of law, if wheat stocks acquired by the Commodity Credit Corporation are not available for the purposes of this Act, up to 300,000 metric tons of wheat designated under section 302(b)(1) of the Food Security Wheat Reserve Act of 1980 may be used for the purposes of this Act. Any amount of wheat used from the Food Security Wheat Reserve under this Act shall be replenished by an equivalent quantity of wheat under the provisions of section 302(b) of the Food Security Wheat Reserve Act of 1980 as soon as practicable, but before October 1, 1985."

[2] 7 U.S.C. 1736f–1.

the market to replenish the reserve must be authorized in appropriation Acts.

(c) Nowithstanding any other provision of law, stocks of wheat designated or acquired for the reserve under this section may be released by the President to provide, on a donation or sale basis, emergency food assistance to developing countries at any time that the domestic supply of wheat is so limited that quantities of wheat cannot be made available for disposition under the Agricultural Trade Development and Assistance Act of 1954, except for urgent humanitarian purposes, under the criteria of section 401(a) of that Act. Notwithstanding the provisions of the preceding sentence, up to three hundred thousand metric tons of wheat may be released from the reserve under this section in any fiscal year, without regard to the domestic supply situation, for use under title II of the Agricultural Trade Development and Assistance Act of 1954 in providing urgent humanitarian relief in any developing country suffering a major disaster, as determined by the President, whenever the wheat needed for relief cannot be programmed for such purpose in a timely manner under the normal means of obtaining commodities for food assistance due to circumstances of unanticipated and exceptional need. Wheat released from the reserve may be processed in the United States and shipped to a developing country in the form of flour when conditions in the recipient country require such processing in the United States.

(d) Wheat released from the reserve for the purposes of subsection (c) of this section shall be made available under the Agricultural Trade Development and Assistance Act of 1954 to meet famine or other urgent or extraordinary relief requirements, except that section 401(a) of that Act, with respect to determinations of availability, shall not be applicable thereto.

(e) The Secretary of Agriculture shall provide for the management of stocks of wheat in the reserve as to location and class of wheat needed to meet emergency situations and for the periodic rotation of stocks of wheat in the reserve to avoid spoilage and deterioration of such stocks, using programs authorized by the Agricultural Trade Development and Assistance Act of 1954 and any other provision of law, but any quantity of wheat removed from the reserve for the purposes of this subsection shall be promptly replaced with an equivalent quantity of wheat.

(f) Stocks of wheat in the reserve shall not be considered a part of the total domestic supply (including carryover) for the purposes of subsection (c) of this section or for the purposes of administering the Agricultural Trade Development and Assistance Act of 1954 and shall not be subject to any quantitative limitations on exports that may be imposed under section 7 of the Export Administration Act of 1979.

(g)(1) The funds, facilities, and authorities of the Commodity Credit Corporation shall be used by the Secretary of Agriculture in carrying out this section, except that any restriction applicable to the acquisition, storage, or disposition of Commodity Credit Corporation owned or controlled commodities shall not apply with respect to the acquisition, storage, or disposal of wheat for or in the reserve.

(2) Effective beginning October 1, 1981, the Commodity Credit Corporation shall be reimbursed from funds made available for carrying out the Agricultural Trade Development and Assistance Act of 1954 for wheat released from the reserve that is made available under such Act, such reimbursement to be made on the basis of actual costs incurred by the Commodity Credit Corporation with respect to such wheat or the export market price of wheat (as determined by the Secretary) as of the time the wheat is released from the reserve for such purpose, whichever is lower. Such reimbursement may be made from funds appropriated for that purpose in subsequent years.

(h) Any determination by the President or the Secretary of Agriculture under this section shall be final.

(i) [3] The authority to replace stocks of wheat to maintain the reserve under this section shall expire September 30, 1990 after which stocks released from the reserve may not be replenished. Stocks of wheat remaining in the reserve after September 30, 1985, shall be disposed of by release for use in providing for emergency food needs in developing countries as provided in this section.

EFFECTIVE DATE

Sec. 303. Except as otherwise provided herein, this title shall become effective October 1, 1980, or the date of enactment, whichever is later.

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[3] Sec. 1013 of the Food Security Act of 1985 (Public Law 99-198.) 99 Stat. 1456, extended the date from 1985 to 1990.

c. Executive Order 12266, January 15, 1981, 46 F.R. 4667

FOOD SECURITY WHEAT RESERVE

By the authority vested in me as President of the United States of America by Section 302(a) of the Food Security Wheat Reserve Act of 1980 (Title III of the Agricultural Act of 1980 (Public Law 96–494)), it is hereby ordered as follows:

1–101. There is hereby established a Food Security Wheat Reserve composed of a reserve stock of wheat, which shall not exceed four million metric tons.

1–102. The Secretary of Agriculture is responsible for designating, in accordance with Section 302 of the Food Security Wheat Reserve Act of 1980, the specific reserve stocks of wheat which shall comprise the Food Security Wheat Reserve.

5. Agriculture and Food Act of 1981

Partial text of Public Law 97-98 [S. 884] 95 Stat. 1213 at 1274, as amended by Public Law 98-412 [H.J. Res. 600], 98 Stat. 1576, approved August 30, 1984; and by Public Law 99-198 [H.R. 2100], 99 Stat. 1354, approved December 23, 1985

AN ACT

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, with the following table of contents, may be cited as the "Agriculture and Food Act of 1981".

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TITLE XII—AGRICULTURAL EXPORTS AND PUBLIC LAW 480

SUBTITLE A—GENERAL EXPORT PROVISIONS

AGRICULTURAL EXPORT CREDIT REVOLVING FUND

Sec. 1201.[1] * * *

CONGRESSIONAL CONSULTATION ON BILATERAL COMMODITY SUPPLY AGREEMENTS

Sec. 1202.[2] As soon as practicable before the Government of the United States enters into any bilateral international agreement, other than a treaty, involving a commitment on the part of the United States to assure access by a foreign country or instrumentality thereof to United States agricultural commodities or products thereof on a commercial basis, the President is encouraged to notify and consult with the appropriate committees of Congress for the purpose of setting forth in detail the terms of and reasons for negotiating such agreement.

SPECIAL STANDBY EXPORT SUBSIDY PROGRAM

Sec. 1203.[3] (a) In order to discourage foreign countries or instrumentalities thereof from using subsidies to promote the exportation of agricultural commodities, the Secretary of Agriculture shall formulate a special standby export subsidy program for agricultural commodities or products thereof produced in the United States. Such program shall be designed to neutralize the effects of export subsidy programs instituted by foreign countries or instrumentalities to encourage exports of their agricultural commodities to foreign markets other than the United States.

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[1] Sec. 1201 amended sec. 4 of the Food for Peace Act of 1966 (Public Law 89-808) by adding a new subsec. (d) which established the Agricultural Export Credit Revolving Fund. See page 874 for text of sec. 4(d).

[2] 7 U.S.C. 1736h.

[3] 7 U.S.C. 1736i.

(b) The Secretary may implement the special standby export subsidy program formulated under subsection (a) of this section only after the President—

(1) makes a determination under section 301 of the Trade Act of 1974 (19 U.S.C. 2411) that action by the United States is appropriate to obtain the elimination of an act, policy, or practice of a foreign country or instrumentality that results in—

(A) substantial displacement of United States exports of agricultural commodities to foreign markets, or

(B) prices for agricultural commodities in foreign markets materially below prices which suppliers of the same agricultural commodities produced in the United States must charge in order to supply such commodities to the same markets;

(2) makes a determination that such act, policy, or practice of the foreign country or instrumentality concerned involves the use of export subsidies to encourage exports of such country's or instrumentality's agricultural commodities to foreign markets other than the United States; and

(3) fails to reach a mutually acceptable resolution through consultation with the foreign country or instrumentality concerned.

(c) The Secretary shall use the Commodity Credit Corporation in carrying out the special standby export subsidy program authorized by this section.

(d) Notwithstanding any other provision of this section, the Secretary shall not implement the special standby export subsidy program for cotton.

(e) The authority provided under this section shall be in addition to, and not in lieu of, any authority granted to the Secretary or the Commodity Credit Corporation by any other provision of law.

AGRICULTURAL EMBARGO PROTECTION

Sec. 1204.[4] Notwithstanding any other provision of law—

(a) If the President or other member of the executive branch of the Federal Government causes the export of any agricultural commodity to any country or area of the world to be suspended, or restricted for reasons of national security or foreign policy under the Export Administration Act of 1979 or any other provision of law, and if such suspension or restriction of the export of such agricultural commodity is imposed other than in connection with a suspension or restriction of all exports from the United States to such country or area of the world, and if sales of such agricultural commodity for export from the United States to such country or area of the world during the year preceding the year in which the suspension or restriction is imposed exceeds 3 per centum of the total sales of such commodity for export from the United States to all foreign countries during the year preceding the year in which the suspension or restriction is in effect, the Secretary of Agriculture shall compensate producers of the commodity involved by—

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[4] 7 U.S.C. 1736j.

(1) making payments available to such producers, as provided in subsection (b) of this section;

(2) on the date on which the suspension or restriction is imposed, establishing the loan level for such commodity under the Agricultural Act of 1949, if a loan program is in effect for the commodity, at 100 per centum of the parity price for the commodity, as determined by the Secretary on the date of the imposition of the suspension or restriction; or

(3) undertaking any combination of the measures described in clauses (1) and (2) of this subsection.

(b) If the Secretary makes payments available to producers pursuant to clause (1) of subsection (a) of this section, the amount of such payment shall be determined by—

(1) in the case of an agricultural commodity for which payments are authorized to be made to producers under title I of the Agriculture Act of 1949, multiplying (A) the producer's farm program payment yield or the yield established for the farm for the commodity involved, times (B) the farm program acreage established for the commodity, times (C) the amount by which the average market price per unit of such commodity received by producers during the sixty-day period immediately following the date of the imposition of the suspension or restriction is less than 100 per centum of the parity price for such commodity, as determined by the Secretary on the date of the imposition of the suspension or restriction; or

(2) in the case of other agricultural commodities for which price support is authorized for producers under the Agricultural Act of 1949, multiplying the amount by which the average market price per unit of such commodity received by the producers during the sixty-day period immediately following the date of the imposition of the suspension or restriction is less than 100 per centum of the parity price for such commodity, as determined by the Secretary on the date of the imposition of the suspension or restriction, by the quantity of such commodity sold by the producer during the period that the suspension or restriction is in effect.

(c) The payments made pursuant to clause (1) of subsection (b) of this section shall be made for each marketing year or part thereof during which the suspension or restriction is in effect and shall be made in equal amounts at ninety day intervals, beginning ninety days after the date of the imposition of the suspension or restriction.

(d)(1) Any loan level established pursuant to clause (2) of subsection (a) of this section shall remain in effect as long as the suspension or restriction described in subsection (a) remains in effect.

(2) Any commodity loan the level of which is increased by the Secretary pursuant to clause (2) of subsection (a) of this

section shall be made available to producers of the commodity without interest.

(e) The Secretary may issue such regulations as are deemed necessary to carry out the provisions of this section.

(f) The Secretary shall use the Commodity Credit Corporation in carrying out the provisions of this section.

(g) The provisions of this section shall become effective with respect to any suspension or restriction of the export of any agricultural commodity, as described in subsection (a) of this section, implemented after the date of enactment of this Act.

DEVELOPMENT OF PLANS TO ALLEVIATE ADVERSE IMPACT OF EXPORT EMBARGOES ON AGRICULTURAL COMMODITIES

Sec. 1205.[5] In order to alleviate, to the maximum extent possible, the adverse impact on farmers, elevator operators, common carriers, and exporters of agricultural commodities when the President or other member of the executive branch of the Federal Government causes the export of any agricultural commodity to any country or area of the world to be suspended or restricted, the Secretary of Agriculture shall—

(1) develop a comprehensive contingency plan that includes—

(A) an assessment of existing farm programs with a view to determining whether such programs are sufficiently flexible to enable the Secretary to efficiently and effectively offset the adverse impact of such a suspension or restriction on farmers, elevator operators, common carriers, and exporters of commodities provided for under such programs;

(B) an evaluation of the kinds and availability of information needed to determine, on an emergency basis, the extent and severity of the impact of such a suspension or restriction on producers, elevator operators, common carriers, and exporters; and

(C) the development of criteria for determining the extent, if any, to which the impact of such a suspension or restriction should be offset in the case of each of the sectors referred to in clause (1)(B) of this section;

(2) for any suspension or restriction for which compensation is not provided under section 1204 of this title, develop and submit to Congress such recommendations for changes in existing agricultural programs, or for new programs, as the Secretary considers necessary to handle effectively, efficiently, economically, and fairly the impact of any such suspension or restriction;

(3) for any suspension or restriction for which compensation is provided under section 1204 of this title, develop and submit to Congress a plan for implementing and administering section 1204; and

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[5] 7 U.S.C. 1736k.

(4) require the Commodity Credit Corporation, before such corporation purchases any contracts for the purpose of offsetting the impact of a commodity suspension or restriction, to—

(A) prepare an economic justification for each commodity involved in the suspension or restriction to determine if such a purchase is necessary;

(B) estimate any suspension- or restriction-related benefits and detrimental effects to the exporters, and use both estimates in determining the extent, if any, Federal assistance is needed; and

(C) limit its purchases to only those types and grades of commodities suspended or restricted from shipment and make such purchases at prices at or near the current market prices.

CONSULTATION ON GRAIN MARKETING

Sec. 1206.[6] Congress encourages the Secretary of Agriculture, in coordination with other appropriate Federal departments and agencies, to continue to consult with representatives of other major grain exporting nations toward the goal of establishing more orderly marketing of grain and achieving higher farm income for producers of grain.

EXPANSION OF INTERNATIONAL MARKETS FOR UNITED STATES AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Sec. 1207.[7] (a) It is the sense of Congress that, in order to further assist in the development, maintenance, and expansion of international markets for United States agricultural commodities and the products thereof, the Secretary of Agriculture should and is requested to—

(1) use the intermediate credit program authorized under section 4 of the Food for Peace Act of 1966 (7 U.S.C. 1707a) to improve the capability of importing nations to purchase and use United States agricultural commodities and the products thereof on a long-term basis;

(2) ask Congress, at the earliest practicable date, for funds for the agricultural export credit revolving fund in an amount sufficient to meet the demand for short-term credit authorized to be made available under section 4 of the Food for Peace Act of 1966;

(3) establish, insofar as practicable, the maximum number of United States Agricultural Trade Offices in other nations authorized by section 605A of the Act of August 28, 1954 (7 U.S.C. 1765a);

(4) use, to the maximum extent practicable, existing authority to ensure full utilization of the levy-free quota, established during the Tokyo round of the multilateral trade negotiations, for the export sale of United States high quality beef to the European Economic Community;

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[6] 7 U.S.C. 1736l.

[7] 7 U.S.C. 1736m.

(5) expand, to the fullest extent possible, the market development activities of the Foreign Agricultural Service of the Department of Agriculture in developed, developing, market, and nonmarket foreign countries with particular emphasis on (A) continuation of the cooperator programs at the same funding level (adjusted for inflation) as provided during fiscal year 1970; (B) a more active export market development program for value added farm products and processed foods; and (C) the implementation of a full-scale program for forestry products, including commodity information, trade policy, and market development for such products;

(6) ensure that the European Economic Community observes its commitments under the General Agreement on Tariffs and Trade regarding the tariff-free binding on imports of soybeans and corn gluten feed;

(7) consult with the appropriate officials of the Government of Japan with the objective of increasing the export sales of citrus fruits and high quality beef to Japan and to develop mutually acceptable standards for the certification of lettuce and other specialty crops for export to Japan; and

(8) use the authority under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to establish a special standby export subsidy program for United States agricultural commodities and the products thereof, the export of which has been restricted by foreign government subsidies.

(b) It is further declared to be the sense of Congress that any special standby export subsidy program established by the Secretary of Agriculture pursuant to subsection (a)(8) of this section should be (1) consistent with United States international obligations, and (2) designed to neutralize the effects of those foreign agricultural commoditiy subsidy programs that—

(A) the President has determined, pursuant to section 301 of the Trade Act of 1974 (19 U.S.C. 2411), are acts, policies, or practices described in section 301(a) of such Act that should be eliminated by appropriate action of the United States; and

(B) have, as the result of the appropriate dispute settlement procedures, been found to be in violation of the General Agreement on Tariffs and Trade or the Agreement on Interpretation and Application of Articles VI, XVI and XXIII of the General Agreement on Tariffs and Trade (relating to subsidies and countervailing measures), if applicable.

INCREASED USAGE OF PROTEIN BYPRODUCTS DERIVED FROM ALCOHOL FUEL PRODUCTION

Sec. 1208.[8] (a) Congress finds that the use of the protein byproduct resulting from the production of fuel alcohol from agricultural commodities may make it possible for the United States to make available significantly increased amounts of protein to meet the food needs of developing countries without any increase in handling, storage, and transportation facilities. It is the sense of Congress that serious consideration should be given to the potential of this protein byproduct and that, if found to be feasible, this protein byproduct should be included in the Department of Agriculture's commodity export and donation programs.

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[8] 7 U.S.C. 1736n.

(b) Accordingly, the Secretary of Agriculture shall continue to investigate the potential for using the protein byproduct resulting from the production of fuel alcohol from agricultural commodities in meeting the food needs of developing countries through food for peace programs carried out under the Agricultural Trade Development and Assistance Act of 1954 and through the export credit sales program carried out under section 4 of the Food for Peace Act of 1966 and section 5(f) of the Commodity Credit Corporation Charter Act.

(c) The Secretary shall also continue to investigate the potential for using the protein byproduct resulting from the production of fuel alcohol from agricultural commodities in the distribution of food products under the commodity donation program carried out under clause (3) of section 416 of the Agricultural Act of 1949 and under section 210 of the Agricultural Act of 1956.

(d)(1) Not later than twelve months after enactment of this Act, the Secretary shall include the results of the investigations referred to in subsections (b) and (c) of this section in an appropriate report to Congress.

(2) The Secretary shall thereafter provide to Congress each year a description of the efforts being made by the Department to make available, as part of the programs referred to in subsections (b) and (c) of this section, the protein byproduct resulting from the production of fuel alcohol from agricultural commodities. The information for all such programs shall be included in the report submitted pursuant to section 408(a) of the Agricultural Trade Development and Assistance Act of 1954, or in any other appropriate annual report to Congress.

EXEMPTION FOR PROTEIN BYPRODUCTS

Sec. 1209. The Act entitled "An Act authorizing Commodity Credit Corporation to purchase flour and cornmeal and donating same for certain domestic and foreign purposes", approved August 19, 1958 (7 U.S.C. 1431 note), is amended in the proviso by inserting "(except that this limitation does not apply in the case of the protein byproduct resulting from the production of fuel alcohol from agricultural commodities)" immediately after "processed".

SUBTITLE B—PUBLIC LAW 480 [9]

SELF-HELP MEASURES TO INCREASE AGRICULTURAL PRODUCTION; VERIFICATION OF SELF-HELP PROVISIONS

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[9] Subtitle B consists of amendments to Public Law 480 (page 765) and have been incorporated into that Act at the appropriate places.

SUBTITLE C—AGRICULTURAL TRADE AND EXPORT POLICY COMMISSION ACT [10]

SHORT TITLE

Sec. 1217.[10] This subtitle may be cited as the "Agricultural Trade and Export Policy Commission Act".

FINDINGS AND DECLARATION OF POLICY

Sec. 1218.[10] (a) Congress finds that—

(1) the economic well-being of the Nation's agricultural industry is directly related to its ability to compete in international markets; and

(2) a thorough examination of agriculture-related trade and export policies, programs, and practices of the United States is needed to ensure that such policies, programs, and practices increase the competitiveness of United States agricultural commodities and products in international markets.

(b) It is hereby declared to be the policy of Congress to expand international trade in United States agricultural commodities and products and to develop, maintain, and expand markets for United States agricultural exports.

ESTABLISHMENT

Sec. 1219.[10] (a) There is established a National Commission on Agricultural Trade and Export Policy to conduct a study of the agriculture-related trade and export policies, programs, and practices of the United States.

(b) In addition to the ex officio congressional members specified in subsection (c) of this section, the Commission shall be composed of twenty-three members appointed or designated by the President and selected as follows:

(1) The President shall select three members from among officers or employees of the Executive branch who shall serve in an ex officio capacity without voting rights; and

(2) The President pro tempore of the Senate and the Speaker of the House of Representatives shall each select then members from among private citizens of the United States to represent industries that are directly affected by agriculture-related trade and export policies, programs, and practices of the United States, including, but not limited to, the following:

(A) producers of major agricultural commodities in the United States;

(B) processors or refiners of United States agricultural commodities;

(C) exporters, transporters, or shippers of United States agricultural commodities and products to foreign countries;

(D) suppliers of production equipment or materials to United States farmers;

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[10] 7 U.S.C. 1691 note. Public Law 98-412 (98 Stat. 1576) added Subtitle C (sec. 1217-1223).

(E) providers of financing or credit for domestic and export agricultural purposes; and

(F) organizations representing general farm and rural interests in the United States.

(c) The chairmen and ranking minority members of the House Committee on Agriculture, the Senate Committee on Agriculture, Nutrition, and Forestry, the House Committee on Foreign Affairs, the Senate Committee on Foreign Relations, the House Committee on Ways and Means, and the Senate Committee on Finance shall serve as ex officio members of the Commission and shall have the same voting rights as the members of the Commission selected and appointed under the provisions of subsection (b)(2) of this section. The chairmen and ranking minority members may designate other members of their respective committees to serve in their stead as members of the Commission.

(d) A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(e) The Commission shall elect a chairman from among the members of the Commission who are selected and appointed under the provisions of subsection (b)(2) of this section.

(f) The Commission shall meet at the call of the chairman or a majority of the Commission.

CONDUCT OF STUDY

Sec. 1220.[10] The Commission shall study the agriculture-related trade and export policies, programs, and practices of the United States and the international and domestic factors affecting such policies, programs, and practices, including the intergovernmental activities of the United States that affect the formulation of policies. In conducting the study, the Commission shall consider, among other things, the following:

(1) the effectiveness of existing agricultural export assistance programs, and the manner in which they can be improved;

(2) new export assistance programs that should be considered, and the conditions under which they can be implemented;

(3) practices of foreign countries that impede the export of United States agricultural commodities and products, and appropriate responses for the United States;

(4) the effectiveness of the trade agreements program of the United States with respect to agriculture-related trade and exports, and the manner in which it can be improved;

(5) international economic trends that affect agricultural exports, and the manner in which the United States can best adjust its policies, programs, and practices to meet changing economic conditions;

(6) potential areas of conflict and compatibility between international agricultural trade and foreign food assistance programs, and the manner in which any conflict can be resolved; and

(7) the relationship between international agricultural trade and foreign economic development and food programs, and the manner in which they can be made more compatible.

RECOMMENDATIONS AND REPORTS

Sec. 1221.[10] (a) On the basis of its study, the Commission shall make findings and develop recommendations for consideration by the President and Congress with respect to the agriculture-related trade and export policies, programs, and practices of the United States, and the manner in which such policies, programs, and practices can be improved to better develop, maintain and expand markets for United States agricultural exports.

(b) The Commission shall submit to the President and Congress—

(1) a report containing its initial findings and recommendations by March 31, 1985,

(2) such additional interim reports on its work as may be requested by the chairman of any of the Committees set forth in section 1219(c) of this subtitle, and

(3) a report containing the final results of its study and its recommendations therefrom by July 1, 1986.

ADMINISTRATION

Sec. 1222.[10] (a) The heads of Executive agencies, the General Accounting Office, the International Trade Commission, and the Congressional Budget Office shall, to the extent permitted by law, provide the Commission such information as it may require in carrying out its duties and functions.

(b) Members of the Commission shall serve without any additional compensation for work on the Commission. However, members appointed from among private citizens of the United States may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the government service under sections 5701 through 5707 of title 5, United States Code.

(c) To the extent there are sufficient funds available to the Commission in advance under section 1223 of this subtitle, and subject to such rules as may be adopted by the Commission, the chairman, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, shall have the power to—

(1) appoint and fix the compensation of a director; and

(2) appoint and fix the compensation of such additional staff personnel as the Commission determines necessary to carry out its duties and functions.

(d) Upon request of the Commission, the Secretary of Agriculture shall furnish the Commission with such personnel and support services as are necessary to assist the Commission in carrying out its duties and functions.

(e) Upon request of the Commission, the heads of other Executive agencies and the General Accounting Office are each authorized to furnish the Commission with such personnel and support services as the head of the agency or office and the chairman of the Commission agree are necessary to assist the Commission in carrying out its duties and functions.

(f) The Commission shall not be required to pay or reimburse any agency or office for personnel and support services provided under this section.

(g) In accordance with section 12 of the Federal Advisory Committee Act, the Secretary of Agriculture shall maintain such financial records as will fully disclose the disposition of any funds that may be at the disposal of the Commission and the nature and extent of its activities, and the Comptroller General of the United States, or any of the Comptroller General's authorized representatives, shall have access to such records for the purpose of audit and examination.

(h) The Commission shall be exempt from section 7(d), section 10(e), section 10(f), and section 14 of the Federal Advisory Committee Act.

(i) The Commission shall be exempt from the requirements of sections 4301 through 4305 of title 5, United States Code.

PUBLIC SUPPORT

Sec. 1223.[10] (a) Following the appointment or designation of the members of the Commission, notwithstanding the provisions of section 1342 of title 31, United States Code, the Secretary of Agriculture may receive, from persons, corporations, foundations, and all other groups and entities within the United States, contributions of money and services to assist the Commission in carrying out its duties and functions. Any money contributed under this section shall be available to the Commission for the payment of salaries, travel expenses, per diem, and other expenses incurred by the Commission under this subtitle. In no event may the contributions from any one person, corporation, foundation, or other group or entity exceed 5 per centum of the Commission's total budget.

(b) If the contributions provided under subsection (a) are insufficient for payment of Commission salaries, travel expenses, per diem, and other expenses incurred by the Commission under this subtitle, the Secretary of Agriculture is authorized to use the funds of the Commodity Credit Corporation for such purposes in an amount not to exceed a total of $1,000,000.

(c) The Secretary of Agriculture shall keep, and shall make available for public inspection during normal business hours, records that fully disclose a complete list of every person, group, and entity making a contribution under this section, the address of the contributor, the amount and type of each such contribution, and the date the contribution was made.

(d) Any amount of money available to the Commission under this section that remains unobligated upon termination of the Commission shall be deposited in the Treasury as miscellaneous receipts.

TERMINATION

Sec. 1224.[10] The Commission shall terminate sixty days after the transmission of its final report to the President and Congress.

6. Omnibus Budget Reconciliation Act of 1982

Partial text of Public Law 97-253 [H.R. 6955], 96 Stat. 763 at 766 and 772, approved September 8, 1982

AN ACT To provide for reconciliation pursuant to the first concurrent resolution on the budget for fiscal year 1983 (S. Con. Res. 92, Ninety-seventh Congress).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Omnibus Budget Reconciliation Act of 1982".

TITLE I—AGRICULTURE, FORESTRY, AND RELATED PROGRAMS

Subtitle A—Dairy Price Support Program

* * * * * * *

Subtitle B—Donation of Dairy Products

Sec. 110. * * * [1]

* * * * * * *

Subtitle D—Agricultural Export Promotion

Sec. 135. Effective for each of the fiscal years ending September 30, 1983, September 30, 1984, and September 30, 1985, the Secretary of Agriculture shall use not less than $175,000,000 nor more than $190,000,000 of funds of the Commodity Credit Corporation for export activities authorized to be carried out by the Secretary or by the Commodity Credit Corporation under the provisions of law in effect on the date of enactment of this section, notwithstanding the fact that the activity may not be included in the budget program of the Corporation. The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation. The authority provided in this section shall be in addition to, and not in place of, any authority granted to the Secretary of Agriculture or the Commodity Credit Corporation under any other provision of law.

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[1] Sec. 110 amends sec. 416 of the Agricultural Act of 1949.

7. International Carriage of Perishable Foodstuffs Act

Public Law 97-325 [H.R. 6164], 96 Stat. 1603, approved October 15, 1982

AN ACT To authorize the Secretary of Agriculture to implement the Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be Used for Such Carriage (ATP), and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "International Carriage of Perishable Foodstuffs Act".

FINDINGS AND PURPOSE.

Sec. 2.[1] Congress hereby finds and declares that—

(1) the United States, as a member of the Economic Commission for Europe of the United Nations, participated in development by that Commission of the Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be Used for Such Carriage;

(2) the agreement requires that equipment involved in the international carriage of perishable foodstuffs be inspected, tested, and certified to specified standards;

(3) this Act will make it possible for equipment in the United States to be inspected, tested, and certified in accordance with the agreement and the standards specified therein; and

(4) this Act will improve the conditions for the movement of perishable foodstuffs in international carriage in equipment owned or operated by United States firms, which will serve to protect existing trade and promote expansion of trade in perishable foodstuffs, and will improve the sale of United States manufactured equipment for use in international carriage.

DEFINITIONS

Sec. 3.[2] As used in this Act—

(1) The term "agreement" means the Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be Used for Such Carriage, and the annexes and the appendices thereto, done at Geneva, September 1, 1970, under the auspices of the Economic Commission for Europe of the United Nations.

(2) The term "contracting party" means any country that is eligible under article 9 of the agreement and that has complied with the terms of such article.

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[1] 7 U.S.C. 4401.

[2] 7 U.S.C. 4402.

(3) The term "equipment" means the special transport equipment that complies with the definitions and standards set forth in annex 1 to the agreement, including, but not limited to, railway cars, trucks, trailers, semitrailers, and intermodal freight containers that are insulated only, or insulated and equipped with a refrigerating, mechanically refrigerating, or heating appliance.

(4) The term "perishable foodstuffs" means quick deep-frozen and frozen food products listed in annex 2 and food products listed in annex 3 to the agreement.

(5) The term "international carriage" means transportation of perishable foodstuffs if such foodstuffs are loaded in equipment or the equipment containing them is loaded onto a rail or road vehicle, in the territory of any country and such foodstuffs are, or the equipment containing them is, unloaded in the territory of another country that is a contracting party, where such transportation is by—

(A) rail,

(B) road,

(C) any combination of rail and road, or

(D) any sea crossing of less than one hundred and fifty kilometers, if preceded or followed by one or more land journeys as referred to in clauses (A), (B), and (C) of this paragraph, and the perishable foodstuffs are shipped in the same equipment used for such land journeys without transloading of such foodstuffs.

In the case of any transportation that involves one or more sea crossings other than as specified in clause (D) of this paragraph, each land journey shall be considered separately.

(6) The term "United States" means the fifty States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands of the United States, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

DUTIES OF THE SECRETARY OF AGRICULTURE

Sec. 4.[3] The Secretary of Agriculture of the United States shall be the competent authority to implement the agreement. To ensure compliance with the standards specified in the agreement, the Secretary of Agriculture may—

(1) designate appropriate organizations to inspect or test equipment, or both;

(2) issue certificates of compliance in accordance with annex 1, appendix 1, paragraph 4 of the agreement;

(3) prescribe such regulations as may be necessary to implement the agreement and administer this Act, including, but not limited to, provision for suspending or denying the designation of any organization to inspect or test equipment and for denying the issuance of certificates of compliance as may be

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[3] 7 U.S.C. 4403.

necessary to ensure compliance with the provisions of this Act and the regulations issued thereunder;

(4) make periodic onsite inspections of facilities and procedures used by those seeking certificates of compliance and by organizations designated to test or inspect equipment under this Act;

(5) require submission of reports by those seeking certificates of compliance and by organizations designated to test or inspect equipment under this Act;

(6) require maintenance of records by those seeking certificates of compliance and by organizations designated to test or inspect equipment under this Act, such records to be made available to the Secretary upon request;

(7) inform contracting parties, through the Secretary of State of the United States, of all general measures taken in connection with the implementation of the agreement; and

(8) take such other action as may be considered appropriate to implement the agreement and administer this Act.

DUTIES OF THE SECRETARY OF STATE

Sec. 5.[4] The Secretary of State, with the concurrence of the Secretary of Agriculture, may take such action as may be considered appropriate to assert and protect the rights of the United States under the agreement.

FEES FOR TESTING, INSPECTION OR CERTIFICATION

Sec. 6.[5] (a) Any organization designated by the Secretary of Agriculture to test or inspect equipment may establish reasonable fees to cover the costs of such testing or inspection. Such fees shall be payable directly to the organization by those seeking inspection or testing.

(b) The Secretary of Agriculture may, effective October 1, 1982, fix and cause to be collected reasonable fees to cover, as nearly as practicable, the costs to the Department of Agriculture incurred in connection with the issuance of certificates of compliance as provided under section 4(2) of this Act. All fees collected shall be credited to the current appropriation account that incurs the cost and shall be available without fiscal year limitation to pay the expenses of the Secretary of Agriculture incident to the issuance of certificates of compliance under this Act.

AUTHORIZATION FOR APPROPRIATIONS

Sec. 7.[6] There are authorized to be appropriated to the Secretary of Agriculture for the fiscal year beginning October 1, 1982, and for each fiscal year thereafter, such sums as are necessary to carry out the provisions of this Act, but not to exceed $100,000 in any fiscal year.

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[4] 7 U.S.C. 4404.

[5] 7 U.S.C. 4405.

[6] 7 U.S.C. 4406.

ASSISTANT SECRETARY OF AGRICULTURE

Sec. 8.[7] (a) There shall be in the Department of Agriculture, in addition to the Assistant Secretaries now provided for by law, an additional Assistant Secretary of Agriculture who shall be appointed by the President, by and with the advice and consent of the Senate, who shall be responsible for such duties as the Secretary of Agriculture shall prescribe and shall receive compensation at the rate now or hereafter prescribed by law for Assistant Secretaries of Agriculture.

(b) Section 5315 of title 5 of the United States Code is amended by striking out "(6)" following "Assistant Secretaries of Agriculture" and inserting in lieu thereof "(7)."

(c) Section 5316 of title 5 of the United States Code is amended by striking out "Assistant Secretary of Agriculture for Administration."

(d) Section 3 of Reorganization Plan Numbered 2 of 1953 (67 Stat. 633) is repealed.

(e) This section shall take effect on the date of enactment of this Act except that subsections (c) and (d) of this section shall take effect upon the appointment of a person to fill the successor position created by subsection (a) of this section.

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[7] 7 U.S.C. 2212c.

C. THE PEACE CORPS

CONTENTS

Page

1. The Peace Corps Act, as amended 919
2. Establishment of the Peace Corps as an Independent Agency (Public Law 97-113) (partial text) 947
3. Peace Corps Authorization for Fiscal Years 1986 and 1987 (Public Law 99-83) (partial text) 950
4. Independent Implementing Provisions of Public Law 89-134 951
5. Recognition of Peace Corps Volunteers and the Peace Corps on its Twenty-Fifth Anniversary, 1985-1986. (Public Law 99-111) 952
6. Executive Order 12137 (The Peace Corps) 953
7. Executive Order 11103 (Providing for the Appointment of Former Peace Corps Volunteers to the Civilian Civil Service) 958
8. Executive Order 12468 (Presidential Advisory Council on the Peace Corps) 959

The Peace Corps was initially established pursuant to Executive Order 10924, March 1, 1961, 26 F.R. 1789, as an agency in the Department of State, under authority of the Mutual Security Act of 1954, as amended. Pursuant to that order, Department of State Delegation of Authority No. 85-11, March 3, 1961, 26 F.R. 2196, and Department of State Redelegation of Authority No. 85-10B, March 4, 1961, 26 F.R. 2196, the Peace Corps was empowered to exercise authority under section 400(a) of the Mutual Security Act of 1954, as amended ("Special Assistance"), and under certain other provisions of that act. Its operations were funded from appropriations available under the Mutual Security Act and Mutual Security Program funds appropriated by the joint resolution making temporary appropriations for fiscal year 1962. The authorities, functions, offices, personnel, property, records, and funds available to the Peace Corps were preserved, pending enactment of the Peace Corps Act, by section 643(d) of the Foreign Assistance Act of 1961, notwithstanding the repeal by that act of much of the Mutual Security Act of 1954, as amended. Section 643(d) was repealed by the Foreign Assistance Act of 1962. Pursuant to Executive Order 11603 of July 1, 1971 (36 F.R. 12675), the Peace Corps was transferred to the agency created by Reorganization Plan No. 1 of 1971 and designated as ACTION. The ACTION Agency was established by law under Title IV of the Domestic Volunteer Service Act of 1973. Executive Order 12137 of May 16, 1979 superseded Executive Order 11603 but continued the policy of the Peace Corps operating as an agency within ACTION. Sec. 601 of the International Security and Development Cooperation Act of 1981 (Public Law 97-113), in amending the Peace Corps Act, removed the Peace Corps from ACTION and established the Peace Corps as an independent agency within the executive branch, effective December 29, 1981. All functions relating to the Peace Corps previously vested in the Director of ACTION were transferred to the Director of the Peace Corps on the day before the effective date.

1. The Peace Corps Act, as amended

Public Law 87-293 [H.R. 7500], 75 Stat. 612; 22 U.S.C. 2501-2523, approved September 22, 1961, as amended by Public Law 87-442 [H.R. 10700], 76 Stat. 62, approved April 27, 1962; Public Law 87-793 [H.R. 7927], 76 Stat. 632, approved October 11, 1962; Public Law 88-200 [H.R. 9009], 77 Stat. 359, approved December 13, 1963; Public Law 88-285 [S. 2455], 78 Stat. 166, approved March 17, 1965; Public Law 88-426 [H.R. 11049], 78 Stat. 400, approved August 14, 1964; Public Law 88-448 [H.R. 7381], 78 Stat. 484, approved August 19, 1964; Public Law 89-134 [S. 2054], 79 Stat. 59, approved August 24, 1965; Public Law 89-554 [H.R. 10104], 80 Stat. 378, approved September 6, 1966; Public Law 89-572 [S. 3418], 80 Stat. 764, approved September 13, 1966; Public Law 90-175 [S. 1031], 81 Stat. 542, approved December 5, 1967; Public Law 90-362 [S. 2914], 82 Stat. 250, approved June 27, 1968; Public Law 91-99 [H.R. 11039], 83 Stat. 166, approved October 29, 1969; Public Law 91-352 [S. 3430], 84 Stat. 464, approved July 24, 1970; Public Law 92-135 [S. 2260], 85 Stat. 376, approved October 8, 1971; Public Law 92-352 [H.R. 14734], 86 Stat. 489, approved July 13, 1972; Public Law 93-49 [H.R. 5293], 87 Stat. 99, approved June 25, 1973; Public Law 93-302 [H.R. 12920], 88 Stat. 191, approved June 1, 1974; Public Law 94-130 [H.R. 6334], 89 Stat. 684, approved November 14, 1975; Public Law 94-274 [S. 2444], 90 Stat. 383, approved April 21, 1976; by Public Law 94-281 [H.R. 12226], 90 Stat. 458, approved May 7, 1976; Public Law 95-102 [S. 1235] 91 Stat. 841, approved August 15, 1977; Public Law 95-331 [H.R. 11877], 92 Stat. 414, approved August 2, 1978; Public Law 96-53 [International Development Cooperation Act of 1979; H.R. 3324], 93 Stat. 359 at 370, approved August 14, 1979; Public Law 96-465 [Foreign Service Act of 1980; H.R. 6790], 94 Stat. 2071 at 2157 and 2160, approved October 17, 1980; Public Law 96-533 [International Security and Development Cooperation Act of 1980; H.R. 6942], 94 Stat. 3131 at 3155, approved December 16, 1980; Public Law 97-113 [International Security and Development Cooperation Act of 1981; S. 1196], 95 Stat. 1519 at 1540, approved December 29, 1981; Public Law 97-387 (S. 2611), 96 Stat. 1947, approved December 23, 1982; Public Law 98-473 [Continuing Appropriations Act, 1985; H.J. Res. 648], 98 Stat. 1837, approved October 12, 1984; by Public Law 99-83 [International Security and Development Cooperation Act of 1985; S. 960], 99 Stat. 190 at 272, approved August 8, 1985 and by Public Law 99-399 [Omnibus Diplomatic Security and Antiterrorism Act of 1986; H.R. 4151]; 100 Stat. 897, approved August 27, 1986

AN ACT To provide for a Peace Corps to help the peoples of interested countries and areas in meeting their needs for skilled manpower.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—THE PEACE CORPS

SHORT TITLE

Section 1.[1] This Act may be cited as the "Peace Corps Act".

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[1] 22 U.S.C. 2501 note.

DECLARATION OF PURPOSE

Sec. 2.[2] (a) [3] The Congress of the United States declares that it is the policy of the United States and the purpose of this Act to promote world peace and friendship through a Peace Corps, which shall make available to interested countries and areas men and women of the United States qualified for service abroad and willing to serve, under conditions of hardship if necessary, to help the peoples of such countries and areas in meeting their needs for trained manpower, particularly in meeting the basic needs of those living in the poorest areas of such countries,[4] and to help promote a better understanding of the American people on the part of the peoples served and a better understanding of other peoples on the part of the American people.

(b) The Congress declares that it is the policy of the United States and a purpose of the Peace Corps to maintain, to the maximum extent appropriate and consistent with programmatic and fiscal considerations, a volunteer corps of at least 10,000 individuals.[3]

PEACE CORPS AS AN INDEPENDENT AGENCY

Sec. 2A.[5] Effective on the date of the enactment of the International Security and Development Cooperation Act of 1981, the Peace Corps shall be an independent agency within the executive branch and shall not be an agency within the ACTION Agency or any other department or agency of the United States.

AUTHORIZATION

Sec. 3.[6] (a) The President is authorized to carry out programs in furtherance of the purposes of this Act, on such terms and conditions as he may determine.

(b) There are authorized to be appropriated to carry out the purposes of this Act $130,000,000 for the fiscal year 1986 and $137,200,000 for the fiscal year 1987.[7]

(c) [8] In addition to the amount authorized to be appropriated by subsection (b) to carry out the purposes of this Act, there are au-

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[2] 22 U.S.C. 2501.

[3] The subsec. designation "(a)" and a new subsec. (b) were added by sec. 1102(a) of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 272).

[4] The words beginning with "particularly in meeting * * *" were added by sec. 2 of Public Law 95-331 (92 Stat. 414).

[5] 22 U.S.C. 2501-1. Sec. 2A was added by sec. 601(a) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1540). For additional information concerning the establishment of the Peace Corps as an independent agency, see the balance of sec. 601 of Public Law 97-113 (page 947).

[6] 22 U.S.C. 2502.

The authorization figures for fiscal years 1986 and 1987 were added by sec. 1101 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 242). Authorizations in prior years for the Peace Corps included: Fiscal Year 1976—$88,468,000; Fiscal Year 197T—$27,887,800; Fiscal Year 1977—$81,000,000; Fiscal Year 1978—$86,544,000 (increased from $82,900,000 by Public Law 95-331); Fiscal Year 1979—$112,424,000; Fiscal Year 1980—$105,404,000; Fiscal year 1981—$118,000,000; Fiscal year 1982—$105,000,000; Fiscal year 1983—$105,000,000; Fiscal year 1984—$116,000,000; Fiscal year 1985—none enacted.

[7] The authorization for fiscal years 1986 and 1987 was provided by the International Security and Development Cooperation Act of 1985 (Sec. 1101) of Public Law 99-83; 99 Stat. 190. Sec. 1301 of Public Law 99-399, 100 Stat. 897, increased the 1987 authorization by $7,200,000 to its current level.

Continued

thorized to be appropriated for increases in salary, pay, retirement, or other employee benefits authorized by law, each fiscal year, such sums as may be necessary.[9]

(d)[10] * * * [Repealed—1981]

(e)[10] * * * [Repealed—1981]

(f)[10] * * * [Repealed—1981]

(d)[11] In recognition of the fact that women in developing countries play a significant role in economic production, family support, and the overall development process, the Peace Corps shall be administered so as to give particular attention to those programs, projects, and activities which tend to integrate women into the national economics of developing countries, thus improving their status and assisting the total development effort.

(h)[12] In recognition of the fact that there are over 400,000,000 disabled people in the world, 95 percent of whom are among the poorest of the poor, the Peace Corps shall be administered so as to give particular attention to programs, projects, and activities which tend to integrate disabled people into the national economies of developing countries, thus improving their status and assisting the total development effort.

DIRECTOR OF THE PEACE CORPS AND DELEGATION OF FUNCTIONS

Sec. 4.[13] (a) The President may appoint, by and with the advice and consent of the Senate, a Director of the Peace Corps[14] and a Deputy Director of the Peace Corps.[14]

Foreign Assistance Appropriations Act, 1985 (sec. 101 of the Continuing Appropriations, 1985; Public Law 98–473; 98 Stat. 1892) provides the following:

"For expenses necessary to carry out the provisions of the Peace Corps Act (75 Stat. 612), $128,600,000: *Provided*, That none of the funds appropriated in this paragraph shall be used to pay for abortions."

[8] Subsec. (c) was added by sec. 2 of Public Law 93–302 (88 Stat. 191) and amended by sec. 2 of Public Law 94–130, sec. 2 of Public Law 94–281 and Public Law 95–102 (91 Stat. 841).

[9] The reference to "each fiscal year" was inserted in lieu of a reference to fiscal year 1981 by sec. 602(b) of the International Security and Development Cooperation Act of 1981 (Public Law 97–113; 95 Stat. 1542). Authorizations for prior years under this subsection included: Fiscal Years 1978—$1,069,000 (increased from $1,000,000 by Public Law 95–331); Fiscal Years 1979, 1980, and 1981—"such sums as may be necessary".

[10] Subsecs. (d) (e), and (f) were repealed by sec. 601(e)(1) of the International Security and Development Cooperation Act of 1981 (Public Law 97–113; 95 Stat. 1542). Sec. 601(e)(2) of Public Law 97–113 further stated that such repeals shall not affect "(A) the validity of any action taken before the date of the enactment of this Act [Dec. 29, 1981] under those provisions of law repealed by that amendment, or (B) the liability of any person for any payment described in section 3(f) of the Peace Corps Act as in effect immediately before the date of the enactment of this Act." Subsec. (d), as added by sec. 2 of Public Law 93–302 and amended by sec. 3 of Public Law 94–130, had stipulated that the Director of ACTION should transfer by Dec. 31, 1975, $315,000 from the fiscal year 1976 appropriations to the readjustment allowance, ACTION, account at the Treasury Department in order to rectify the imbalance in the Peace Corps readjustment allowance account for the period Mar. 1, 1961, to Feb. 28, 1973. Subsec. (e), as added by sec. 2 of Public Law 93–302 (88 Stat. 191), had authorized the Director of ACTION to waive claims resulting from erroneous payments of readjustment allowances to Peace Corps volunteers who terminated their service between Mar. 1, 1961, and Feb. 28, 1973. Subsec. (f), also added by sec. 2 of Public Law 93–302, had relieved disbursing and certifying officers of the Peace Corps and ACTION from liability for improper or incorrect payment of readjustment allowances made to Volunteers between Mar. 1, 1961, and Feb. 28, 1973, except in the case of fraud.

[11] Subsec. (d) as originally added as subsec. (g) by sec. 3(3) of Public Law 95–331 (92 Stat. 414) was redesignated as subsec. (d) by sec. 601(e)(1) of the International Security and Development Cooperation Act of 1981 (Public Law 97–113; 95 Stat. 1542).

[12] Subsec. (h) was added by sec. 603 of the International Security and Development Cooperation Act of 1981 (Public Law 97–113; 95 Stat. 1542).

[13] 22 U.S.C. 2503.

(b)[15] The President may exercise any functions vested in him by this Act through the Director of the Peace Corps. The Director of the Peace Corps may promulgate such rules and regulations as he may deem necessary or appropriate to carry out such functions, and may delegate to any of his subordinates authority to perform any of such functions.

(c)(1) Nothing contained in this Act shall be construed to infringe upon the powers or functions of the Secretary of State.

(2) The President shall prescribe appropriate procedures to assure coordination of Peace Corps activities with other activities of the United States Government in each country, under the leadership of the chief of the United States diplomatic mission.

(3) Under the direction of the President, the Secretary of State shall be responsible for the continuous supervision and general direction of the programs authorized by this Act, to the end that such programs are effectively integrated both at home and abroad and the foreign policy of the United States is best served thereby.

(4)[16] The Director of the Peace Corps may prescribe such regulations as may be necessary to assure that no individual performing service for the Peace Corps under any authority contained in this Act shall engage in any activity determined by the Director to be detrimental to the best interest of the United States.

(d) Except with the approval of the Secretary of State, the Peace Corps shall not be assigned to perform services which could more usefully be performed by other available agencies of the United States Government in the country concerned.

PEACE CORPS VOLUNTEERS

Sec. 5.[17] (a) The President may enroll in the Peace Corps for service abroad qualified citizens and nationals of the United States (referred to in this Act as "volunteers"). The terms and conditions of the enrollment, training, compensation, hours of work, benefits, leave, termination, and all other terms and conditions of the service of volunteers shall be exclusively those set forth in this Act and those consistent therewith which the President may prescribe; and, except as provided in this Act, volunteers shall not be deemed officers or employees or otherwise in the service or employment of, or holding office under, the United States for any purpose. In carrying out this subsection there shall be no discrimination against any person on account of race, sex, creed, or color.[18]

(b) Volunteers shall be provided with such living, travel, and leave allowances, and such housing, transportation, supplies, equipment, subsistence, and clothing as the President may determine to

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[14] The words ", whose compensation shall be fixed by the President at a rate not in excess of $20,000 per annum," and ", whose compensation shall be fixed by the President at a rate not in excess of $19,500 per annum", which appeared at these points, respectively, were repealed by sec. 305(27) of the Government Employees Salary Reform Act of 1964 (Public Law 88-426).

[15] The references in subsec. (b) to the Director of the Peace Corps were substituted in lieu of references to the head of any agency or any officer of the United States Government by sec. 601(d)(1) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1541).

[16] Par. (4) was added by sec. 2 of Public Law 91-352 (84 Stat. 426). The function prescribed in this paragraph was transferred to the President by sec. 2(b) of Reorganization Plan No. 1 of 1971.

[17] 22 U.S.C. 2504 Sec. 4 of Public Law 94-130 added "sex" to the bases for nondiscrimination.

be necessary for their maintenance and to insure their health and their capacity to serve effectively. Supplies or equipment provided volunteers to insure their capacity to serve effectively may be transferred to the government or to other entities of the country or area with which they have been serving, when no longer necessary for such purpose, and when such transfers would further the purposes of this Act.[19] Transportation and travel allowances may also be provided in such circumstances as the President may determine, or applicants for enrollment to or from places of training and places of enrollment, and for former volunteers from places of termination to their homes in the United States.

(c)[20] Volunteers shall be entitled to receive a readjustment allowance at a rate not less than $125[21] for each month of satisfactory service as determined by the President.[22] The readjustment allowance of each volunteer shall be payable on his return to the United States: *Provided, however,* That, under such circumstances as the President may determine, the accrued readjustment allowance, or any part thereof, may be paid to the volunteer, members of his family or others, during the period of his service, or prior to his return to the United States. In the event of the volunteer's death during the period of his service, the amount of any unpaid readjustment allowance shall be paid in accordance with the provisions of section 5582(b) of title 5, United States Code. For purposes of the Internal Revenue Code of 1954 (26 U.S.C.), a volunteer shall be deemed to be paid and to receive each amount of a readjustment allowance to which he is entitled after December 31, 1964, when such amount is transferred from funds made available under this Act to the fund from which such readjustment allowance is payable.

(d)[23] [Repealed by Public Law 89-554 (80 Stat. 378 at 661; 22 U.S.C. 2509).]

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[18] This last sentence of sec. 5(a) was amended by sec. 1105(b) of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 276), which removed the prohibition that "no political request shall be required to be taken into consideration".

[19] This sentence was added by sec. 2(a) of Public Law 88-200.

[20] Sec. 2(b) of Public Law 88-200 substituted this language, except for the final sentence, for former subsec. (c), which read as follows:

"(c) Volunteers shall be entitled to receive termination payments at a rate not to termination payment of each volunteer shall be payable at the termination of his service, or may be paid during the course of his service to the volunteer, to members of his family or to others, under such circumstances as the President may determine. In the event of the volunteer's death during the period of his service, the amount of any unpaid termination payment shall be paid in accordance with the provisions of section 61f of title 5 of the United States Code."

The final sentence was added by sec. 2(a) of Public Law 89-134.

[21] The words "not less than $125" were inserted in lieu of the words "not to exceed $125" by sec. 606 of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1543).

[22] A phrase, which had been added by sec. 2(b) of Public Law 91-352 and had previously appeared at this point, was struck by sec. 4(1) of Public Law 95-331 (92 Stat. 414). It formerly read as follows: "except that, in the cases of volunteers who have one or more minor children at the time of their entering a period of preenrollment training, one parent shall be entitled to receive a readjustment allowance at a rate not to exceed $125 for each month of satisfactory service as determined by the President."

[23] Public Law 89-554 repealed subsec. (d), which related to Federal Employees' Compensation Act coverage and enacted a substantially identical provision, 5 U.S.C. 8142, which read as follows:

"(a) For the purpose of this section, 'volunteer' means—

"(1) a volunteer enrolled in the Peace Corps under section 2504 of title 22;

"(2) a volunteer leader enrolled in the Peace Corps under section 2505 of title 22; and

"(3) an applicant for enrollment as a volunteer or volunteer leader during a period of training under section 2507(a) of title 22 before enrollment.

Continued

(e) [24] Volunteers shall receive such health care during their service, applicants for enrollment shall receive such health examinations preparatory to their service, applicants for enrollment who have accepted an invitation to begin a period of training under section 8(a) of this Act shall receive such immunization and dental care preparatory to their service, and former volunteers shall receive such health examinations within six months after termination of their service, as the President may deem necessary or appropriate. Subject to such conditions as the President may prescribe, such health care may be provided in any facility of any agency of the United States Government, and in such cases the appropriation for maintaining and operating such facility shall be reimbursed from appropriations available under this Act.

(f) [25] (1) Any period of satisfactory service of a volunteer under this Act shall be credited in connection with subsequent employment in the same manner as a like period of civilian employment by the United States Government—

(A) for the purposes of section 816(a) of the Foreign Service Act of 1980 [26] and every other Act establishing a retirement system for civilian employees of any United States Government agency; and

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"(b) Subject to the provisions of this section, this subchapter applies to a volunteer, except that entitlement to disability compensation payments does not commence until the day after the date of termination of his services as a volunteer.

"(c) For the purposes of this subchapter—

"(1) a volunteer is deemed receiving monthly pay at the minimum rate for GS–7;

"(2) a volunteer leader referred to by section 2505 of title 22 is deemed receiving monthly pay at the minimum date of GS-11;

"(3) an injury suffered by a volunteer when he is outside the several States, territories, and possessions of the United States, and the District of Columbia is deemed proximately caused by his employment unless the injury or disease is—

"(A) caused by willful misconduct of the volunteer;

"(B) caused by the volunteer's intention to bring about the injury or death of himself or of another; or

"(C) proximately caused by the intoxication of the injured volunteer; and

"(4) the period of service of an individual as a volunteer includes—

"(A) any period of training, under section 2507(a) of title 22 before enrollment as a volunteer; and

"(B) the period between enrollment as a volunteer and the termination of service as a volunteer by the President or by death or resignation."

[24] Sec. 2(b) of Public Law 89–134 substantially amended this subsection which previously read as follows:

"(e) Volunteers shall receive such health care during their service and such health examinations and immunization preparatory to their service, as the President may deem necessary or appropriate. Subject to such conditions as the President may prescribe, such health care, examinations, and immunizations may be provided for volunteers in any facility of any agency of the United States Government, and in such cases the appropriation for maintaining and operating such facility shall be reimbursed from appropriations available under this Act."

[25] Public Law 89–554 repealed subsec. (f) insofar as it applied to the Civil Service Retirement Act, as amended, and enacted a provision, 5 U.S.C. 8332(b), which provides the same benefit. 5 U.S.C. 8332(b), in pertinent part reads as follows:

"(b) The service of an employee shall be credited from the date of original employment to the date of separation on which title to annuity is based in the civilian service in excess of 3 calendar days. The service includes—

"(5) a period of satisfactory service of a volunteer or volunteer leader under chapter 34 of title 22 only if he later becomes subject to this subchapter. * * * For the purpose of paragraph (5) of this subsection—

"(A) a volunteer and a volunteer leader are deemed receiving pay during their service at the respective rates of readjustment allowances payable under sections 2504(c) and 2505(1) of title 22; and

"(B) the period of an individual's service as a volunteer or volunteer leader under chapter 34 of title 22 is the period between enrollment as a volunteer or volunteer leader and the termination of that service by the President or by death or resignation."

[26] This reference to the Foreign Service Act of 1980 was substituted in lieu of a reference to the Foreign Service Act of 1946 by sec. 2202(a) of Public Law 96–465 (94 Stat. 2157).

(B) except as otherwise determined by the President, for the purposes of determining seniority, reduction in force, and layoff rights, leave entitlement, and other rights and privileges based upon length of service under the laws administered by the Civil Service Commission, the Foreign Service Act of 1980, and every other Act establishing or governing terms and conditions of service of civilian employees of the United States Government: *Provided,* That service of a volunteer shall not be credited toward completion of any probationary or trial period or completion of any service requirement for career appointment.

(2) For the purposes of paragraph (1)(A) of this subsection, volunteers and volunteer leaders shall be deemed to be receiving compensation during their service at the respective rates of readjustment allowances [27] payable under sections 5(c) and (6)(1) of this Act.

(g) The President may detail or assign volunteers or otherwise make them available to any entity referred to in paragraph (1) of section 10(a) on such terms and conditions as he may determine: *Provided,* That not to exceed two hundred volunteers may be assigned to carry out secretarial or clerical duties on the staffs of the Peace Corps representatives abroad: [28] *Provided, however,* That any volunteer so detailed or assigned shall continue to be entitled to the allowances, benefits and privileges of volunteers authorized under or pursuant to this Act.

(h) [29] Volunteers shall be deemed employees of the United States Government for the purposes of the Federal Tort Claims Act [30] and any other Federal tort liability statute,[31] the Federal Voting Assistance Act of 1955 (5 U.S.C. 2171 et seq.),[32] the Act of June 4, 1954, chapter 264, section 4 (5 U.S.C. 73b–75), the Act of December 23, 1944, chapter 716, section 1, as amended (31 U.S.C. 492a),[33] section 5584 of title 5, United States Code (and readjustment allowances paid under this Act shall be considered as pay for purposes of such section,[34] and section 1 of the Act of June 4, 1920 (41 Stat. 750), as amended (22 U.S.C. 214).[35]

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[27] Sec. 2(c) of Public Law 88–200 substituted the words "readjustment allowances" for the words "termination payments".

[28] The first proviso was added by sec. 2(d) of Public Law 88–200. Sec. 2(e) of Public Law 89–134 substituted "two" for "one" and struck out "in the aggregate" which had followed "volunteers" in this proviso as originally enacted.

[29] Public Law 89–554 repealed subsec. (h) insofar as it applied to the Act of June 4, 1954, Ch. 264 sec. 4, which relates to the payment or reimbursement of general average contribution from appropriation chargeable to certain types of transportation. Public Law 89–554 also enacted a provision which provides the same benefit (5 U.S.C. 5732) which read as follows: "Under such regulations as the President may prescribe, appropriations chargeable for the transportation of baggage and household goods and personal effects of employees of the United States, volunteers as defined by section 8142(a) of this title, and members of the uniformed services are available for the payment or reimbursement of general average contributions required. Appropriations are not available for the payment or reimbursement of general average contributions—

"(1) required in connection with and applicable to quantities of baggage and household goods and personal effects in excess of quantities authorized by statute or regulation to be transported;

"(2) when the individual concerned is allowed under statute of regulation a commutation instead of actual transportation expenses; or

"(3) when the individual concerned selected the means of shipment."

[30] 28 U.S.C. 2671–2680 and notes.

[31] Sec. 2(e) of Public Law 88–200 deleted the words "and for the purposes of" at this point and substituted "the Federal Voting Assistance Act of 1955 (5 U.S.C. 2171 et seq.), the Act of June 4, 1954, chapter 264, section 4 (5 U.S.C. 73b–5); and".

[32] Recodified as 50 U.S.C. 1451 et seq.

[33] The reference to the Act of Dec. 23, 1944, was added by sec. 2(d) of Public Law 89–134.

(i) The service of a volunteer may be terminated at any time at the pleasure of the President.

(j) Upon enrollment in the Peace Corps, every volunteer shall take the oath prescribed for persons appointed to any office of honor or profit by section 1757 of the Revised Statutes of the United States, as amended (5 U.S.C. 16)[36] and shall swear (or affirm) that he does not advocate the overthrow of our constitutional form of government in the United States, and that he is not a member of an organization that advocates the overthrow of our constitutional form of government in the United States, knowing that such organization so advocates.

(k)[37] In order to assure that the skills and experience which former volunteers have derived from their training and their service abroad are best utilized in the national interest, the President may, in cooperation with agencies of the United States, private employers, educational institutions and other entities of the United States, undertake programs under which volunteers would be counseled with respect to opportunities for further education and employment.

(l)[38] Notwithstanding any other provision of law, counsel may be employed and counsel fees, court costs, bail, and other expenses incident to the defense of volunteers may be paid in foreign judicial or administrative proceedings to which volunteers have been made parties.

(m)[39] The minor children of a volunteer living with the volunteer may receive—

(1) such living, travel, education, and leave allowances, such housing, transportation, subsistence, and essential special items of clothing as the President may determine;

(2) such health care, including health care following the volunteer's service for illness or injury incurred during such service, and health and accident insurance, as the President may determine and upon such terms as he may determine, including health care in any facility referred to in subsection (e) of this section, subject to such conditions as the President may prescribe and subject to reimbursement of appropriations as provided in such subsection (e);

(3) such orientation, language, and other training necessary to accomplish the purposes of this Act as the President may determine; and

(4) the benefits of subsection (1) of this section on the same basis as volunteers.

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[34] The reference to sec. 5584 of title 5, United States Code, was added by sec. 2 of Public Law 91-99.

[35] The final two sentences of subsec. (h), as added by sec. 4(2) of Public Law 95-331 (92 Stat. 414) and amended by sec. 2202(a)(2) of Public Law 96-465 (94 Stat. 2157), were deleted by sec. 604(b) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1543). These sentences concerned malpractice protection for Peace Corps volunteers and can now be found at sec. 10(j) of this Act.

[36] Recodified as 5 U.S.C. 3331.

[37] Added by sec. 2(f) of Public Law 88-200 (77 Stat. 360).

[38] Added by sec. 2(a) of Public Law 89-572 (80 Stat. 765).

[39] Added by sec. 3(b) of Public Law 91-352 (84 Stat. 464).

(n) [39] The costs of packing and unpacking, transportation to and from a place of storage, and storing the furniture and household and personal effects of a volunteer who has one or more minor children at the time of his entering a period of pre-enrollment training may be paid from the date of his departure from his place of residence to enter training until no later than three months after termination of his service.

PEACE CORPS VOLUNTEER LEADERS

Sec. 6.[40] The President may enroll in the Peace Corps qualified citizens or nationals of the United States whose services are required for supervisory or other special duties or responsibilities in connection with programs under this Act (referred to in this Act as "volunteer leaders"). The ratio of the total number of volunteer leaders to the total number of volunteers in service at any one time shall not exceed one to twenty-five. Except as otherwise provided in this Act, all of the provisions of this Act applicable to volunteers shall be applicable to volunteer leaders, and the term "volunteers" shall include "volunteer leaders": *Provided, however,* That—

(1) volunteer leaders shall be entitled to receive a readjustment allowance at a rate not less than $125 [41] for each month of satisfactory service as determined by the President; [42]

(2) spouses and minor children of volunteer leaders may receive such living, travel, and leave allowances, and such housing, transportation, subsistence, and essential special items of clothing, as the President may determine, but authority contained in this paragraph shall be exercised only under exceptional circumstances;

(3) spouses and minor children of volunteer leaders accompanying them may receive such health care as the President may determine and upon such terms as he may determine, including health care in any facility referred to in section 5(e) of this Act, subject to such conditions as the President may prescribe in section 5(e); [43] and

(4) spouses and minor children of volunteer leaders accompanying them may receive such orientation, language, and other training necessary to accomplish the purposes of this Act as the President may determine.

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[40] 22 U.S.C. 2505.

[41] Sec. 3 of Public Law 88-200 substituted the words "a readjustment allowance" for the words "termination payments."

Public Law 97-387 (96 Stat. 1947) substituted the words "not less than" in lieu of the words "not to exceed." This amendment became effective as of Dec. 29, 1981.

[42] Sec. 3 of Public Law 94-281 (90 Stat. 458) provided that the fiscal year 1977 appropriation to carry out the purposes of the Peace Corps Act, $10,100,000 shall be available only for payment of the readjustment allowances authorized by secs. 5(c) and 6(1).

[43] Public Law 89-134 provided health care for children born during the Volunteer's service. Public Law 91-352 struck out this provision.

PEACE CORPS EMPLOYEES

Sec. 7.[44] (a)(1) For the purpose of performing functions under this Act outside the United States, the President may employ or assign persons, or authorize the employment or assignment of officers or employees of agencies of the United States Government which are not authorized to utilize the Foreign Service personnel system, who shall receive compensation at any of the rates established under section 402 or 403 of the Foreign Service Act of 1980,[45] together with allowances and benefits thereunder; and persons so employed or assigned shall be entitled, except to the extent that the President may specify otherwise in cases in which the period of the employment or assignment exceeds thirty months, to the same benefits as are provided by section 310 of that Act [46] for persons appointed to the Foreign Service Reserve.

(2) [47] The President may utilize such authority contained in the Foreign Service Act of 1980 relating to members of the Foreign Service and other United States Government officers and employees as the President deems necessary to carry out functions under this Act, except that—

(A) no Foreign Service appointment or assignment under this paragraph shall be for a period of more than seven and one-half years, subject to paragraph (5) and except as provided in paragraph (6) [48] and

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[44] 22 U.S.C. 2506. Sec. 4(a) of Public Law 89-134 struck out the former subsecs. (a) and (b) of this section which read as follows:

"(a) The President may employ such persons, not to exceed 275 persons permanently employed in the United States at any one time in fiscal year 1962, as the President deems necessary to carry out the provisions and purposes of this Act. Except as otherwise provided in this Act, such persons (hereafter sometimes referred to as "employees") shall be employed in accordance with and shall be subject to the laws applicable to personnel employed by the United States Government.

"(b) Of the persons employed in the United States in activities authorized by this Act, not to exceed thirty may be compensated without regard to the provisions of the Classification Act of 1949, as amended, of whom not to exceed twenty may be compensated at rates higher than those provided for grade fifteen of the general schedule established by the Classification Act of 1949, as amended, but not in excess of the highest rate of grade 18 of such general schedule. Such positions shall be in addition to those authorized by section 4(a) of this Act to be filled by Presidential appointment, and in addition to the number authorized by section 505 of the Classification Act of 1949, as amended."

Under the terms of sec. 5 of Public Law 89-134, the independent implementing provisions of that act set forth on page 318, persons holding career or career-conditional appointments under the repealed authorities immediately prior to the effective date of sec. 4 of Public Law 89-134 (Oct. 10, 1965) may continue employment under such authority for three years. Those whose career or career-conditional appointments were at grade 8 or below of the General Schedule could receive appointment for the duration of operations under the Peace Corps Act.

Sec. 4(b) (1) and (2) of Public Law 89-134 reorganized this subsection by changing its designation from "(c)" to "(a)(1)", and striking "—(1)" after the words "the President may."

[45] The words to this point beginning with "which are not authorized * * *" were substituted by sec. 2202(b)(1)(A) of Public Law 96-465 (94 Stat. 2157) in lieu of the following: "who shall receive compensation at any of the rates provided for persons appointed to the Foreign Service Reserve and Staff under the Foreign Service Act of 1946, as amended (22 U.S.C. 801 et seq.)."

[46] The reference to sec. 310 was substituted in lieu of a reference to sec. 528 by sec. 2202(b)(1)(B) of Public Law 96-465 (94 Stat. 2157).

[47] Par. (2), as amended by Public Law 89-134, was amended and restated by sec. 2202(b)(1) of Public Law 96-465 (94 Stat. 2157).

[48] The words to this point beginning with ", subject to paragraph * * *" were substituted in lieu of the following: "unless the Director of the Peace Corps, under special circumstances, personally approved an extension of not more than one year on an individual basis" by sec. 1103(a)(1)(A) of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 272). Such sec. 1103(a)(1)(A) also increased the period of time of appointments from five years to seven and one-half years. See sec. 1103(b) of Public Law 98-83 (page 387) concerning a report from the Peace Corps Director on the criteria for making appointments for periods of more than five years.

(B) no individual whose Foreign Service appointment or assignment under this paragraph has been terminated shall be reappointed or reassigned under this paragraph before the expiration of a period of time equal to the preceding tour of duty of that individual.

Subparagraphs (A) and (B) do not apply with respect to foreign national employees.[49] Such provisions of the Foreign Service Act of 1980 other than the provision of section 309)[50] as the President deems appropriate shall apply to individuals appointed or assigned under this paragraph, including in all cases, the provisions of section 310 of that Act, except that (i) the President may by regulation make exceptions to the application of section 310 in cases in which the period of the appointment or assignment exceeds thirty months, (ii) members of the Foreign Service appointed or assigned pursuant to this paragraph shall receive within-class salary increases, in accordance with such regulations as the President may prescribe, and (iii) under such regulations as the President may prescribe, individuals who are to perform duties of a more routine nature than are generally performed by members of the Foreign Service assigned to class 9 in the Foreign Service Schedule may be appointed to an unenumerated class ranking below class 9 in the Foreign Service Schedule and be paid basic compensation at rates lower than those for class 9, except that such rates may be no less than the then applicable minimum wage rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)).

(3)[51] The President may specify what additional allowance authorized by section 5941 of title 5, United States Code, and which of the allowances and differentials authorized by sections 5923 through 5925 of such title 5 may be granted to any person employed, appointed, or assigned under this subsection and may determine the rates thereof not to exceed the rates otherwise granted to employees under the sections of title 5, United States Code, referred to in this paragraph.

(4)[52] An individual who has received an appointment or assignment in the Foreign Service under this subsection may, not later than September 30, 1982, or three years after separation from such appointment or assignment, whichever is later, be appointed to a position in any United States department, agency, or establishment—

(A) in the competitive service under title 5, United States Code, without competitive examination and in accordance with such regulations and conditions consistent with this subsection as may be prescribed by the Director of the Office of Personnel Management, or

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[49] This sentence was added by sec. 541(a) of the Foreign Assistance Appropriations Act, 1985 (included in sec. 101 of the Continuing Appropriations Act, 1985; Public Law 98-473; 98 Stat. 1903). This amendment had been included as sec. 703 of H.R. 5119, the International Security and Development Cooperation Act of 1984, as passed by the House on May 10, 1984. Sec. 541(a) enacted sec. 703 of H.R. 5119.

[50] This parenthetical phrase was added by sec. 1103(a)(1)(B) of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 272.)

[51] As amended and restated by sec. 5 of Public Law 91-352 (84 Stat. 465). Previously amended by sec. 4(b)(4) of Public Law 89-134 (79 Stat. 550).

[52] Par. (4) was added by sec. 302 of the International Development Cooperation Act of 1979 (Public Law 96-53; 93 Stat. 371). The text of par. (4) up to the words "or three years" were inserted by sec. 2202(b)(2) of Public Law 96-465 (94 Stat. 2158). Former text of par. (4) had contained temporary language pending the enactment of Foreign Service personnel reform legislation which was included in Public Law 96-465.

(B) in an established merit system in the excepted service, if such individual [53] (i) served satisfactorily under the authority of this subsection, as certified by the President, for not less than thirty-six months on a continuous basis without a break in service of more than three days,[54] and (ii) is qualified for the position in question.

(5) [55] Except as provided in paragraph (6), the Director of the Peace Corps may make appointments or assignments of United States citizens under paragraph (2) for periods of more than five years only in the case of individuals whose performance as employees of the Peace Corps has been exceptional and only in order to achieve one or more of the following purposes:

(A) To permit individuals who have served at least two and one-half years of such an appointment or assignment abroad to serve in the United States thereafter.

(B) To permit individuals who have served at least two and one-half years of such an appointment or assignment in the United States to serve abroad thereafter.

(C) To permit individuals who have served at least two and one-half years of such an appointment or assignment in a recruitment, selection, or training activity to be reassigned to an activity other than the one in which they have most recently so served.

(D) To promote the continuity of functions in administering the Peace Corps.

At no time may the number of appointments or assignments of United States citizens in effect under paragraph (2) for periods in excess of five years exceed fifteen percent of the total of all appointments and assignments of United States citizens then in effect under paragraph (2).

(6) [55] Notwithstanding the limitation set forth in paragraph (2)(A) on the length of an appointment or assignment under paragraph (2) and notwithstanding the limitations set forth in paragraph (5) on the circumstances under such an appointment or assignment may exceed five years, the Director of the Peace Corps, under special circumstances, may personally approve an extension of an appointment or assignment under paragraph (2) for not more than one year on an individual basis.

(b) [56] * * * [Repealed—1981]

(c) [57] In each country or area in which volunteers serve abroad, the President may appoint an employee or a volunteer as a Peace

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[53] The word "individual" was substituted in lieu of "person" by sec. 2202(b)(2)(B) of Public Law 96-465 (94 Stat. 2158).

[54] The words "continuous basis without a break in service of more than three days," were substituted in lieu of the words "substantially continuous basis" by sec. 2202(b)(2)(C) of Public Law 96-465 (94 Stat. 2158).

[55] Sec. 1103(a)(2) of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 272) added paragraphs (5) and (6).

[56] Subsec. (b), as amended by Public Law 89-134, was repealed by sec. 2205(9) of the Foreign Service Act of 1980 (Public Law 96-465; 94 Stat. 2160). Subsec. (b) had authorized the President to prescribe by regulation standards for maintaining adequate performance levels for persons performing functions under this Act outside of the United States.

[57] Sec. 4(d) of Public Law 89-134 amended this subsection by substituting "(c)" for "(e)" and "(a)" for "(c)".

Corps representative to have direction of other employees of the Peace Corps abroad and to oversee the activities carried on under this Act in such country or area. Unless a representative is a volunteer, the compensation, allowances and benefits, and other terms and conditions of service of each such representative, shall be the same as those of a person appointed or assigned pursuant to paragraph (1) or (2) of subsection (a) of this section, except that any such representative may, notwithstanding any provision of law, be removed by the President in his discretion.

VOLUNTEER TRAINING

Sec. 8.[58] (a) The President shall make provision for such training as he deems appropriate for each applicant for enrollment as a volunteer and each enrolled volunteer. All of the provisions of this Act applicable respectively to volunteers and volunteer leaders shall be applicable to applicants for enrollment as such during any period of training occurring prior to enrollment, and the respective terms "volunteers" and "volunteer leaders" shall include such applicants during any such period of training.

(b) The President may also make provision, on the basis of advances of funds or reimbursement to the United States, for training for citizens of the United States, other than those referred to in subsection (a) of this section, who have been selected for service abroad in programs not carried out under authority of this Act which are similar to those authorized by this Act. The provisions of section 9 of this Act shall apply, on a similar advance of funds or a reimbursement basis, with respect to persons while within the United States for training under authority of this subsection. Advances or reimbursements received under this subsection may be credited to the current applicable appropriation, fund, or account and shall be available for the purposes for which such appropriation, fund, or account is authorized to be used.

(c) Training hereinabove provided for, shall include instruction in the philosophy, strategy, tactics, and menace of communism.

PARTICIPATION OF FOREIGN NATIONALS

Sec. 9.[59] In order to provide for assistance by foreign nationals in the training of volunteers, and to permit effective implementation of Peace Corps projects with due regard for the desirability of cost-sharing arrangements, where appropriate, the President may make provision for transportation, housing, subsistence, or per diem in lieu thereof, and health care or health and accident insurance for foreign nationals engaged in activities authorized by this Act while they are away from their homes, without regard to the provisions of any other law: *Provided, however,* That per diem in lieu of subsistence furnished to such persons shall not be at rates higher than those prescribed by the Secretary of State pursuant to section 12 of Public Law 84-855[60] (70 Stat. 890). Such persons, and persons coming to the United States under contract pursuant to section 10(a)(5), may be admitted to the United States, if otherwise qualified, as nonimmigrants under section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) for such time and under such conditions as may be prescribed by regulations promulgated by the Secretary of State and the Attorney General. A person admitted under this section who fails to maintain the status under which he was admitted or who fails to depart from the United States at the expiration of the time for which he was admitted, or who engages in activities of a political nature detrimental to the interests of the United States, or in activities not consistent with the security of the United States, shall, upon the warrant of the Attorney General, be taken into custody and promptly deported pursuant to sections 241, 242, and 243 of the Immigration and Nationality Act.[61] Deportation proceedings under this section shall be summary and the findings of the Attorney General as to matters of fact shall be conclusive.

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[58] 22 U.S.C. 2507.

[59] 22 U.S.C. 2508.

[60] 22 U.S.C. 2679.

GENERAL POWERS AND AUTHORITIES

Sec. 10.[62] (a) In the furtherance of the purposes of this Act, the President may—

(1) enter into, perform, and modify contracts and agreements and otherwise cooperate with any agency of the United States Government or of any State or any subdivision thereof, other governments and departments and agencies thereof, and educational institutions, voluntary agencies, farm organizations, labor unions, and other organizations, individuals and firms;

(2) assign volunteers in special cases to temporary duty with international organizations and agencies when the Secretary of State determines that such assignment would serve the purposes of this Act; [63]

(3) [64] assign volunteers to duty or otherwise make them available to any entity referred to in paragraph (1), in order to assist such organizations and agencies in providing development or other relief assistance to displaced persons and refugees in any country, if the government of the country agrees to such assignment;

(4) [64] accept in the name of the Peace Corps and employ or transfer in furtherance of the purposes of this Act (A) voluntary services notwithstanding the provisions of 31 U.S.C. 665(b), and (B) any money or property (real, personal or mixed, tangible or intangible) received by gift, devise, bequest, or otherwise; [65] and

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[61] 8 U.S.C. 1251, 1253.

[62] 22 U.S.C. 2509.

[63] A proviso clause, which had limited the number of volunteers or volunteer leaders assigned to international organizations to 125, was struck by sec. 5(a)(1) of Public Law 95-331 (92 Stat. 414).

[64] Sec. 5(c) of Public Law 95-331 (92 Stat. 415) added par. (3) and redesignated par. (3) and (4) as (4) and (5), respectively.

[65] Sec. 6 of Public Law 89-572 added the words "or transfer" and struck out the following language which had followed the word "otherwise": ", and transfer such money or property to the government or other entities of the country or area with which the Volunteers are serving, when such transfer would further the general purposes of the Act." Except for the words "money or", the above language was added by sec. 5 of Public Law 88-200. Sec. 6 of Public Law 89-134 added the words "money or".

(5)[64] contract with individuals for personal services abroad, and with aliens (abroad or within the United States) for personal services within the United States: *Provided,* That no such person shall be deemed an officer or employee or otherwise in the service or employment of the United States Government for any purpose.

(b) Notwithstanding any other provision of law, whenever the President determines that it will further the purposes of this Act, the President, under such regulations as he may prescribe, may settle and pay, in an amount not exceeding $20,000,[66] any claim against the United States, for loss of or damage to real or personal property (including loss of occupancy or use thereof) belonging to, or for personal injury or death of, any person not a citizen or resident of the United States, where such claim arises abroad out of the act or omission of any Peace Corps employee or out of the act or omission of any volunteer, but only if such claim is presented in writing within one year after it accrues. Any amount paid in settlement of any claim under this subsection shall be accepted by the claimant in full satisfaction thereof and shall bar any further action or proceeding thereon.

(c) Subject to any future action of the Congress, a contract or agreement which entails commitments for the expenditure of funds available for the purposes of this Act, including commitments for the purpose of paying or providing for allowances and other benefits of volunteers authorized by sections 5 and 6 of this Act, may extend at any time for not more than thirty-six months.

(d) Whenever the President determines it to be in furtherance of the purposes of this Act, functions authorized by this Act may be performed without regard to such provisions of law (other than section 3709 of the Revised Statutes of the United States, as amended, section 302 of the Federal Property and Administrative Services Act of 1949, and the Renegotiation Act of 1951, as amended)[67] regulating the making, performance, amendment, or modification of contracts, and the expenditure of Government funds as the President may specify.

(e) The President may allocate or transfer to any agency of the United States Government any funds available for carrying out the purposes of this Act including any advance received by the United States from any country or international organization under authority of this Act, but not to exceed 20 per centum in the aggregate of such funds may be allocated or transferred to agencies other than the Peace Corps. Such funds shall be available for obligation and expenditure for the purposes of this Act in accordance with authority granted in this Act or under authority governing the activities of the agencies of the United States Government to which such funds are allocated or transferred.

(f) Any officer of the United States Government carrying out functions under this Act may utilize the services and facilities of, or procure commodities from, any agency of the United States Government as the President shall direct, or with the consent of the head of such agency, and funds allocated pursuant to this subsection to any such agency may be established in separate appropriation accounts on the books of the Treasury.

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[66] This figure was increased from $10,000 to $20,000 by sec. 5(a)(2) of Public Law 95-331 (92 Stat. 414). Sec. 5(b) of such Act stated that this amendment would apply to claims made after the date of enactment of Public Law 95-331 (Aug. 2, 1978).

[67] 50 U.S.C. app. 1211 note. Sec. 2 of Public Law 93-49 added within the parentheses, the reference to sec. 3709 and sec. 302.

(g) In the case of any commodity, service, or facility procured from any agency of the United States Government under this Act, reimbursement or payment shall be made to such agency from funds available under this Act. Such reimbursement or payment shall be at replacement cost, or, if required by law, at actual cost, or at any other price authorized by law and agreed to by the owning or disposing agency. The amount of any such reimbursement or payment shall be credited to current applicable appropriations, funds, or accounts from which there may be procured replacements of similar commodities, services, or facilities, except that where such appropriations, funds, or accounts are not reimbursable except by reason of this subsection, and when the owning or disposing agency determines that such replacement is not necessary, any funds received in payment therefor shall be covered into the Treasury as miscellaneous receipts.

(h)[68] The President may provide hospitalization and medical treatment to Foreign Service local employees who are within the United States for training related to their employment under this Act, for illnesses, injuries, or conditions other than those arising out of and in the course of employment, which, in the judgment of the President, began during such employee's travel related to such training or so near to the beginning of such travel that the onset of the illness, injury, or condition could not have been known, and for which immediate medical treatment or hospitalization is reasonably required.

(i)[69] The Director of the Peace Corps shall have the same authority as is available to the Secretary of State under section 26(a) of the State Department Basic Authorities Act of 1956. For purposes of this subsection, the reference in such section 26(a) to a principal officer of the Foreign Service shall be deemed to be a reference to a Peace Corps representative and the reference in such section to a member of the Foreign Service shall be deemed to be a reference to a person employed, appointed, or assigned under this Act.

(j)[69] The provisions of section 30 of the State Department Basic Authorities Act of 1956 shall apply to volunteers and persons employed, appointed, or assigned under this Act. For purposes of this subsection, references to the Secretary in subsection (b) of such section shall be deemed to be references to the Director of the Peace Corps, references to the Secretary in subsection (f) of such section shall be deemed to be references to the President, and the reference in subsection (g) of such section to a principal representative of the United States shall be deemed to be a reference to a Peace Corps representative.

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[68] Subsec. (h) was added by sec. 5(a)(3) of Public Law 95–331 (92 Stat. 414).

[69] Subsec. (i) and (j) were added by sec. 604(a) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1543). Sec. 604(c) of Public Law 97-113 further stated that "To the extent that the authorities provided by the amendments made by subsection (a) are authorities which are not applicable with respect to the Peace Corps immediately before the enactment of this Act and which require the expenditure of funds, those authorities may not be exercised using any funds appropriated after February 15, 1981, and before the date of enactment of this Act." (enacted Dec. 29, 1981). See text of sec. 26(a) and sec. 30 of the State Department Basic Authorities Act of 1956 mentioned in subsec. (i) and (j).

REPORTS

Sec. 11.[70] The President shall transmit to the Congress, at least once in each fiscal year, a report on operations under this Act. Each report shall contain information describing efforts undertaken to improve coordination of activities of the Peace Corps with activities of international voluntary service organizations, such as the United Nations volunteer program, and of host country voluntary service organizations, including—

(1) a description of the purpose and scope of any development project which the Peace Corps undertook during the preceding fiscal year as a joint venture with any such international or host country voluntary service organizations; and

(2) recommendations for improving coordination of development projects between the Peace Corps and any such international or host country voluntary service organizations.[71]

The President shall also include in the report a description of any plans to carry out the policy set forth in section 2(b) of this Act.[72]

PEACE CORPS NATIONAL ADVISORY COUNCIL

Sec. 12.[73] (a) Establishment.—A Peace Corps National Advisory Council (hereinafter in this section referred to as the 'Council') shall be established in accordance with the provisions of this section.

(b) Functions.—(1) The Council shall advise and consult with the President and the Director of the Peace Corps with regard to policies and programs designed to further the purposes of this Act and shall, as the Council considers appropriate, periodically report to the Congress with regard to the Peace Corps.

(2) Members of the Council shall (subject to subsection (d)(1)) conduct on-site inspections, and make examinations, of the activities of the Peace Corps in the United States and in other countries in order to—

(A) evaluate the accomplishments of the Peace Corps;

(B) assess the potential capabilities and the future role of the Peace Corps;

(C) make recommendations to the President, the Director of the Peace Corps, and, as the Council considers appropriate, the Congress, for the purpose of guiding the future direction of the Peace Corps and of helping to ensure that the purposes and programs of the Peace Corps are carried out in ways that are economical, efficient, responsive to changing needs in developing countries and to changing relationships among people, and in accordance with law; and

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[70] 22 U.S.C. 2510.

[71] This sentence was added by sec. 6 of Public Law 95-331 (92 Stat. 415).

[72] This sentence was added by sec. 1102(b) of the International Security and Development Cooperation Act of 1985 (Public Law 99-83 99 Stat. 272).

[73] 22 U.S.C. 2511, section 12 was added by sec. 1104 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 273.). Section 12 was previously repealed by Public Law 92-352 (86 Stat. 495).

(D) make such other evaluations, assessments, and recommendations as the Council considers appropriate.

(3) The Council may provide for public participation in its activities.

(c) MEMBERSHIP.—(1) Persons appointed as members of the Council shall be broadly representative of the general public, including educational institutions, private volunteer agencies, private industry, farm organizations, labor unions, different regions of the United States, different educational, economic, racial, and national backgrounds and age groupings, and both sexes.

(2)(A) The Council shall consist of fifteen voting members who shall be appointed by the President, by and with the advice and consent of the Senate. At least seven of such members shall be former Peace Corps volunteers, and not more than eight of such members shall be members of the same political party.

(B) The first appointments of members of the Council under this paragraph shall be made not more than sixty days after the date of the enactment of this section and, solely for purposes of determining the expiration of their terms, shall be deemed to take effect on the sixtieth day after such date of enactment.

(C) No member appointed under this paragraph may be an officer or employee of the United States Government.

(D) Of the members initially appointed under this paragraph, eight shall be appointed to 1-year terms and seven shall be appointed to 2-year terms. Thereafter, all appointed members shall be appointed to 2-year terms.

(E) A member of the Council appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term.

(F) No member of the Council may serve for more than two consecutive 2-year terms.

(G) Members of the Council shall serve at the pleasure of the President.

(H) An appointed member of the Council may be removed by a vote of nine members for malfeasance in office, for persistent neglect of or inability to discharge duties, or for offenses involving moral turpitude, and for no other cause.

(I) Within thirty days after any vacancy occurs in the office of an appointed member of the Council, the President shall nominate an individual to fill the vacancy.

(3) In addition to the voting members of the Council, the Secretary of State and the Administrator of the Agency for International Development, or their designees, and the Director and Deputy Director of the Peace Corps, shall be non-voting members, ex officio, of the Council.

(d) COMPENSATION.—(1) Except as provided in paragraph (2), a member of the Council who is not an officer or employee of the United States Government—

(A) shall be paid compensation out of funds made available for the purposes of this Act at the daily equivalent of the highest rate payable under section 5332 of title 5, United States

Code, for each day (including travel time) during which the member is engaged in the actual performance of duties as a Council member, and

(B) while away from his or her home or regular place of business on necessary travel, as determined by the Director of the Peace Corps, in the actual performance of duties as a Council member, shall be paid per diem, travel, and transportation expenses in the same manner as is provided under subchapter I of chapter 57 of title 5, United States Code

(2) A member of the Council may not be paid compensation under paragraph (1)(A) for more than twenty days in any calendar year.

(e) QUORUM.—A majority of the voting members of the Council shall constitute a quorum for the purposes of transacting any business.

(f) FINANCIAL INTERESTS OF MEMBERS.—A member of the Council shall disclose to the Council the existence of any direct or indirect financial interest of that member in any particular matter before the Council and may not vote or otherwise participate as a Council member with respect to that particular matter.

(g) CHAIR AND VICE CHAIR.—At its first meeting and at its first regular meeting in each calendar year thereafter, the Council shall elect a Chair and Vice Chair from among its appointed members who are citizens of the United States. The Chair and Vice Chair may not both be members of the same political party.

(h) MEETINGS, BYLAWS, AND REGULATIONS.—(1) The Council shall hold a regular meeting during each calendar quarter and shall meet at the call of the President, the Director of the Peace Corps, the Council's Chair, or one-fourth of its members.

(2) The Council shall prescribe such bylaws and regulations as it considers necessary to carry out its functions. Such bylaws and regulations shall include procedures for fixing the time and place of meetings, giving or waiving of notice of meetings, and keeping of minutes of meetings.

(i) REPORTS TO THE PRESIDENT AND THE DIRECTOR.—Not later than January 1, 1988, and not later than January 1 of each second year thereafter, the Council shall submit to the President and the Director of the Peace Corps a report on its views on the programs and activities of the Peace Corps. Each report shall contain a summary of the advice and recommendations provided by the Council to the President and the Director during the period covered by the report and such recommendations (including recommendations for administrative or legislative action) as the Council considers appropriate to make to the Congress. Within ninety days after receiving each such report, the President shall submit to the Congress a copy of the report, together with any comments concerning the report that the President or the Director considers appropriate.

(j) ADMINISTRATIVE ASSISTANCE.—The Director of the Peace Corps shall make available to the Council such personnel, administrative support services, and technical assistance as are necessary to carry out its functions effectively.[74]

EXPERTS AND CONSULTANTS

Sec. 13.[75] (a) Experts and consultants or organizations thereof may, as authorized by Section 3109 of title 5, United States Code, be employed by the President [76] for the performance of functions under this Act, and individuals so employed may be compensated at rates not in excess of the per diem equivalent of the highest rate payable under section 5332 of title 5, United States Code,[77] and while away from their homes or regular places of business, they may be paid actual travel expenses and per diem in lieu of subsistence and other expense at the applicable rate prescribed in the Standardized Government Travel Regulations, as amended from time to time, while so employed: *Provided*, That contracts for such employment may be renewed annually.

(b) Service of an individual as a member of the Council authorized to be established by section 12 of this Act or as an expert or consultant under subsection (a) of this section shall not [78] be considered as employment or holding of office or position bringing such individual within the provisions of sections 3323(b) and 8344 of title 5, United States Code, section 824 of the Foreign Service Act of 1980 [79] or any other law limiting the reemployment of retired officers or employees or governing the simultaneous receipt of compensation and retired pay or annuities, subject to section 5532 of title 5, United States Code.

DETAIL OF PERSONNEL TO FOREIGN GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS

Sec. 14.[80] (a) In furtherance of the purposes of this Act, the head of any agency of the United States Government is authorized to detail, assign, or otherwise make available any officer or employee of his agency (1) to serve with, or as a member of, the international staff of any international organization, or (2) to any office or position to which no compensation is attached with any foreign government or agency thereof: *Provided,* That such acceptance of such office or position shall in no case involve the taking of an oath of allegiance to another government.

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[74] Subsection (b) of sec. 1104 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 272) terminated the functions of any advisory body carrying out functions similar to those assigned to the Peace Corps National Advisory Council.

[75] 22 U.S.C. 2512.

[76] Sec. 6(a) of Public Law 88-200 substituted "President" for "Peace Corps".

[77] The words "per diem equivalent of the highest rate payable under section 5332 of Title 5" were substituted for "$75 per diem" by Public Law 91-352 (84 Stat. 465).

[78] The words which formerly appeared at this point were struck out by sec. 6(b) of Public Law 88-200. They read as follows: "be considered as service or employment bringing such individual within the provisions of section 281, 283, or 284 of title 18 of the United States Code, or of section 190 of the Revised Statutes (5 U.S.C. 99), or of any other Federal law imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of service, or the payment or receipt of compensation in connection with any claim, proceeding, or matter involving the United States Government, except insofar as such provisions of law may prohibit any such individual from receiving compensation in respect of any particular matter, in which such individual was directly involved in the performance of such service; nor shall such service".

These words were struck out to reflect the general repeal of all special exemptions from the conflict-of-interest statutes for government employees which was effected by sec. 2 of Public Law 87-849.

[79] The reference to sec. 824 of the Foreign Service Act of 1980 was substituted in lieu of a reference to sec. 872 of the Foreign Service Act of 1946 by sec. 2202(c) of Public Law 96-465 (94 Stat. 2158).

[80] 22 U.S.C. 2513.

(b) Any such officer or employee, while so detailed or assigned, shall be considered, for the purpose of preserving his allowances, privileges, rights, seniority, and other benefits as such, an officer or employee of the United States Government and of the agency of the United States Government from which detailed or assigned, and he shall continue to receive compensation, allowances, and benefits from funds authorized by this Act. He may also receive, under such regulations as the President may prescribe, representation allowances similar to those allowed under section 905 of the Foreign Service Act of 1980.[81] The authorization of such allowances and other benefits, and the payment thereof out of any appropriations available therefor, shall be considered as meeting all of the requirements of section 5536 of title 5, United States Code.

(c) Details or assignments may be made under this section—

(1) without reimbursement to the United States Government, by the international organization or foreign government;

(2) upon agreement by the international organization or foreign government to reimburse the United States Government for compensation, travel expenses, and allowances, or any part thereof, payable to such officer or employee during the period of assignment or detail in accordance with subsection (b) of this section; and such reimbursement shall be credited to the appropriation, fund, or account utilized for paying such compensation, travel expenses, or allowances, or to the appropriation, fund, or account currently available for such purpose; or

(3) upon an advance of funds, property or services to the United States Government accepted with the approval of the President for specified uses in furtherance of the purposes of this Act; and funds so advanced may be established as a separate fund in the Treasury of the United States Government, to be available for the specified uses, and to be used for reimbursement of appropriations or direct expenditure subject to the provisions of this Act, any unexpended balance of such account to be returned to the foreign government or international organization.

UTILIZATION OF FUNDS

Sec. 15.[82] (a) Funds made available for the purposes of this Act may be used for compensation, allowances and travel of employees, including members of the Foreign Service [83] whose services are utilized primarily for the purposes of this Act, for printing and binding without regard to the provisions of any other law, and for expenditures outside the United States for the procurement of supplies and services and for other administrative and operating purposes (other than compensation of employees) without regard to such laws and regulations governing the obligation and expenditure of Government funds as may be necessary to accomplish the purposes of this Act.

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[81] The reference to sec. 905 of the Foreign Service Act of 1980 was substituted in lieu of a reference to sec. 901 of the Foreign Service Act of 1946 by sec. 2202(d) of Public Law 96–465 (94 Stat. 2158).

[82] 22 U.S.C. 2514.

[83] The words "members of the Foreign Service" were substituted in lieu of the words "Foreign Service personnel" by sec. 2202(e) of the Foreign Service Act of 1980 (Public Law 96–465; 94 Stat. 2158).

(b) [84] Funds made available for the purposes of this Act may be used to pay expenses in connection with travel abroad of employees and to the extent otherwise authorized by this Act, of volunteers, including travel expenses of dependents (including expenses during necessary stopovers while engaged in such travel), and transportation of personal effects, household goods, and automobiles when any part of such travel or transportation begins in one fiscal year pursuant to travel orders issued in that fiscal year, notwithstanding the fact that such travel or transportation may not be completed during the same fiscal year, and cost of transporting to and from a place of storage, and the cost of storing automobiles of employees when it is in the public interest or more economical to authorize storage.

(c) Funds available under this Act may be used to pay costs of training employees employed or assigned pursuant to section 7(a)(2) [85] of this Act (through interchange or otherwise) at any State or local unit of government, public or private nonprofit institution, trade, labor, agricultural, or scientific association or organization, or commercial firms; and the provisions of Public Law 84-918 (7 U.S.C. 1881 et seq.) may be used to carry out the foregoing authority notwithstanding that interchange of personnel may not be involved or that the training may not take place at the institutions specified in that Act. Any [86] payments or contributions in connection therewith may, as deemed appropriate by the head of the agency of the United States Government authorizing such training, be made by private or public sources and be accepted by any trainee, or may be accepted by and credited to the current applicable appropriation of such agency: *Provided, however,* That any such payments to an employee in the nature of compensation shall be in lieu, or in reduction, of compensation received from the United States Government.

(d) Funds available for the purposes of this Act shall be available for—

(1) rent of buildings and space in buildings in the United States, and for repair, alteration, and improvement of such leased properties;

(2) expenses of attendance at meetings concerned with the purposes of this Act, including (notwithstanding the provisions of section 9 of Public Law 60-328 (31 U.S.C. 673)) expenses in connection with meetings of persons whose employment is authorized by section 13(a) of this Act;

(3) rental and hire of aircraft;

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[84] Sec. 201(16) of the Fiscal Year Transition Act (Public Law 94-274) provided that the period July 1, 1976 through Sept. 30, 1976 shall be treated as a fiscal year for the purposes of sec. 15(b).

[85] Sec. 3(a) of Public Law 80-572 substituted "7(a)(2)" for "7(c)(2)."

[86] Sec. 7 of Public Law 89-134 substituted the word "Any" for the words "Such training shall not be considered employment or holding of office under section 2 of the Act of July 31, 1894, as amended (5 U.S.C. 62), and any".

(4) purchase and hire of passenger motor vehicles: *Provided,* That, except as may otherwise be provided in an appropriation or other Act, passenger motor vehicles for administrative purposes abroad may be purchased for replacement only, and such vehicles may be exchanged or sold and replaced by an equal number of such vehicles, and the cost, including exchange allowance, of each such replacement shall not exceed $2,500 in the case of an automobile for any Peace Corps country representative appointed under section 7(c): [87] *Provided further,* That passenger motor vehicles may be purchased for use in the United States only as may be specifically provided in an appropriation or other Act;

(5) entertainment (not to exceed $5,000 in any fiscal year) except as may otherwise be provided in any appropriation or other Act; [88]

(6) exchange of funds without regard to section 3561 of the Revised Statutes (31 U.S.C. 543) and loss by exchange;

(7) expenditures (not to exceed $20,000 [89] in any fiscal year except as may be otherwise provided in appropriation or other Act) [88] not otherwise authorized by law to meet unforeseen emergencies or contingencies arising in the Peace Corps: *Provided,* That a certificate of the amount only of each such expenditure and that such expenditure was necessary to meet an unforeseen emergency or contingency, made by the Director of the Peace Corps or his designee, shall be deemed a sufficient voucher for the amount therein specified;

(8) insurance of official motor vehicles acquired for use abroad;

(9) rent or lease abroad for not to exceed five years of offices, health facilities, buildings, grounds, and living quarters, and payments therefor in advance; maintenance, furnishings, necessary repairs, improvements, and alterations to properties owned or rented by the United States Government or made available for its use abroad; and costs of fuel, water, and utilities for such properties;

(10) expenses of preparing and transporting to their former homes, or with respect to foreign participants engaged in activities under this Act, to their former homes or places of burial, and of care and disposition of, the remains of persons or members of the families of persons who may die while such persons are away from their homes participating in activities under this Act;

(11) use in accordance with authorities of the Foreign Service Act of 1946, as amended (22 U.S.C. 801 et seq.) [90] not otherwise provided for; and

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[87] Sec. 3(b) of Public Law 89-572 substituted "7(c)" for "7(e)."

[88] Sec. 211(a) of the Fiscal Year Transition Act (Public Law 94-274) provided that for the period July 1, 1976 through Sept. 30, 1976 the limitation on expenditures in secs. 15(d)(5) and 15(d)(7) shall be $1,500.

[89] This figure was increased from $5,000 to $20,000 by sec. 601(c) of the International Security and Development Cooperation Act of 1980 (Public Law 96-533; 94 Stat. 3155).

[90] This Act was repealed and replaced by the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.).

(12) ice and drinking water for use abroad.

Sec. 16.[91] [Repealed by Public Law 89-572 (75 Stat. 622; 22 U.S.C. 2515).]

USE OF FOREIGN CURRENCIES

Sec. 17.[92] Whenever possible, expenditures incurred in carrying out functions under this Act shall be paid for in such currency of the country or area where the expense is incurred as may be available to the United States.

APPLICABILITY OF MUTUAL DEFENSE ASSISTANCE CONTROL ACT

Sec. 18.[93] * * * [Repealed—1981]

EXCLUSIVE RIGHT TO SEAL AND NAME [94]

Sec. 19.[94] (a) The President may adopt, alter and use an official seal or emblem of the Peace Corps of such design as he shall determine which shall be judicially noticed.

(b)(1) The use of the official seal or emblem and the use of the name "Peace Corps" shall be restricted exclusively to designate programs authorized under this Act.

(2) Whoever, whether an individual, partnership, corporation, or association, uses the seal for which provision is made in this section, of any sign, insignia, or symbol in colorable imitation thereof, or the words "Peace Corps" or any combination of these or other words or characters, in colorable imitation thereof, other than to designate programs authorized under this Act, shall be fined not more than $500 or imprisoned not more than six months, or both. A violation of this subsection may be enjoined at the suit of the Attorney General, United States attorneys, or other persons duly authorized to represent the United States.

MORATORIUM ON STUDENT LOANS

Sec. 20.[95] [Repealed by Public Law 89-572 (75 Stat. 623).]

AMENDMENT TO CIVIL SERVICE RETIREMENT ACT

Sec. 21.[96] [Repealed by Public Law 89-572 (75 Stat. 626).]

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[91] Sec. 5(a) of Public Law 89-572 repealed former sec. 16 which related to appointments of persons serving under prior law.

[92] 22 U.S.C. 2516.

[93] Sec. 18, which had stated that the Mutual Defense Assistance Control Act of 1951 would apply with respect to functions carried out under this Act except in cases where the President determined that such application would be detrimental to U.S. interests, was repealed by sec. 605(b) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1543).

[94] Sec. 7 of Public Law 88-200 substituted the title "EXCLUSIVE RIGHT TO SEAL AND NAME" in lieu of the title "SEAL"; added subsection designation "(a)" and added subsec. (b).

[95] Sec. 5(a) of Public Law 89-572 repealed former sec. 20 (75 Stat. 623), which related to the moratorium on student loans. Such repeal, by virtue of sec. 5(b) of Public Law 89-572, does not affect the amendment of sec. 205 of the National Defense Education Act of 1958 (20 U.S.C. 425) contained in the former sec. 20.

[96] Sec. 5(a) of Public Law 89-572 repealed former sec. 21 (75 Stat. 623), which related to amendment to the Civil Service Retirement Act. Such repeal, by virtue of section 5(b) of Public Law 89-572 does not affect the amendment of subsec. (j) of sec. 3 of the Civil Service Retirement Act, as amended (5 U.S.C. 8333), contained in the former sec. 21.

SECURITY INVESTIGATIONS

Sec. 22.[97] All persons employed or assigned to duties under this Act shall be investigated to insure that the employment or assignment is consistent with the national interest in accordance with standards and procedures established by the President. If an investigation made pursuant to this section develops any data reflecting that the person who is the subject of the investigation is of questionable loyalty or is a questionable security risk, the investigating agency shall refer the matter to the Federal Bureau of Investigation for the conduct of a full field investigation. The results of that full field investigation shall be furnished to the initial investigating agency, and to the agency by which the subject person is employed, for information and appropriate action. Volunteers shall be deemed employees of the United States Government for the purpose of this section.

UNIVERSAL MILITARY TRAINING AND SERVICE ACT

Sec. 23.[98] Notwithstanding the provisions of any other law or regulation, service in the Peace Corps as a volunteer shall not in any way exempt such volunteer from the performance of any obligations or duties under the provisions of the Universal Military Training and Service Act.

FOREIGN LANGUAGE PROFICIENCY

Sec. 24.[99] No person shall be assigned to duty as a volunteer under this Act in any foreign country or area unless at the time of such assignment he possesses such reasonable proficiency as his assignment requires in speaking the language of the country or area to which he is assigned.

NONPARTISAN APPOINTMENTS

Sec. 25.[100] In carrying out this Act, no political test or political qualification may be used in—

(1) selecting any person for enrollment as a volunteer or for appointment to a position at, or for assignment to (or for employment for assignment to), a duty station located abroad, or

(2) promoting or taking any other action with respect to any volunteer or any person assigned to such a duty station.

DEFINITIONS

Sec. 25.[101] (a) The term "abroad" means any area outside the United States.

(b) The term of "United States" means the several States [102] and the District of Columbia.

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[97] 22 U.S.C. 2519.

[98] 22 U.S.C. 2520.

[99] 22 U.S.C. 2521.

[100] 22 U.S.C. 2521a. Sec. 25 was added by sec. 1105(a)(2) of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 276. Sec. 1105(a)(1) of such Act redesignated existing sections 25, 26, and 27 as sections 26, 27, and 28, respectively.

[101] 22 U.S.C. 2522.

[102] The words "and territories" which appeared at this point were struck out by sec. 4 of Public Law 89-572.

(c) The term "function" includes any duty, obligation, right, power, authority, responsibility, privilege, discretion, activity and program.

(d) The term "health care" includes all appropriate examinations, preventive, curative, and restorative health and medical care, and supplementary services when necessary.

(e) For the purposes of this or any other Act, the period of any individual's service as a volunteer under this Act shall include—

(i) except for the purposes of section 5(f) of this Act, any period of training under section 8(a) prior to enrollment as a volunteer under this Act; and

(ii) the period between enrollment as a volunteer and the termination of service as such volunteer by the President or by death or resignation.

(f) The term "United States Government agency" includes any department, board, wholly or partly owned corporation, or instrumentality, commission, or establishment of the United States Government.

(g) The word "transportation" in sections 5(b), 5(m), and 6(2) includes transportation of not to exceed three hundred pounds per person of unaccompanied necessary personal and household effects.

CONSTRUCTION

Sec. 26.[103] If any provision of this Act or the application of any provision to any circumstances or persons shall be held invalid, the validity of the remainder of this Act and the applicability of such provision to other circumstances or persons shall not be affected thereby.

EFFECTIVE DATE

Sec. 27.[104] This Act shall take effect on the date of its enactment.

TITLE II—AMENDMENT OF INTERNAL REVENUE CODE AND SOCIAL SECURITY ACT

TAXATION OF ALLOWANCES

Sec. 201. [Repealed by Public Law 89-572 (75 Stat. 625).]

SOCIAL SECURITY COVERAGE

Sec. 202. [Repealed by Public Law 89-572 (75 Stat. 626).]

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[103] 22 U.S.C. 2523.

[104] 22 U.S.C. 2501 note.

TITLE III—ENCOURAGEMENT OF VOLUNTARY SERVICE PROGRAMS [105]

Sec. 301. (a) [106] The Congress declares that it is the policy of the United States and a further purpose of this Act (1) to encourage countries and areas to establish programs under which their citizens and nationals would volunteer to serve in order to help meet the needs of less developed countries or areas for trained manpower; (2) to encourage less developed countries or areas to establish programs under which their citizens and nationals would volunteer to serve in order to meet their needs for trained manpower; and (3) to encourage the development of, and participation in, international voluntary service programs and activities.

(b)(1) [107] Activities carried out by the President in furtherance of the purposes of clauses (1) and (2) of subsection (a) shall be limited to—

(A) furnishing technical assistance, materials, tools, supplies, and training appropriate to the support of volunteer programs in such countries or areas; and

(B) conducting demonstration projects in such countries or areas.

None of the funds made available to carry out the purposes of clauses (1) and (2) of subsection (a) may be used to pay the administrative costs of any program or project, other than a demonstration project, or to assist any program or project of a paramilitary or military nature. Funds allocated for activities set forth in this paragraph should be kept to a minimum so that such allocation will not be detrimental to other Peace Corps programs and activities.

(2) [108] Not more than 2 per centum of the amount appropriated to the Peace Corps for a fiscal year may be used in such fiscal year [109] [110] to carry out the provisions of clause (3) of subsection (a) of this section. Such funds may be contributed to educational institutions, private voluntary organizations, international organizations, and foreign governments or agencies thereof, to pay a fair and proportionate share of the costs of encouraging the develop-

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[105] 22 U.S.C. 2501a. Title III was added by sec. 8 of Public Law 88-200 (77 Stat. 360).

[106] Sec. 3(1) of Public Law 91-99 substituted this language for former subsec. (a), which read as follows: "(a) The Congress declares that it is the policy of the United States and a further purpose of this Act to encourage countries and areas to establish programs under which their citizens and nationals would volunteer to serve in order to help meet the needs of less developed countries or areas for trained manpower, and to encourage less developed countries or areas to establish programs under which their citizens and nationals would volunteer to serve in order to meet their needs for trained manpower."

[107] Par. (1) was amended and restated by sec. 7 of Public Law 95-331 (92 Stat. 415). It formerly read as follows:

"(1) Activities carried out by the President in furtherance of the purposes of clauses (1) and (2) of subsection (a) of this section shall be limited to the furnishing of knowledge and skills relating to the selection, training, and programing of volunteer manpower. None of the funds available for use in the furtherance of such purposes may be contributed to any international organization or to any foreign government or agency thereof; nor may such funds be used to pay the costs of developing or operating volunteer programs of such organization, government, or agency, or to pay any other costs of such organization, government, or agency."

[108] Sec. 402 of Public Law 92-352 substituted this language for former subsec. (b)(2).

[109] The 2 per centum appropriation limitation was substituted in lieu of a limitation of $350,000 in any fiscal year by sec. 8 of Public Law 95-331 (92 Stat. 416). Sec. 8 further provided that this amendment would become effective on Oct. 1, 1978.

[110] Sec. 112(b) of the Fiscal Year Transition Act (Public Law 94-274) provided that for the period July 1, 1976 through Sept. 30, 1976, the limitation on expenditures in sec. 301(b)(2) shall be $100,000.

ment of, and participation in, international voluntary programs and activities.

(c) Such activities shall not compromise the national character of the Peace Corps.

2. Establishment of the Peace Corps as an Independent Agency

Partial text of Public Law 97-113 [International Security and Development Cooperation Act of 1981; S. 1196], 95 Stat. 1519 at 1540, approved December 29, 1981

* * * * * * *

TITLE VI—PEACE CORPS

ESTABLISHMENT AS AN INDEPENDENT AGENCY

Sec. 601. (a)[1] * * *

(b) There are transferred to the Director of the Peace Corps all functions relating to the Peace Corps which were vested in the Director of the ACTION Agency on the day before the date of the enactment of this Act.

(c)(1) All personnel, assets, liabilities, contracts, property, records, and unexpected balance of appropriations, authorizations, allocations, and other funds as are determined by the Director of the Office of Management and Budget, after consultation with the Comptroller General of the United States, the Director of the Peace Corps, and the Director of ACTION Agency, to be employed, held, used, or assumed primarily in connection with any function relating to the Peace Corps before the date of the enactment of this Act are transferred to the Peace Corps. The transfer of unexpended balances pursuant to the preceding sentence shall be subject to section 202 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581 c).

(2)(A) The transfer pursuant to this subsection of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any employee to be separated or reduced in rank, class, grade, or compensation, or otherwise suffer a loss of employment benefits for one year after—

(i) the date on which the Director of the Office of Management and Budget submits the report required by subsection (f)(1) of this section, or

(ii) the effective date of the transfer of such employee,

whichever occurs later.

(B) The personnel transferred pursuant to this subsection shall, to the maximum extent feasible, be assigned to such related functions and organizational units in the Peace Corps as such personnel were assigned to immediately before the date of the enactment of this Act.

(C) Collective-bargaining agreements in effect on the date of the enactment of this Act covering personnel transferred pursuant to this subsection or employed on such date of enactment by the Peace Corps shall continue to be recognized by the Peace Corps until the termination date of such agreements or until such agreements are modified in accordance with applicable procedures.

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[1] Subsec. (a) added a new sec. 2A to the Peace Corps Act establishing the Peace Corps as an independent agency.

(3) Under such regulations as the President may prescribe, each person who, immediately before the date of the enactment of this Act, does not hold an appointment under section 7(a)(2) of the Peace Corps Act and who is determined under paragraph (1) of this subsection to be employed primarily in connection with any function relating to the Peace Corps shall, effective on the date of the enactment of this Act, and notwithstanding subparagraph (B) of section 7(a)(2) of the Peace Corps Act, be appointed a member of the Foreign Service under section 7(a)(2) of the Peace Corps Act, and be appointed or assigned to an appropriate class of the Foreign Service, except that—

(A) any person who, immediately before such date of enactment, holds a career or career-conditional appointment shall not, without the consent of such person, be so appointed until three years after such date of enactment, during which period any such person not consenting to be so appointed may continue to hold such career or career-conditional appointment; and

(B) each person so appointed who, immediately before such date of enactment held a career or career-conditional appointment at grade GS–8 or lower of the General Schedule established by section 5332 of title 5, United States Code, shall be appointed a member of the Foreign Service for the duration of operations under the Peace Corps Act.

Each person appointed under this paragraph shall receive basic compensation at the rate of such person's class determined by the President to be appropriate, except that the rate of basic compensation received by such person immediately before the effective date of such person's appointment under this paragraph shall not be reduced as a result of the provisions of this paragaph.

(d)(1) Section 4(b) of the Peace Corps Act (22 U.S.C. 2503(b)) is amended by striking out "such agency or officer of the United States Government as he shall direct. The head of any such agency or any such officer" and inserting in lieu thereof "the Director of the Peace Corps. The Director of the Peace Corps".

(2) The Director of the Peace Corps shall continue to exercise all the functions under the Peace Corps Act or any other law or authority which the Director was performing on December 14, 1981.

(e)(1) Section 3 of the Peace Corps Act (22 U.S.C. 2502) is amended by repealing subsections (d), (e), and (f) and by redesignating subsection (g) as subsection (d).

(2) The amendment made by paragraph (1) of this subsection shall not alter or affect (A) the validity of any action taken before the date of the enactment of this Act under those provisions of law repealed by that amendment, or (B) the liability of any person for any payment described in section 3(f) of the Peace Corps Act as in effect immediately before the date of the enactment of this Act.

(f)(1) Not later than the thirtieth day after the date of the enactment of this Act, or February 15, 1982, whichever occurs later, the Director of the Office of Management and Budget, after consultation with the Director of the Peace Corps and the Director of the

ACTION Agency, shall submit to the appropriate committees of the Congress and to the Comptroller General a report on the steps taken to implement the provisions of this title, including descriptions of the dispositions of administrative matters, including matters relating to personnel, assets, liabilities, contracts, property, records, and unexpended balances or appropriations, authorizations, allocations, and other funds employed, used, held, available, or to be made available in connection with functions or activities relating to the Peace Corps.

(2) Not later than the forty-fifth day after the date of the enactment of this Act, or March 1, 1982, whichever occurs later, the Comptroller General shall submit to the appropriate committees of the Congress a report stating whether, in the judgment of the Comptroller General, determinations made by the Director of the Office of Management and Budget under subsection (c)(1) of this section were equitable.

(g) References in any statute, reorganization plan, Executive order, regulation, or other official document or proceeding to the ACTION Agency or the Director of the ACTION Agency with respect to functions or activities relating to the Peace Corps shall be deemed to refer to the Peace Corps or the Director of the Peace Corps, respectively.

* * * * * * *

3. Peace Corps Authorization for Fiscal Years 1986 and 1987

Partial text of Public Law 99-83 [S. 960], 99 Stat. 190 at 272, approved August 8, 1985

AN ACT TO authorize international development and security assistance programs and Peace Corps programs for fiscal years 1986 and 1987, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1103. LIMITATION ON LENGTH OF PEACE CORPS EMPLOYMENT

(a) * * *

(b)[1] REPORTS TO CONGRESS.—The Director of the Peace Corps shall, not later than January 1, 1986, submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report describing the criteria to be applied by the Director in exercising the authority provided by the amendments made by subsection (a) to make appointments or assignments of individuals for periods of more than five years. Not later than each January 1 thereafter, the Director shall submit to the Committees referred to in the preceding sentence a report on—

SEC. 1104.

(a) * * *

(b)[2] TERMINATION OF SIMILAR ADVISORY BODY.—Any advisory body carrying out functions similar to those assigned to the Peace Corps National Advisory Council provided for in subsection (a) shall cease to exist sixty days after the date of the enactment of this Act.

(1) the exercise of such authority during the preceding fiscal year for each of the purposes specified in paragraph (5) of section 7(a) of the Peace Corps Act, as added by subsection (a) of this section; and

(2) the exercise during that fiscal year of the authority under paragraph (6) of such section 7(a), as added by subsection (a) of this section.

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[1] 22 U.S.C. 2506 note.

[2] 22 U.S.C. 2511 note.

4. Independent Implementing Provisions of Public Law 89-134

Partial text of Public Law 89-134 [S. 2045], 79 Stat. 549, approved August 24, 1965

* * * * * * *

The new Peace Corps personnel system provided for in section 7 of the Peace Corps Act, as amended by section 4 of Public Law 89-134 and section 302 of Public Law 96-53, is to be implemented according to section 5 of Public Law 89-134 which is set forth below.

* * * * * * *

Sec. 5.[1] (a) Section 4 of this Act shall not become effective until the first day of the fourth pay period which begins after the date this Act becomes law.

(b) Under such regulations as the President may prescribe, each person employed under authorities repealed by section 4(a) of this Act immediately prior to the effective date of that section shall effective on that date be appointed a Foreign Service Reserve officer or Foreign Service staff officer or employee under the authority of section 7(a)(2) of the Peace Corps Act, as amended, and appointed or assigned to an appropriate class thereof; except that—

(1) no person who holds a career or career-conditional appointment immediately prior to the effective date of section 4(a) of this Act shall, without his consent, be so appointed until three years after such effective date; and

(2) each person so appointed who, immediately prior to the effective date of section 4(a) of this Act, held a career or career-conditional appointment at grade 8 or below of the General Schedule established by the Classification Act of 1949, as amended, shall receive an appointment for the duration of operations under the Peace Corps Act, as amended.

Each person appointed under this subsection shall receive basic compensation at the rate of his class determined by the President to be appropriate, but the rate of basic compensation received by such person immediately prior to the effective date of his appointment under this subsection shall not be reduced by the provisions of this subsection.

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[1] 22 U.S.C. 2506 note.

5. Recognition of Peace Corps Volunteers and the Peace Corps on the Agency's Twenty-Fifth Anniversary, 1985–1986.

Public Law 99-111 [H.J. Res. 305], 99 Stat. 484, approved October 1, 1985

JOINT RESOLUTION To recognize both Peace Corps volunteers and the Peace Corps on the Agency's twenty-fifth anniversary, 1985–86.

Whereas the United States Peace Corps is beginning its twenty-fifth year of providing volunteers to serve in countries of the developing world in helping people help themselves in their reach for a better life;

Whereas over one hundred and twenty thousand Americans have served in the Peace Corps in over ninety countries around the world in programs that have significantly added to bridges of understanding between the people of the United States and the peoples of the countries it has been privileged to serve;

Whereas Peace Corps volunteers have returned to their communities enriched by the experience, more knowledgeable of the world and the challenges of building a lasting peace;

Whereas Peace Corps volunteers continue to maintain open channels of communication with their friends in the country where they served, thereby continuing to build solid commitments of understanding; and

Whereas the response of Americans to Peace Corps' call for service in seeking long-term solutions to the complex human problems of hunger, poverty, illiteracy, and disease continue to exceed its recruitment requirements: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period October 1, 1985, through September 30, 1986, shall be the official time set aside to reflect on the achievements of the Peace Corps during its twenty-five years, as well as to consider innovative ways that the talents and expertise of its volunteers and other bilateral volunteer programs might be used in the future; the President is authorized and requested to issue a proclamation setting forth October 1, 1985, through September 30, 1986, as a period of time to honor Peace Corps volunteers past and present, and reaffirm our Nation's commitment to helping people in the developing world help themselves.

6. Executive Order 12137, May 16, 1979, 44 F.R. 29023, as amended by Executive Order 12245, October 6, 1980, 45 F.R. 66769; and by Executive Order 12399, December 31, 1982, 48 F.R. 379

THE PEACE CORPS

By virtue of the authority vested in me by the Peace Corps Act, as amended (22 U.S.C. 2501–2523) and Section 301 of Title 3 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

1–1. Peace Corps.

1–101. The Peace Corps, which was established as an agency in the Department of State pursuant to Executive Order No. 10924 of March 1, 1961 (26 FR 1789), which was continued in existence in that Department under the Peace Corps Act (the "Act") pursuant to Section 102 of Executive Order No. 11041 of August 6, 1962 (27 FR 7859), and which was transferred to and continued as a component of ACTION by Executive Order No. 11603 of June 30, 1971 (36 FR 12675), shall be an agency within ACTION pursuant to the provisions of this Order.

1–102. All references to the "Director" in Part 1–1 of this Order shall refer to the Director of the Peace Corps for whom provision is made in Section 4(a) of the Act (22 U.S.C. 2503).

1–103. Exclusive of the functions otherwise delegated by or reserved to the President by this Order, and subject to the provisions of this Order, there are hereby delegated to the Director all functions conferred upon the President by the Act and by Section 2(b) of Reorganization Plan No. 1 of 1971.

1–104. The function of determining the portion of living allowances constituting basic compensation, conferred upon the President by Section 201(a) of Public Law 87–293 (26 U.S.C. 912(3)), is hereby delegated to the Director and shall be performed in consultation with the Secretary of the Treasury.

1–105. The functions of prescribing regulations and making determinations (relating to appointment of Peace Corps employees in the Foreign Service System), conferred upon the President by Section 5 of Public Law 89–135 (79 Stat. 551), are hereby delegated to the Director.

1–106. The functions of prescribing conditions, conferred upon the President by the second sentence of Section 5(e), as amended (22 U.S.C. 2504(e)), and the third proviso of Section 6 of the Act (22 U.S.C. 2505) (relating to providing health care in Government facilities) and hereinabove delegated to the Director, shall be exercised in consultation with the head of the United States Government agency responsible for the facility.

1-107. The reports required by Section 11 of the Act, as amended (22 U.S.C. 2510), shall be prepared by the Director and submitted to the Congress through the President.

1-108. Subject to applicable provisions of law, all funds appropriated or otherwise made available to the President for carrying out the provisions of the Act shall be deemed to be allocated without any further action of the President to the Director or to such subordinate officer as the Director may designate. The Director or such officer may allocate or transfer, as appropriate, any of such funds to any United States Government agency or part thereof for obligation or expenditures thereby consistent with applicable law.

1-109. Nothing in this Order shall be deemed to impair or limit the powers or functions vested in the Secretary of State by the Act.

1-110. The negotiation, conclusion, and termination of international agreements pursuant to the Act shall be under the direction of the Secretary of State.

1-111. Any substantial change in policies in effect on the date of this Order for the utilization of the Foreign Service Act of 1946, as amended, pursuant to Section 7 of the Act (22 U.S.C. 2506), shall be coordinated with the Secretary of State.

1-112. The Director shall consult and coordinate with the Director of ACTION to assure that the functions delegated to the Director by this Order are carried out consistently with the functions conferred upon the Director of ACTION by the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 *et seq.*), ("Volunteer Service Act"), Reorganization Plan No. 1 of 1971 and this Order.

1-2. The Peace Corps Advisory Council.[1] * * * [Revoked—1982]

1-3. Reservation of Functions to the President.

1-301. There are hereby excluded from the delegations made by Section 1-1 of this Order the following powers and functions of the President:

(a) All authority conferred by Sections 4(b), 4(c)(2), 4(c)(3), 10(d), and 18 of the Act (22 U.S.C. 2503(b), (C)(2), (C)(3), 2509(d), and 2517).

(b) The authority conferred by Section 4(a) of the Act (22 U.S.C. 2503(a)) to appoint the Director and the Deputy Director of the Peace Corps.

(c) The authority conferred on the President by Section 5(f)(1)(B) of the Act (22 U.S.C. 2504(f)(1)(B)).

(d) The authority conferred by Section 10(f) of the Act (22 U.S.C. 2509(f)) to direct any agency of the United States Government to provide services, facilities, and commodities to officers carrying out functions under the Act.

(e) The authority conferred by Section 19 of the Act (22 U.S.C. 2518) to adopt and alter an official seal or emblem of the Peace Corps.

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[1] Sec. 4(k) of Executive Order 12399 revoked sec. 1-2 which had established the Peace Corps Advisory Council.

1-4. Incidental Provisions.

1-401. Persons appointed, employed, or assigned under Section 7(a) of the Act (22 U.S.C. 2506(a)) shall not, unless otherwise agreed by the agency in which such benefits may be exercised, be entitled to the benefits provided by Section 528 of the Foreign Service Act of 1946 (22 U.S.C. 928) in cases in which their service under the appointment, employment, or assignment exceeds thirty months.

1-402. Pursuant to Section 10(d) of the Act (22 U.S.C. 2509(d)), it is hereby determined to be in furtherance of the purposes of the Act that functions authorized thereby may be performed without regard to the applicable laws specified in Sections 1 and 2 of Executive Order No. 11223 of May 12, 1965, and with or without consideration as specified in Section 3 of that Order, but subject to the limitations set forth in that Order.

1-403. As used in this Order, the words "Volunteers," "functions," "United States," and "United States Government agency" shall have the same meanings, respectively, as they have under the Act.

1-5. National Voluntary Action Program.

1-501. The National Voluntary Action Program to encourage and stimulate more widespread and effective voluntary action for solving public domestic problems, established in the Executive Branch of the Government by Section 1 of Executive Order No. 11470 of May 26, 1969, is continued in ACTION. That program shall supplement corresponding action by private and other non-Federal organizations as the National Center for Voluntary Action. As used in this Order, the term "voluntary action" means the contribution or application of nongovernmental resources of all kinds (time, money, goods, services, and skills) by private and other organizations of all types (profit and nonprofit, national and local, occupational, and altruistic) and by individual citizens.

1-6. Direction of ACTION.

1-601. In addition to the functions vested in the Director of ACTION by the Domestic Volunteer Service Act of 1973 (42 U.S.C., Section 4951 *et seq.*), Reorganization Plan No. 1 of 1971, and Section 1-401 of this Order, the Director of ACTION shall:

(a) Encourage local, national and international voluntary activities directed toward the solution or mitigation of community problems.

(b) Provide for the development and operation of a clearinghouse for information on Government programs designed to foster voluntary action.

(c) Initiate proposals for the greater and more effective application of voluntary action in connection with Federal programs, and coordinate, as consistent with law, Federal activities involving such action.

(d) Make grants of seed money, as authorized by law, for stimulating the development or deployment of innovative voluntary action programs directed toward community problems.

1-602. The head of each Federal department and agency, or a designated representative, when so requested by the Director of

ACTION or the Director of the Peace Corps, shall, to the extent permitted by law and funds available, furnish information and assistance, and participate in all ways appropriate to carry out the objectives of this Order, the Domestic Volunteer Service Act of 1973 and Reorganization Plan No. 1 of 1971.

1–603. The head of each Federal department agency shall, when so requested by the Director of ACTION, designate a senior official to have primary and continuing responsibility for the participation and cooperation of that department or agency in matters concerning voluntary action.

1–604. The head of each Federal department or agency, or a designated representative, shall keep the Director of ACTION informed of proposed budgets, plans, and programs of that department or agency affecting voluntary action programs.

1–605. Under the direction of the President and subject to the responsibilities of the Secretary of State, the Director of ACTION shall be responsible for the general direction of those ACTION functions, which jointly serve ACTION domestic volunteer components and the Peace Corps, and for advising the Director of the Peace Corps to ensure that the functions delegated under this Order to the Director of the Peace Corps are carried out.

1–7. General Provisions.

1–701. Except to the extent that they may be inconsistent with this Order, all determinations, authorizations, regulations, rulings, certifications, orders, directives, contracts, agreements and other actions made, issued or entered into with respect to any function affected by this Order and not revoked, superseded, or otherwise made inapplicable before the effective date of this Order shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

1–702. Except as otherwise expressly provided herein, nothing in this Order shall be construed as subjecting any department, establishment, or other instrumentality of the Executive Branch of the Federal Government or the head thereof, or any function vested by law in or assigned pursuant to law to any such agency or head, to the authority of any other agency or head or as abrogating, modifying, or restricting any such function in any manner.

1–703. So much of the personnel, property, records, and unexpended balances or appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions assigned to the Director of the Peace Corps or to the Director of ACTION by this Order as the Director of the Office of Management and Budget shall determine, shall be transferred to the Director of the Peace Corps or the Director of ACTION at such time or times as the Director of the Office of Management and Budget shall direct.

1–704. To the extent permitted by law, such further measures and dispositions as the Director of the Office of Management and Budget shall deem to be necessary in order to effectuate the provisions of this Order shall be carried out by such agencies as the Director of the Office of Management and Budget shall specify.

1-705. The authority conferred by Sections 1-703 and 1-704 of this Order shall supplement, not limit, the provisions of Section 1-108 of this Order.

1-706. Executive Order Nos. 11041, 11250, 11470 and 11603 are hereby superseded.

1-707. This Order shall become effective May 16, 1979.

7. Executive Order 11103, April 10, 1963, 28 F.R. 3571, 3 CFR, 1958–63 Comp., p. 762

PROVIDING FOR THE APPOINTMENT OF FORMER PEACE CORPS VOLUNTEERS TO THE CIVILIAN CAREER SERVICE

By virtue of the authority vested in me by the Civil Service Act (22 Stat. 403), and section 1753 of the Revised Statutes, and as President of the United States, it is hereby ordered as follows:

Sec. 1. Under such regulations as the Civil Service Commission may prescribe, the head of any agency in the Executive Branch may appoint in the competitive service any person who is certified by the Director of the Peace Corps as having served satisfactorily as a Volunteer or Volunteer Leader under the Peace Corps Act and who passes such examination as the Civil Service Commission may prescribe. Any person so appointed shall, upon completion of the prescribed probationary period, acquire a competitive status.

Sec. 2. The head of any agency in the Executive Branch having an established merit system in the excepted service may appoint in such service any person who is certified by the Director of the Peace Corps as having served satisfactorily as a Volunteer or Volunteer Leader under the Peace Corps Act and who passes such examination as such agency head may prescribe.

Sec. 3. Certificates of satisfactory service for the purpose of this Order shall be issued only to persons who have completed a full term of service (approximately two years) under the Peace Corps Act: *Provided,* That such certificates may be issued to persons who have completed a lesser period of satisfactory service if, in the judgment of the Director of the Peace Corps, (1) their service was of sufficient duration to demonstrate their capability to complete satisfactorily a full term, and (2) their failure to complete a full term was due to circumstances beyond their control.

Sec. 4. Any appointment under this Order shall be effected within a period of one year after completion of the appointee's service under the Peace Corps Act: *Provided,* That such period may be extended to not more than three years in the case of persons who, following such service, are engaged in military service, in the pursuit of studies at a recognized institution of higher learning, or in other activities which, in the view of the appointing authority, warrant an extension of such period.

Sec. 5. Any law, Executive Order, or regulation which would disqualify an applicant for appointment in the competitive service or in the excepted service concerned shall also disqualify an applicant for appointment under this Order.

8. Executive Order 12468, March 22, 1984, 49 F.R. 11139

PRESIDENTIAL ADVISORY COUNCIL ON THE PEACE CORPS

By the authority vested in me as President by the Constitution and statutes of the United States, including the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), it is hereby ordered as follows:

Section 1. Establishment. (a) There is established the Presidential Advisory Council on the Peace Corps.

(b) The Council shall be composed of no more than 15 persons, who shall be appointed by the President. The President shall designate a member to serve as Chairman of the Council and a member to serve as Vice Chairman. Members shall serve at the pleasure of the President.

Sec. 2. Functions. (a) The Council shall advise the President and the Director of the Peace Corps on initiatives needed to promote the purposes of the Peace Corps Act and actions of the Peace Corps which do so.

(b) The Council shall submit simultaneously to the President and the Director of the Peace Corps an annual report on its review of Peace Corps activities, its recommendations concerning those activities, and the activities of the Council.

Sec. 3. Administration. (a) The heads of the Executive agencies shall, to the extent permitted by law, provide the Council with such information as may be necessary for the effective performance of its functions.

(b) Members of the Council shall not receive compensation for their work on the Council. While engaged in the work of the Council, members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the government service (5 U.S.C. 5701–5707).

(c) The Director of the Peace Corps shall, to the extent permitted by law and subject to the availability of funds, provide the Council with such administrative services, funds, facilities, and other support services as may be necessary for the effective performance of its functions.

Sec. 4. General Provisions. (a) Notwithstanding the provisions of any other Executive Order, the functions of the President under the Federal Advisory Committee Act which are applicable to the Council, except that of reporting annually to the Congress, shall be performed by the Director of the Peace Corps, in accordance with guidelines and procedures established by the Administrator of General Services.

(b) The Council shall terminate two years from the date of this Order, unless sooner extended.

D. ARMS CONTROL AND DISARMAMENT

CONTENTS

Page

1. Arms Control and Disarmament Act, as amended (Public Law 87-297)... 963
2. Arms Control and Disarmament Act, Authorization for Fiscal Years 1986 and 1987 (Public Law 99-93) (partial text) ... 987
3. Arms Control and Disarmament Agency Appropriations, 1987 (Public Law 99-591) (partial text) ... 991
4. Executive Order 11850 (Renunciation of Certain Uses in War of Chemical Herbicides and Riot Control Agents) ... 992

1. Arms Control and Disarmament Act, as amended

CONTENTS

Page

Title I—Short Title, Purpose, and Definitions 965
  Section 1—Short Title 965
  Section 2—Purpose 965
  Section 3—Definitions 967
Title II—Organization 968
  Section 21—United States Arms Control and Disarmament Agency 968
  Section 22—Director 968
  Section 23—Deputy Director 968
  Section 24—Assistant Directors 969
  Section 25—Bureaus, Offices, and Divisions 969
  Section 26—General Advisory Committee 969
  Section 27—Special Representative 970
  Section 28—Program for Visiting Scholars 970
Title III—Functions 970
  Section 31—Research 970
  Section 32—Patents 972
  Section 33—Policy Formulation 972
  Section 34—Negotiations and Related Functions 972
  Section 35—Coordination 973
  Section 36—Arms Control Impact Information and Analysis 973
  Section 37—Verification of Arms Control Agreements 975
Title IV—General Provisions 975
  Section 41—General Authority 975
  Section 42—Foreign Service Personnel 978
  Section 43—Contracts or Expenditures 978
  Section 44—Conflict-of-Interest and Dual Compensation Laws 978
  Section 45—Security Requirements 979
  Section 46—Comptroller General Audit 981
  Section 47—Transfer of Activities and Facilities to Agency 981
  Section 48—Use of Funds 982
  Section 49—Appropriation 982
  Section 50—Report to Congress 985
  Section 51—Specialists Fluent in Russian Language 985
  Section 52—Reports on Adherence to and compliance with agreements 986

1. Arms Control and Disarmament Act, as amended

Public Law 87-297 [H.R. 9118], 75 Stat. 631, approved September 26, 1961 as amended by Public Law 88-186 [S. 777], 77 Stat. 341, approved November 26, 1963; Public Law 88-426 [H.R. 11049], 78 Stat. 400, approved August 14, 1964; Public Law 88-448 [H.R. 7381], 78 Stat. 484, approved August 19, 1964; Public Law 89-27 [H.R. 2998], 79 Stat. 118, approved May 27, 1965; Public Law 90-314 [H.R. 14940], 82 Stat. 129, approved May 23, 1968; Public Law 91-246 [S. 3544], 84 Stat. 270, approved May 12, 1970; Public Law 92-352 [H.R. 14734], 86 Stat. 489, approved July 13, 1972; Public Law 93-332 [H.R. 12799], 88 Stat. 289, approved July 8, 1974; Public Law 94-141 [S. 1517], 89 Stat. 756, approved November 29, 1975; Public Law 95-108 [H.R. 6179], 91 Stat. 871, approved August 17, 1977; Public Law 95-338 [H.R. 11832], 92 Stat. 458, approved August 8, 1978; Public Law 96-66 [H.R. 2774], 93 Stat. 414, approved September 21, 1979; Public Law 96-465 [H.R. 6790], 94 Stat. 2071 at 2159, approved October 17, 1980; Public Law 97-339 [H.R. 3467], 96 Stat. 1635, approved October 15, 1982; Public Law 98-202 [H.R. 2906], 97 Stat. 1381, approved December 2, 1983; Public Law 99-93 [H.R. 2068], 99 Stat. 405, approved August 16, 1985; and Public Law 99-550 [H.R. 3641], 100 Stat. 3067, approved October 27, 1986.

AN ACT To establish a United States Arms Control and Disarmament Agency.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—SHORT TITLE, PURPOSE, AND DEFINITIONS

SHORT TITLE

Section 1.[1] This Act may be cited as the "Arms Control and Disarmament Act".

PURPOSE

Sec. 2.[2] An ultimate goal of the United States is a world which is free from the scourge of war and the dangers and burdens of armaments; in which the use of force has been subordinated to the rule of law; and in which international adjustments to a changing world are achieved peacefully.[3] It is the purpose of this Act to provide

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[1] 22 U.S.C. 2551 note.

[2] 22 U.S.C. 2551.

[3] This goal is reaffirmed in sec. 1 of the Arms Export Control Act (22 U.S.C. 2751), which adds: "In furtherance of that goal, it remains the policy of the United States to encourage regional arms control and disarmament agreements and to discourage arms races." That section further expresses the sense of the Congress that foreign military sales be approved "only when they are consistent with the foreign policy interests of the United States * * * with particular regard being given, where appropriate * * * to the impact of the sales on * * * existing or incipient arms races."

Sec. 150 of Public Law 94-141 amended the laws relating to international arms transfers to require that decisions on such transfers be made in coordination with the Director of the United States Arms Control and Disarmament Agency and take into account his opinion as to whether the proposed action will contribute to an arms race, or increase the possibility of outbreak or escalation of conflict, or prejudice the development of bilateral or multilateral arms control arrangements. The changes made by sec. 150 of Public Law 94-141 were to add a subsec. (f) to sec. 414 of the Mutual Security Act of 1954 (which sec. 212 of the International Security Assistance and Arms Export Control Act of 1976 subsequently repealed and incorporated as subsec. 38(a)(2)

Continued

impetus toward this goal by creating a new agency of peace to deal with the problem of reduction and control of armaments looking toward ultimate world disarmament.

Arms control and disarmament policy, being an important aspect of foreign policy, must be consistent with national security policy as a whole. The formulation and implementation of United States arms control and disarmament policy in a manner which will promote the national security can best be insured by a central organization charged by statute with primary responsibility for this field. This organization must have such a position within the Government that it can provide the President, the Secretary of State, other officials of the executive branch, and the Congress with recommendations concerning United States arms control and disarmament policy, and can assess the effect of these recommendations upon our foreign policies, our national security policies, and our economy.[4]

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of the Arms Export Control Act (22 U.S.C. 2778(a)(2))), and to amend sec. 42(a) of the Foreign Military Sales Act (now sec. 42(a) of the Arms Export Control Act (22 U.S.C. 2791(a))) and sec. 511 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2321(d)). See also Executive Order 11958 which directs in sec. 1 in subsec. (g) that the Director of the Arms Control and Disarmament Agency, within his area of responsibility, shall assist the Secretary of State in preparation of the annual presentation materials for security assistance programs required to be transmitted to Congress by sec. 25 of the Arms Export Control Act (22 U.S.C. 2765), and in subsec. (j) that with respect to matters related to subpars. (D) and (I) of sec. 36(b)(1) of that Act (22 U.S.C. 2776(b)(1)) the Secretary of Defense shall consult with the Director of the Arms Control and Disarmament Agency, and in sec. 2 that in carrying out the functions delegated to them with respect to arms sales and exports, the Secretaries of State and Defense shall consult with the Director of this Agency on matters pertaining to his responsibilities.

The Director has charged an Assistant Director with primary responsibility for developing policy recommendations and negotiating proposals relating to the control of international transfers of arms and related technology and for assuring that the Agency's views are made known and taken into account concerning arms control factors involved in individual U.S. arms transfers and in policy decisions related to such transfers (22 CFR 601.14).

[4] The Nuclear Non-Proliferation Act of 1978 (Public Law 95–242) amended the Atomic Energy Act of 1954, as amended, (the 1954 act) and created new requirements relating to nuclear export controls. The Arms Control and Disarmament Agency has the following responsibilities under this law:

Sec. 102 (22 U.S.C. 3222) directs the Director of the Agency "to establish and implement procedures which will ensure * * * orderly processing of subsequent arrangements and export licenses with minimum time delay."

Sec. 301(c) amended chapter 10 of the 1954 act by adding a new sec. 111 (42 U.S.C. 2141) in which subsec. (b) requires the Department of Energy to consult with the Agency before making certain government-to-government transfers of special nuclear material or source material.

Sec. 302 amended subsec. 57(b) of the 1954 act (42 U.S.C. 2077(b)) to require the Secretary of Energy to consult with the Agency before making a determination under that subsection that the production of special nuclear material outside of the United States is not inimical to the interest of the United States.

Sec. 303(a) amended chapter 11 of the 1954 act by adding sec. 131 (42 U.S.C. 2160) in which par. (1) of subsec. (a) requires the Secretary of Energy to consult with the Director of the Agency prior to entering into proposed subsequent arrangements under agreements for cooperation. Par. 2 of subsec. (a) provides that: "If in the Director's view a proposed subsequent arrangement might significantly contribute to proliferation, he may prepare an unclassified Nuclear Proliferation Assessment Statement * * * regarding the adequacy of the safeguards and other control mechanisms and the application of peaceful use assurances of the relevant agreement to ensure that assistance to be furnished pursuant to the subsequent arrangement will not be used to further any military or nuclear explosive purpose." Subsec. (c) requires the Secretary of Energy to establish implementing procedures which are agreeable to the Director and which require the Director to specify if he intends to prepare a Nuclear Proliferation Assessment Statement. If the Director declares that he intends to prepare a statement, subsec. (c) and par. (1) of subsec. (a) impose restrictions on actions by the Secretary of Energy to enter into the proposed subsequent arrangement. Sec. 402(a) (42 U.S.C. 2153a(a)) provides that source or special nuclear material exported from the United States may not be enriched without prior approval under procedures identical to those for proposed subsequent arrangements under sec. 131.

Sec. 304(a) amended chapter 11 of the 1954 act by adding a new sec. 126 (42 U.S.C. 2155) in which par. (1) of subsec. (a) requires the Secretary of State to consult with the Director of the Agency before notifying the Nuclear Regulatory Commission that it is the judgment of the exec-

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This organization must have the capacity to provide the essential scientific, economic, political, military, psychological, and technological information upon which realistic arms control and disarmament policy must be based. It shall have the authority, under the direction of the President and the Secretary of State,[5] to carry out the following primary functions:

(a) The conduct, support, and coordination of research for arms control and disarmament policy formulation;

(b) The preparation for and management of United States participation in international negotiations in the arms control and disarmament field;

(c) The dissemination and coordination of public information concerning arms control and disarmament; and

(d) The preparation for, operation of, or as appropriate, direction of United States participation in such control systems as may become part of United States arms control and disarmament activities.

DEFINITIONS

Sec. 3.[6] As used in this Act—

(a) The terms "arms control" and "disarmament" mean the identification, verification, inspection, limitation, control, reduction, or elimination, of armed forces and armaments of all kinds under international agreement including the necessary steps taken under such an agreement to establish an effective

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utive branch that a proposed export license or exemption for "any production or utilization facility or any source material or special nuclear material" will not be inimical to the common defense and security.

Sec. 304(d) (42 U.S.C. 2156a) requires the Nuclear Regulatory Commission to consult with the Director of the Agency in promulgating physical security regulations for exported nuclear materials. (See sec. 604 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (Public Law 99-399) which requires the Director to review and report to Congress on the adequacy of physical security standards.)

Sec. 309(a) amended sec. 109 of the 1954 act (42 U.S.C. 2139) to require in subsec. (a) that the Nuclear Regulatory Commission consult with the Director before determining which component parts of reactors, production facilities, or other items "are especially relevant from the standpoint of export control because of their significance for nuclear explosive purposes." Sec. 309(b) and sec. 309(c) require that implementing regulations of the Nuclear Regulatory Commission, and procedures regarding control by the Department of Commerce over export items which could be of significance for nuclear explosive purposes, shall provide for prior consultations with the Agency.

Sec. 401 amended subsec. 123(a) of the 1954 act (42 U.S.C. 2153(a)) to require, with certain exceptions, that "any proposed agreements for cooperation be negotiated by the Secretary of State * * * in consultation with the Director of the Arms Control and Disarmament Agency" and that when such agreements are submitted to the President they shall be accompanied by the views and recommendations of the Director "who shall also provide to the President an unclassified Nuclear Proliferation Assessment Statement regarding the adequacy of the safeguards and other control mechanisms and the peaceful use assurances contained in the agreement for cooperation to ensure that any assistance furnished thereunder will not be used to further any military or nuclear explosive purpose."

Sec. 401 also amended subsec. 123(d) of the 1954 act (42 U.S.C. 2153(d)) to provide that the 60-day period for Congressional action on agreements for cooperation submitted to Congress under that subsection does not begin until the Nuclear Proliferation Assessment Statement required by subsec. 123(a) to be prepared by the Director of the Arms Control and Disarmament Agency has been submitted to Congress.

Sec. 602(c) directs the Agency to keep specified congressional committees currently informed on its activities to carry out the act and otherwise prevent proliferation, and on the activities of foreign nations of significance from the proliferation standpoint.

Sec. 602(e) directs the Agency to cooperate with the Comptroller General in the conduct of a study for a report to Congress by Mar. 10, 1981 on the implementation and impact of the act.

[5] Sec. 144 of Public Law 94-141 struck out "It must be able" and inserted "It shall have the authority, under the direction of the President and the Secretary of State,".

[6] 22 U.S.C. 2552.

system of international control, or to create and strengthen international organizations for the maintenance of peace.

(b) The term "Government agency" means any executive department, commission, agency, independent establishment, corporation wholly or partly owned by the United States which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of Government.

(c) The term "Agency" means the United States Arms Control and Disarmament Agency.

TITLE II—ORGANIZATION

UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

Sec. 21.[7] There is hereby established an agency to be known as the "United States Arms Control and Disarmament Agency".

DIRECTOR

Sec. 22.[8] The Agency shall be headed by a Director, who shall serve as the principal adviser to the Secretary of State, the National Security Council,[9] and the President on arms control and disarmament matters. In carrying out his duties under this Act the Director shall, under the direction of the Secretary of State, have primary responsibility within the Government for arms control and disarmament matters, as defined in this Act. The Director shall attend all meetings of the National Security Council involving weapons procurement, arms sales, consideration of the defense budget, and all arms control and disarmament matters.[10] The Director shall be appointed by the President, by and with the advice and consent of the Senate. No person serving on active duty as a commissioned officer of the Armed Forces of the United States may be appointed Director.[11]

DEPUTY DIRECTOR

Sec. 23.[12] A Deputy Director of the Agency shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Director shall perform such duties and exercise such powers as the Director may prescribe. He shall act for, and exercise the powers of, the Director during his absence or disability or during a vacancy in said office. No person serving on active duty as a commissioned officer of the Armed Forces of the United States may be appointed Deputy Director.[13]

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[7] 22 U.S.C. 2561.

[8] 22 U.S.C. 2562.

[9] Sec. 145 of Public Law 94-141 inserted ", the National Security Council," after "Secretary of State".

[10] Sec. 2 of Public Law 98-202 added this sentence and substituted "The Director" in lieu of "He" in the next sentence.

[11] Par. (a) of sec. 1 of Public Law 96-66 added the last sentence to this section. Sec. 305(17)(A) of Public Law 88-426 repealed a sentence fixing the compensation of the Director, and sec. 303(b)(13) of that Act established such compensation at level II of the Executive Schedule (5 U.S.C. 5313), the rate for which was subsequently increased to $77,400 per annum by Schedule 5 of Executive Order 12578 (52 F.R. 505) and to $89,500 per annum pursuant to 2 U.S.C. 359. (See 52 F.R. 4125.)

[12] 22 U.S.C. 2563.

ASSISTANT DIRECTORS

Sec. 24.[14] Not to exceed four Assistant Directors may be appointed by the President, by and with the advice and consent of the Senate.[15] They shall perform such duties and exercise such powers as the Director may prescribe.

BUREAUS, OFFICES, AND DIVISIONS

Sec. 25.[16] The Director, under the direction of the Secretary of State, may establish within the Agency such bureaus, offices, and divisions as he may determine to be necessary to discharge his responsibilities under this Act, including, but not limited to, an Office of the General Counsel.

GENERAL ADVISORY COMMITTEE

Sec. 26.[17] The President, by and with the advice and consent of the Senate, may appoint a General Advisory Committee of not to exceed fifteen members to advise the Director on arms control and disarmament policy and activities. The President shall designate one of the members as Chairman. The members of the committee may receive the compensation and reimbursement for expenses specified for consultants by section 41(d) of this Act. The Committee shall meet at least twice each year. It shall from time to time advise the President, the Secretary of State, and the Disarmament Director respecting matters affecting arms control, disarmament, and world peace.[18]

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[13] Par. (b) of sec. 1 of Public Law 96-66 added the last sentence to this section. Sec. 305(17)(B) of Public Law 88-426 repealed a sentence fixing the compensation of the Deputy Director, and sec. 303(d)(35) of that Act established such compensation at level IV of the Executive Schedule. Sec. 704(a) (1) and (2)(A) of Public Law 99-93 amended 5 U.S.C. 5314 and 5315 by increasing the compensation level of the Deputy Director from level IV of the Executive Schedule to level III, the rate for which was subsequently increased to $75,800 per annum by Schedule 5 of Executive Order 12578 (52 F.R. 505) and to $82,500 per annum pursuant to 2 U.S.C. 359. (See 52 F.R. 4125.)

[14] 22 U.S.C. 2564.

[15] Sec. 305(17)(C) of Public Law 88-426 repealed a sentence fixing the compensation of Assistant Directors, and sec. 303(e)(75) of that Act established such compensation at level V of the Executive Schedule Compensation of the General Counsel was established at level V of the Executive Schedule by sec. 303(e)(85) of that Act. Sec. 704(a)(2)(B) and sec. 704(a)(3) of Public Law 99-93 amended 5 U.S.C. 5315 and 5316 by increasing the compensation level for Assistant Directors from level V of the Executive Schedule to level IV, the rate for which was subsequently increased to $74,500 per annum by Schedule 5 of Executive Order 12578 (52 F.R. 505) and to $77,500 per annum pursuant to 2 U.S.C. 359. (See 52 F.R. 4125.) The position of General Counsel has been designated as a general position in the Senior Executive Service (45 F.R. 3849).

[16] 22 U.S.C. 2565.

[17] 22 U.S.C. 2566.

[18] Sec. 14(a)(1) of the Federal Advisory Committee Act (5 U.S.C. Appendix I) provides that each advisory committee established by the President which was in existence on Jan. 5, 1973, would terminate not later than midnight Jan. 5, 1975, unless renewed by the President prior to that time. Notice of renewal of the General Advisory Committee effective Jan. 5, 1975, was published in 40 F.R. 4183. Subsequent notices of renewal of the Committee effective Jan. 5, were published in 42 F.R. 1096 (1977), 44 F.R. 2054 (1979), 46 F.R. 6031 (1981), 48 F.R. 1333 (1983), and 50 F.R. 1903 (1985). The General Services Administration has concurred in the renewal of the Committee effective Jan. 5, 1987. Pursuant to sec. 14(c) of the Federal Advisory Committee Act, such renewal continues only to Jan. 5, 1989, unless renewed for a successive two-year period at that time.

SPECIAL REPRESENTATIVE

Sec. 27.[19] The President may appoint, by and with the advice and consent of the Senate, two Special Representatives [20] for Arms Control and Disarmament Negotiations who shall perform such duties and exercise such powers (under the direction of the President and the Secretary of State, acting through the Director) as the Director may prescribe with respect to international arms control and disarmament negotiations and matters relating thereto.

PROGRAM FOR VISITING SCHOLARS

Sec. 28.[21] A program for visiting scholars in the field of arms control and disarmament shall be established by the Director in order to obtain the services of scholars from the faculties of recognized institutes of higher learning. The purpose of the program will be to give specialists in the physical sciences and other disciplines relevant to the Agency's activities an opportunity for active participation in the arms control and disarmament activities of the Agency and to gain for the Agency the perspective and expertise such persons can offer. Each fellow in the program shall be appointed for a term of one year, except that such term may be extended for a 1-year period. Fellows shall be chosen by a board consisting of the Director, who shall be the chairperson, and all former Directors of the Agency.

TITLE III—FUNCTIONS

RESEARCH

Sec. 31.[22] The Director is authorized and directed to exercise his powers in such manner as to insure the acquisition of a fund of theoretical and practical knowledge concerning disarmament. To this end, the Director is authorized and directed, under the direction of the President, (1) to insure the conduct of research, development, and other studies in the field of arms control and disarmament; (2) to make arrangements (including contracts, agreements, and grants) for the conduct of research, development, and other studies in the field of arms control and disarmament by [23] private or public institutions or persons; and (3) to coordinate the research, development, and other studies conducted in the field of arms control and disarmament by or for other Government agencies in accordance with procedures established under section 35 of this Act. In carrying out his responsibilities under this Act, the Director shall, to the maximum extent feasible, make full use of available facilities, Government and private. The authority of the Director with respect to research, development, and other studies shall be limited to participation in the following insofar as they relate to arms control and disarmament:

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[19] 22 U.S.C. 2567. This section was added by sec. 2(a) of Public Law 95–108. Sec. 2(b) of that Act amended 5 U.S.C. 5315 by adding a new par. (50) to establish the compensation for the Special Representative for Arms Control and Disarmament Negotiations at level IV of the Executive Schedule, the rate for which is $72,300 per annum as set forth in Schedule 5 of Executive Order 12496 (50 F.R. 216).

[20] Sec. 6(a) of Public Law 98–202 increased the number of Special Representatives from one to two, and sec. 6(b) of that Act amended 5 U.S.C. 5315 to add the new position to level IV of the Executive Schedule.

[21] 22 U.S.C. 2568. Sec. 3 of Public Law 98–202 added this section.

[22] 22 U.S.C. 2571.

[23] Sec. 5 of Public Law 88–186 inserted the words "United States" between the words "by" and "private". Sec. 3 of Public Law 95–108 subsequently struck out the words "United States".

(a) the detection, identification, inspection, monitoring, limitation, reduction, control, and elimination of armed forces and armaments, including thermonuclear, nuclear, missile, conventional, bacteriological, chemical, and radiological weapons;

(b) the techniques and systems of detecting, identifying, inspecting, and monitoring of tests of nuclear, thermonuclear, and other weapons;

(c) the analysis of national budgets, levels of industrial production, and economic indicators to determine the amounts spent by various countries for armaments and of all aspects of antisatellite activities;[24]

(d) the control, reduction, and elimination of armed forces and armaments in space, in areas on and beneath the earth's surface, and in underwater regions;

(e) the structure and operation of international control and other organizations useful for arms control and disarmament;

(f) the training of scientists, technicians, and other personnel for manning the control systems which may be created by international arms control and disarmament agreements;

(g) the reduction and elimination of the danger of war resulting from accident, miscalculation, or possible surprise attack, including (but not limited to) improvements in the methods of communications between nations;

(h) the economic and political consequences of arms control and disarmament, including the problems of readjustment arising in industry and the reallocation of national resources;[25]

(i) the arms control and disarmament implications of foreign and national security policies of the United States with a view to a better understanding of the significance of such policies for the achievement of arms control and disarmament;

(j) the national security and foreign policy implications of arms control and disarmament proposals with a view to a better understanding of the effect of such proposals upon national security and foreign policy;

(k) methods for the maintenance of peace and security during different stages of arms control and disarmament;

(l) the scientific, economic, political, legal, social, psychological, military, and technological factors related to the prevention of war with a view to a better understanding of how the basic structure of a lasting peace may be established;

(m) such related problems as the Director may determine to be in need of research, development, or study in order to carry out the provisions of this Act.

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[24] Sec. 4 of Public Law 97-339 inserted the words "and of all aspects of antisatellite activities".

[25] For legislation authorizing financial assistance to small business concerns "directly and seriously affected by the significant reduction of the scope or amount of Federal support for any project as a result of any international agreement limiting the development of strategic arms or the installation of strategic arms or strategic arms facilities," see sec. 7(b) of the Small Business Act, as amended by Public Law 92-385 (15 U.S.C. 636(b)(6)).

PATENTS

Sec. 32.[26] All research within the United States contracted for, sponsored, cosponsored, or authorized under authority of this Act, shall be provided for in such manner that all information as to uses, products, processes, patents, and other developments resulting from such research developed by Government expenditure will (with such exceptions and limitations, if any, as the Director may find to be necessary in the public interest) be available to the general public. This subsection shall not be so construed as to deprive the owner of any background patent relating thereto of such rights as he may have thereunder.

POLICY FORMULATION

Sec. 33.[27] The Director is authorized and directed to prepare for the President, the Secretary of State, and the heads of such other Government agencies, as the President may determine, recommendations concerning United States arms control and disarmament policy: *Provided, however,* That no action shall be taken under this or any other law that will obligate the United States to disarm or to reduce or to limit the Armed Forces or armaments of the United States, except pursuant to the treaty-making power of the President under the Constitution or unless authorized by further affirmative legislation by the Congress of the United States. Nothing contained in this Act shall be construed to authorize any policy or action by any Government agency which would interfere with, restrict, or prohibit the acquisition, possession, or use of firearms by an individual for the lawful purpose of personal defense, sport, recreation, education, or training.[28]

NEGOTIATIONS AND RELATED FUNCTIONS

Sec. 34.[29] Under the direction of the Secretary of State—

(a) the Director, for the purpose of conducting negotiations concerning arms control and disarmament or for the purpose of exercising any other authority given him by this Act, may (1) consult and communicate with or direct the consultation and communication with representatives of other nations or of international organizations and (2) communicate in the name of the Secretary with diplomatic representatives of the United States in this country and abroad.[30]

(b) the Director shall perform functions pursuant to section 2(c) of the Reorganization Plan 8 of 1953 [31] with respect to providing to the United States Information Agency[32] official United States positions and policy on arms control and disarmament matters for dissemination abroad.

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[26] 22 U.S.C. 2572. Sec. 6 of Public Law 96-517 added a new chapter 38 to title 35 of the United States Code which takes precedent over other acts governing the rights in inventions made by small business firms and nonprofit organizations under funding agreements with Federal agencies for the performance of experimental, developmental, or research work.

[27] 22 U.S.C. 2573.

[28] Sec. 3 of Public Law 88-186 added the last sentence to this section.

[29] 22 U.S.C. 2574.

[30] For additional statutory requirements relating to persons representing the United States "in such organs, commissions or other bodies as may be created by the United Nations with respect to nuclear energy or disarmament (control and limitation of armament)", see sec. 2(b) of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287(b)).

[31] 22 U.S.C. 1461 (note); see vol. III for text.

(c) the Director is authorized (1) to formulate plans and make preparations for the establishment, operation, and funding of inspection and control systems which may become part of the United States arms control and disarmament activities, and (2) as authorized by law, to put into effect, direct, or otherwise assume United States responsibility for such systems.

COORDINATION

Sec. 35.[33] The President is authorized to establish procedures to (1) assure cooperation, consultation, and a continuing exchange of information between the Agency and the Department of Defense, the Atomic Energy Commission,[34] the National Aeronautics and Space Administration, and other affected Government agencies, in all significant aspects of United States arms control and disarmament policy and related matters, including current and prospective policies, plans, and programs, (2) resolve differences of opinion between the Director and such other agencies which cannot be resolved through consultation, and (3) provide for presentation to the President of recommendations of the Director with respect to such differences, when such differences involve major matters of policy and cannot be resolved through consultation.

ARMS CONTROL IMPACT INFORMATION AND ANALYSIS

Sec. 36.[35] (a) In order to assist the Director in the performance of his duties with respect to arms control and disarmament policy and negotiations, any Government agency preparing any legislative or budgetary proposal for—

> (1) any program of research, development, testing, engineering, construction, deployment, or modernization with respect to nuclear armaments, nuclear implements of war, military facilities or military vehicles designed or intended primarily for the delivery of nuclear weapons,
>
> (2) any program of research, development, testing, engineering, construction, deployment, or modernization with respect to armaments, ammunition, implements of war, or military facilities, having—

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[32] The United States Information Agency was abolished by Executive Order 12048, effective Apr. 1, 1978 (43 F.R. 13361) which implemented Reorganization Plan No. 2 of 1977 (42 F.R. 62461) and its functions were transferred to the International Communication Agency established by the Reorganization Plan and Executive Order. Sec. 303 of Public Law 97-241 changed the name of the International Communication Agency back to its original name of the United States Information Agency.

[33] 22 U.S.C. 2575. See also Executive Order 11044 (27 F.R. 8341), sec. 2 of Executive Order 12361 (47 F.R. 18313), and the Procedure for Developing, Arms Control Impact Statements disseminated by the Deputy Assistant to the Assistant to the President for National Security Affairs by memorandum dated July 24, 1978.

[34] The Atomic Energy Commission was abolished by the Energy Reorganization Act of 1974 (42 U.S.C. 5801 et seq.), and its functions transferred to the Energy Research and Development Administration and the Nuclear Regulatory Commission established by that Act. The Energy Research and Development Administration was terminated by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) and its functions transferred to the Department of Energy established by that Act.

[35] 22 U.S.C. 2576. This section was added by sec. 146 of Public Law 94-141.

(A) an estimated total program cost in excess of $250,000,000, or

(B) an estimated annual program cost in excess of $50,000,000, or

(3) any other program involving technology with potential military application or weapons systems [36] which such Government agency or the Director believes may have a significant impact on arms control and disarmament policy or negotiations,

shall, on a continuing basis, provide the Director with full and timely access to detailed information, in accordance with the procedures established pursuant to section 35 of this Act, with respect to the nature, scope, and purpose of such proposal.

(b)(1) The Director, as he deems appropriate, shall assess and analyze each program described in subsection (a) with respect to its impact on arms control and disarmament policy and negotiations, and shall advise and make recommendations, on the basis of such assessment and analysis, to the National Security Council, the Office of Management and Budget, and the Government agency proposing such program.

(2) [37] No request to the Congress for authorization or appropriations for—

(A) any program described in subsection (a) (1) or (2), or

(B) any program described in subsection (a)(3) and found by the National Security Council, on the basis of the advice and recommendations received from the Director, to have a significant impact on arms control and disarmament policy or negotiations,

shall be transmitted without a complete statement analyzing the impact of such program, either as an individual program or as an aggregation of related programs, on arms control and disarmament policy and negotiations. Any such statement transmitted in classified form shall be accompanied by an unclassified version thereof.

(3) Upon the request of the Committee on Armed Services of the Senate or the House of Representatives, the Committee on Appropriations of the Senate or the House of Representatives, the Committee on Foreign Relations of the Senate, or the Committee on International Relations of the House of Representatives or the Joint Committee on Atomic Energy, the Director shall, after informing the Secretary of State, advise such committee on the arms control and disarmament implications of any program with respect

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[36] Sec. 1(l) of Public Law 95-338 struck out the words "weapons systems or technology" and inserted "technology with potential military application or weapons systems". Senate Report No. 95-843, May 15, 1978, states at page 3 that this change was made "so that there would be no question that technology with potential military application, rather than, simply, weapons technology, could be reviewed and reported upon under the legislation."

[37] Sec. 1(2) of Public Law 95-338 amended and restated subsec. (b)(2) which previously read as follows:

"(2) Any request to the Congress for authorization or appropriations for—

"(A) any program described in subsection (a)(1) or (2), or

"(B) any program described in subsection (a)(3) and found by the National Security Council, on the basis of the advice and recommendations received from the Director, to have a significant impact on arms control and disarmament policy or negotiations,

shall include a complete statement analyzing the impact of such program on arms control and disarmament policy and negotiations."

to which a statement has been submitted to the Congress pursuant to paragraph (2).

(c) No court shall have any jurisdiction under any law to compel the performance of any requirement of this section or to review the adequacy of the performance of any such requirement on the part of any Government agency (including the Agency and the Director).

VERIFICATION OF ARMS CONTROL AGREEMENTS

Sec. 37.[38] (a) It is the sense of the Congress that adequate verification of compliance should be an indispensable part of any international arms control agreement. In recognition of such policy and in order to assure that arms control proposals made or accepted by the United States can be adequately verified, the Director shall report to the Congress, on a timely basis, or upon a request by an appropriate committee of the Congress—

(1) in the case of each element of any significant arms control proposal made to a foreign country by the United States, or made to the United States by a foreign country, the determination of the Director as to the degree to which such element can be verified by existing national technical means;

(2) in the case of any arms control agreement or treaty that has entered into force, any significant degradation or alteration in the capacity of the United States to verify the various components of such agreement or treaty;

(3) the number of professional personnel assigned to arms control verification on a full-time basis by each Government agency; and

(4) the amount and percentage of research funds expended by the Agency for the purpose of analyzing issues relating to arms control verification.

(b) For purposes of paragraphs (1) and (2) of subsection (a), the Director shall assume that all measures of concealment not expressly prohibited could be employed and that standard practices could be altered so as to impede verification.

(c) Except as otherwise provided by law, nothing in this section shall be construed as requiring the disclosure of sensitive information relating to intelligence sources or methods or persons employed in the verification of compliance with arms control agreements.

TITLE IV—GENERAL PROVISIONS

GENERAL AUTHORITY

Sec. 41.[39] In the performance of his functions, the Director is authorized to—

(a) utilize or employ the services, personnel, equipment, or facilities of any other Government agency, with the consent of the agency concerned, to perform such functions on behalf of the

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[38] 22 U.S.C. 2577. This section was added by sec. 4 of Public Law 95-108.
[39] 22 U.S.C. 2581.

Agency as may appear desirable. It is the intent of this section that the Director rely upon the Department of State for general administrative services in the United States and abroad to the extent agreed upon between the Secretary of State and the Director. Any Government agency is authorized, notwithstanding any other provision of law, to transfer to or to receive from the Director, without reimbursement, supplies and equipment other than administrative supplies or equipment. Transfer or receipt of excess property shall be in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended; [40]

(b) [41] appoint officers and employees, including attorneys, for the Agency in accordance with the provisions of title 5, United States Code, governing appointment in the competitive service, and fix their compensation in accordance with chapter 51 and with subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates,[42] except that during the 2-year period beginning on the date of enactment of the Arms Control and Disarmament Act Amendments of 1977, the Director may, to the extent he deems necessary to the discharge of his responsibilities, appoint and fix the compensation of officers and employees for the Agency without regard to such provisions, subject to the following requirements:

(1) an officer or employee whose compensation is fixed under the foregoing exception may not be paid a salary at a rate in excess of the rate payable under such chapter 51 and such subchapter III for positions of equivalent difficulty or responsibility except for (A) those officers and employees whose compensation is fixed by law, and (B) scientific and technical personnel who may be compensated at a rate not to exceed the rate in effect for grade GS-18 of the General Schedule;

(2) the Director shall make adequate provision for administrative review of any determination to suspend or dismiss any officer or employee appointed under the foregoing exception; and

(3) an officer or employee of the Agency serving under a career or career conditional appointment on the date of enactment of the Arms Control and Disarmament Act Amendments of 1977 may not be involuntarily deprived, while employed by the Agency, of any rights normally granted such officer or employee in the competitive service;

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[40] See e.g., 40 U.S.C. 483(a) and 484.

[41] Sec. 5(a) of Public Law 95-108 amended and restated subsec. (b) which formerly read as follows: "(b) appoint officers and employees, including attorneys, for the Agency in accordance with the civil service laws and fix their compensation in accordance with the Classification Act of 1949, as amended;". The date of enactment referred to in the amended subsection is Aug. 17, 1977.

[42] Rates of basic pay under the General Schedule are set forth in Schedule 1 of Executive Order 12578 (52 F.R. 505). Prior to the amendment of 5 U.S.C. 3104(a) by sec. 414(a)(2)(B) of the Civil Service Reform Act of 1978 (Public Law 95-454), the Director was authorized to establish not more than 14 scientific or professional positions to carry out the research and development functions of the Agency which require the services of special qualified personnel. The authority to establish such positions is now vested in the Director of the Office of Personnel Management with rates of basic pay fixed as provided in 5 U.S.C. 5371. The rate of basic pay of the Public Affairs Adviser is covered by 5 U.S.C. 5374. That position has been designated as a General position in the Senior Executive Service (45 F.R. 3849). Rates of basic pay for the Senior Executive Service as set pursuant to 5 U.S.C. 5382 are set forth in Schedule 4 of Executive Order 12496 (50 F.R. 216).

(c) enter into agreements with other Government agencies, including the military departments through the Secretary of Defense, under which officers or employees of such agencies may be detailed to the Agency for the performance of service pursuant to this Act without prejudice to the status or advancement of such officers or employees within their own agencies;

(d) procure services of experts and consultants or organizations thereof, including stenographic reporting services, as authorized by section 3109 of title 5 of the United States Code,[43] and to pay in connection therewith travel expenses of individuals, including transportation and per diem in lieu of subsistence while away from their homes or regular places of business, as authorized by section 5703 of such title: [44] *Provided,* That no such individual shall be employed for more than 130 days [45] in any fiscal year unless the President certifies that employment of such individual in excess of such number of days is necessary in the national interest: *And provided further,* That such contracts may be renewed annually;

(e) employ individuals of outstanding ability without compensation in accordance with the provisions of section 710(b) of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2160), and regulations issued thereunder;

(f) establish advisory boards to advise with and make recommendations to the Director on United States arms control and disarmament policy and activities. The members of such boards may receive the compensation and reimbursement for expenses specified for consultants by section 41(d) of this Act; [46]

(g) [47] permit, under such terms and conditions as he may prescribe, any officer or employee of the Agency, in connection with the attendance by such officer or employee at meetings or in performing advisory services concerned with the functions or activities of the Agency, to accept payment, in cash or in kind, from any private agency or organization, or from any individual affiliated with such agency or organization, for travel and subsistence expenses, such payment to be retained by such officer or employee to cover the cost thereof or to be deposited to the credit of the appropriation from which the cost thereof is paid;

(h) [48] delegate, as appropriate, to the Deputy Director or other officers of the Agency, any authority conferred upon the Director by the provisions of this Act; and

(i) [48] make, promulgate, issue, rescind, and amend such rules and regulations as may be necessary or desirable to the exercise of any authority conferred upon the Director by the provisions of this Act.

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[43] Par. (a)(1) of Public Law 93-332 struck out the words "at rates not exceeding $100 per diem for individuals" previously found here and also substituted the reference to "section 3109 of title 5 of the United States Code" for an obsolete reference to "section 15 of the Act of August 2, 1946 (5 U.S.C. 55a)".

[44] Par. (a)(2) of Public Law 93-332 substituted the reference to "section 5703 of such title" for an obsolete reference to "section 5 of said Act, as amended (5 U.S.C. 73b-2)".

[45] Par. (a)(3) of Public Law 93-332 struck out "one hundred days" and substituted "130 days".

[46] For general legislation on advisory boards, see the Federal Advisory Committee Act (5 U.S.C. Appendix I).

[47] Sec. 5(b) of Public Law 95-108 added this new subsec. "(g)" and redesignated the previous subsecs. "(g)" and "(h)" as "(h)" and "(i)", respectively.

[48] See footnote 47 above.

FOREIGN SERVICE PERSONNEL

Sec. 42. (a)[49] The Secretary of State may authorize the Director to exercise, with respect to members of the Foreign Service appointed or employed for the Agency—

(1) the authority available to the Secretary under the Foreign Service Act of 1980, and

(2) the authority available to the Secretary under any other provisions of law pertaining specifically or applicable generally to members of the Foreign Service.

(b) Limited appointments of members of the Foreign Service for the Agency may be extended or renewed, notwithstanding section 309 of the Foreign Service Act of 1980, so long as the service of the individual under such appointment does not exceed ten consecutive years without a break in service of at least one year.

CONTRACTS OR EXPENDITURES

Sec. 43.[50] The President may, in advance, exempt actions of the Director from the provisions of law relating to contracts or expenditures of Government funds whenever he determines that such action is essential in the interest of United States arms control and disarmament and security policy.

CONFLICT-OF-INTEREST AND DUAL COMPENSATION LAWS

Sec. 44.[51] The members of the General Advisory Committee created by section 26 of this Act, and the members of the advisory boards, the consultants, and the individuals of outstanding ability employed without compensation, all of which are provided in section 41 of this Act, may serve as such without regard to the provisions of section 281, 283, 284, or 1914 of title 18 of the United States Code, or of section 190 of the Revised Statutes (5 U.S.C. 99),[52] or of any other Federal law imposing restrictions, requirements, or penalties in relation to the employment of individuals, the performance of services, or the payment or receipt of compensation in connection with any claim, proceeding, or matter involving the United States Government, except insofar as such provisions of law may prohibit any such individual from receiving compensation from a source other than a nonprofit educational institution in respect of any particular matter in which the Agency is directly interested.[53] Nor shall such service be considered as employment or holding of office or position bringing such individual within the provisions of section 13 of the Civil Service Retirement Act (5 U.S.C. 2263),[54] or any other Federal law limiting the reemployment of retired officers or employees or governing the simultaneous receipt of compensation and retired pay or annuities, subject to section 201 of the Dual Compensation Act.[55]

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[49] 22 U.S.C. 2582. Sec. 42 was amended and restated by sec. 2204(a) of Public Law 96–465. It formerly read as follows:

"FOREIGN SERVICE RESERVE AND STAFF OFFICERS

"Sec. 42. The Secretary of State may authorize the Director to exercise, with respect to Foreign Service Reserve officers and Foreign Service Staff officers and employees appointed or employed for the Agency, the following authority: (1) The authority available to the Secretary of State under the Foreign Service Act of 1946, as amended, (2) the authority available to the Secretary under any other provision of law pertaining specifically, or generally applicable, to such officers or employees, and (3) the authority of the Board of Foreign Service pursuant to the Foreign Service Act of 1946, as amended."

[50] 22 U.S.C. 2583.

[51] 22 U.S.C. 2584.

[52] Sec. 2 of Public Law 87–849 repealed secs. 281 and 283 of title 18 of the United States Code, except as they apply to retired officers of the armed forces of the United States, and also repealed secs. 284 and 1914 of that title. It also provided that these repealed sections were respectively supplanted by secs. 203, 205, 207, and 209 of that title set forth in sec. 1 of Public Law 87–849. Sec. 3 of Public Law 87–849 repealed sec. 190 of the Revised Statutes (5 U.S.C. 99).

SECURITY REQUIREMENTS

Sec. 45.[56] (a) The Director shall establish such security and loyalty requirements, restrictions, and safeguards as he deems necessary in the interest of the national security and to carry out the provisions of this Act. Except as provided in subsection (d),[57] the Director shall arrange with the Civil Service Commission for the conduct of full-field background security and loyalty investigations of all the Agency's officers, employees, consultants, persons detailed from other Government agencies, members of its General Advisory Committee, advisory boards, contractors and subcontractors, and their officers and employees, actual or prospective. In the case of persons detailed from other Government agencies, the Director may accept the results of full-field background security and loyalty investigations conducted by the Department of Defense or the Department of State as the basis for the determination required by this subsection that the person is not a security risk or of doubtful loyalty.[58] In the event the investigation discloses information indicating that the person investigated may be or may become a security risk, or may be of doubtful loyalty, the report of the investigation shall be turned over to the Federal Bureau of Investigation for a full-field investigation. The final results of all such investigations shall be turned over to the Director for final determination. Except as provided in subsection (d),[59] no person shall be permitted to enter on duty as such an officer, employee, consultant, or member of advisory committee or board, or pursuant to any such detail, and no contractor or subcontractor, or officer or employee thereof shall be permitted to have access to any classified information, until he shall have been investigated in accordance with this subsection and the report of such investigations made to the Director, and the Director shall have determined that such person is not a security risk or of doubtful loyalty. Standards applicable with respect to the security clearance of persons within any category referred to in this subsection shall not be less stringent, and the investigation of such persons for such purposes shall not be less intensive or complete, than in the case of such clearance of persons in a corresponding category under the security procedures of the Government agency or agencies having the highest security restrictions with respect to persons in such category.

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[53] But see sec. 2 of Public Law 87-849 which provided that all statutory exemptions from the provisions of secs. 281, 282, 283, 284, 434, or 1941 (now secs. 203, 204, 205, 207, 208, and 209, respectively) of title 18 of the United States Code which were in force on Jan. 21, 1963, are no longer applicable to officers or employees of the executive branch of the United States Government.

[54] Now 5 U.S.C. 3323(b) and 8344. Sec. 401(d)(1) of Public Law 88-448, the Dual Compensation Act, deleted a reference previously found here to "section 212 of the Act of June 30, 1932, as amended (5 U.S.C. 59a)".

[55] Now codified as 5 U.S.C. 5532. Sec. 401(d)(2) of Public Law 88-448, the Dual Compensation Act, added the last nine words to this section.

[56] 22 U.S.C. 2585.

[57] Sec. 147(a)(1) of Public Law 94-141 added the first six words to this sentence.

[58] Sec. 3 of Public Law 97-339 added this sentence.

[59] Sec. 147(a)(2) of Public Law 94-141 added the first six words to this sentence.

(b) [60] In the case of contractors or subcontractors and their officers or employees, actual or prospective, the Director may accept, in lieu of the investigation prescribed in subsection (a) hereof, a report of investigation conducted by a Government agency, other than the Civil Service Commission or the Federal Bureau of Investigation, when it is determined by the Director that the completed investigation meets the standards established in subsection (a) hereof: *Provided,* That security clearance had been granted to the individual concerned by another Government agency based upon such investigation and report. The Director may also grant access for information classified no higher than "confidential" to contractors or subcontractors and their officers and employees, actual or prospective, on the basis of reports on less than full-field investigations: *Provided,* That such investigations shall each include a current national agency check. Notwithstanding the foregoing and the provisions of subsection (a), the Director may also grant access to classified information to contractors or subcontractors and their officers and employees, actual or prospective, on the basis of a security clearance granted by the Department of Defense, or any agency thereof, to the individual concerned; except that any access to Restricted Data shall be subject to the provisions of subsection (c).[61]

(c) [62] The Atomic Energy Commission [63] may authorize any of its employees, or employees of any contractor, prospective contractor, licensee, or prospective licensee of the Atomic Energy Commission, or any other person authorized to have access to Restricted Data by the Atomic Energy Commission under section 2165 of title 42, to permit the Director or any officer, employee, consultant, person detailed from other Government agencies, member of the General Advisory Committee or of an advisory board established pursuant to section 41(f), contractor, subcontractor, prospective contractor, or prospective subcontractor, or officer or employee of such contractor, subcontractor, prospective contractor, or prospective subcontractor, to have access to Restricted Data which is required in the performance of his duties and so certified by the Director, but only if (1) the Atomic Energy Commission has determined, in accordance with the established personnel security procedures and standards of the Commission, that permitting such individual to have access to such Restricted Data will not endanger the common defense and security, and (2) the Atomic Energy Commission finds that the established personnel and other security procedures and standards of the Agency are adequate and in reasonable conformity to the standards established by the Atomic Energy Commission under section 2165 of title 42, including those for interim clearance in subsection (b) thereof. Any individual granted access to such Restricted Data pursuant to this subsection may exchange such data with any individual who (A) is an officer or employee of the Department of Defense, or any department or agency thereof, or a member of the Armed Forces, or an officer or employee of the National Aeronautics and Space Administration, or a contractor or subcontractor of any such department, agency, or armed force, or an officer or employee of any such contractor or subcontractor, and (B) has been authorized to have access to Restricted Data under the provisions of sections 2163 or 2455 of title 42.

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[60] Sec. 2 of Public Law 88-186 added this subsec. "(b)" except for the last sentence, and redesignated the previous subsec. "(b)" as subsec. "(c)".

[61] Sec. 147(b) of Public Law 94-141 added the last sentence in this subsection.

[62] See footnote 60.

[63] See footnote 34.

(d) [64] The investigations and determination required under subsection (a) may be waived by the Director in the case of any consultant who will not be permitted to have access to classified information if the Director determines and certifies in writing that such waiver is in the best interests of the United States.

COMPTROLLER GENERAL AUDIT

Sec. 46.[65] No moneys appropriated for the purposes of this Act shall be available for payment under any contract with the Director, negotiated without advertising, except contracts with any foreign government, international organization or any agency thereof, unless such contract includes a clause to the effect that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment, have access to and the right to examine any directly pertinent books, documents, papers, and records of the contractor or any of his subcontractors engaged in the performance of, and involving transactions related to such contracts or subcontracts: *Provided, however,* That no moneys so appropriated shall be available for payment under such contract which includes any provisions precluding an audit by the General Accounting Office of any transactions under such contract: *And provided further,* That nothing in this section shall preclude the earlier disposal of contractor and subcontractor records in accordance with records disposal schedules agreed upon between the Director and the General Accounting Office.

TRANSFER OF ACTIVITIES AND FACILITIES TO AGENCY

Sec. 47.[66] (a) The United States Disarmament Administration, together with its records, property, personnel, and funds, is hereby transferred to the Agency. The appropriations and unexpended balances of appropriations transferred pursuant to this subsection shall be available for expenditure for any and all objects of expenditure authorized by this Act, without regard to the requirements of apportionment under section 665 of title 31.

(b) The President, by Executive order, may transfer to the Director any activities or facilities of any Government agency which relate primarily to arms control and disarmament. In connection with any such transfer, the President may under this section or other applicable authority, provide for appropriate transfers of records, property, civilian personnel, and funds. No transfer shall be made under this subsection until (1) a full and complete report concerning the nature and effect of such proposed transfer has been transmitted by the President to the Congress, and (2) the first period of sixty calendar days of regular session of the Congress following the date of receipt of such report by the Congress has expired without adoption by either House of the Congress of a resolution stating that such House does not favor such transfer. The procedures prescribed in title II of the Reorganization Act of 1949 [67] shall apply to any such resolution.

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[64] Sec. 147(a)(3) of Public Law 94-141 added this subsection.

[65] 22 U.S.C. 2586.

[66] 22 U.S.C. 2587.

USE OF FUNDS

Sec. 48.[68] Appropriations made to the Director for the purposes of this Act, and transfers of funds to him by other Government agencies for such purposes, shall be available to him to exercise any authority granted him by this Act, including, without limitation, expenses of printing and binding without regard to the provisions of section 11 of the Act of March 1, 1919 (44 U.S.C. 111); [69] purchase or hire of one passenger motor vehicle for the official use of the Director; [70] entertainment and official courtesies to the extent authorized by appropriation; expenditures for training and study; expenditures in connection with participation in international conferences for the purposes of this Act; and expenses in connection with travel of personnel outside the United States,[71] including transportation expenses of dependents, household goods, and personal effects, and expenses authorized by the Foreign Service Act of 1980,[72] not otherwise provided for.

APPROPRIATION

Sec. 49.[73] (a) To carry out the purposes of this Act, there are authorized to be appropriated—

(1) for the fiscal year 1985, $23,789,000, of which amount $4,321,000 shall be available only to pay necessary expenses incurred in connection with arms control negotiations with the Government of the Soviet Union on strategic arms reductions, intermediate-range nuclear forces, and space and defensive weapons; [74]

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[67] 5 U.S.C. 908-913.

[68] 22 U.S.C. 2588.

[69] Now 44 U.S.C. 501, first sentence.

[70] Sec. 2(c) of Public Law 99-550 struck out the words "without regard to the limitations contained in section 78(c) of title 5 of the United States Code" (now 31 U.S.C. 1343(c), 1344, and 1349) previously found here. The President subsequently designated the Director as an official covered by 31 U.S.C. 1344(b)(1)(C).

[71] Sec. 706 of Public Law 95-426 provides authority, notwithstanding the limitations established by sec. 1117 of the Federal Aviation Act of 1958 (49 U.S.C. 1517), to use funds appropriated after Oct. 7, 1978 to pay for transportation, between two places both of which are outside the United States, of officers and employees, their dependents, and accompanying baggage aboard air carriers which do not hold certificates (i.e. foreign air carriers) under sec. 401 of that Act.

[72] 22 U.S.C. 3901 et seq. This reference to the Foreign Service Act of 1980 was substituted in lieu of a reference to the Foreign Service Act of 1946, as amended, by sec. 2204(b) of Public Law 96-465.

[73] 22 U.S.C. 2589.

[74] Title III of Public Law 98-411 appropriated $19,468,000 including not to exceed $28,000 for official reception and representation expenses for fiscal year 1985. Title I of Public Law 99-88 appropriated $4,134,000 including not to exceed an additional $10,000 for official reception and representation expenses in supplemental funds for fiscal year 1985.

(2) for the fiscal year 1986, $25,614,000, and for the fiscal year 1987, $25,614,000, of which amounts $6,146,000 shall be available in each fiscal year only to pay necessary expenses incurred in connection with arms control negotiations conducted with the Government of the Soviet Union on strategic arms reductions, intermediate-range nuclear forces, and space and defensive weapons; and [75]

(3) such additional amounts as may be necessary, for each such fiscal year, for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs, and to offset adverse fluctuations in foreign currency exchange rates.

Of the sums authorized to be appropriated for the fiscal years 1984 and 1985, not less than $200,000 shall be available in each such fiscal year only for the program for visiting scholars in the field of arms control and disarmament established under section 28 of this Act. Amounts appropriated under this subsection are authorized to remain available until expended.[76]

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[75] Title V of Public Law 99-180 appropriated $25,850,000 including not to exceed $43,000 for official reception and representation expenses for fiscal year 1986; of which $1,112,000 was sequestered under Public Law 99-177. Sec. 101(b) of Public Law 99-591 appropriated $29,000,000 including not to exceed $48,000 for official reception and representation expenses for fiscal year 1987.

[76] Sec. 701 and 702 of Public Law 99-93 amended and restated subsec. (a) (1) and (2). Subsec. (a) (1) and (2) had previously been amended by sec. 1, of Public Law 98-202 to read as follows:

"(a) To carry out the purposes of this Act, there are authorized to be appropriated—

"(1) for the fiscal year 1984, $20,888,000;

"(2) for the fiscal year 1985, $21,932,000 and"

Prior to Public Law 98-202, subsec. (a) had been amended by sec. 2, of Public Law 97-339 to read as follows:

"(a) To carry out the purposes of this Act, there are authorized to be appropriated—

"(1) for the fiscal year 1982, $18,268,000,

"(2) for the fiscal year 1983, $19,893,852 and

"(3) such additional amounts, for each such fiscal year, as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs, and to offset adverse fluctuations in foreign currency exchange rates.

Amounts appropriated under this subsection are authorized to remain available until expended."

Prior to Public Law 97-339, subsec. (a) had been amended by sec. 2 of Public Law 96-66 to read as follows:

"(a) To carry out the purposes of this Act, there are authorized to be appropriated—

"(1) for the fiscal year 1980, $18,876,000, and

"(2) for the fiscal year 1981, $20,645,000,

and such additional amounts, for each such fiscal year, as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs, and to offset adverse fluctuations in foreign currency exchange rates. Amounts appropriated under this subsection are authorized to remain available until expended."

Prior to Public Law 96-66, subsec. (a) had been amended by sec. 2 of Public Law 95-338 to read as follows:

"(a) To carry out the purposes of this Act, there are authorized to be appropriated for fiscal year 1979 the sum of $18,395,000 (and such additional amounts as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs) of which $1,000,000 shall be available only for the purpose of furthering the nuclear safeguards programs and activities of the International Atomic Energy Agency, and of which such sums as may be necessary shall be available to conduct a study of the arms control study centers at academic institutions, and to report the results of such study with possible recommendations to Congress not later than January 31, 1979. The sums authorized to be appropriated by this subsection shall remain available until expended."

Prior to Public Law 95-338, subsec. (a) had been amended by sec. 6 of Public Law 95-108 to read as follows:

"(a) To carry out the purposes of this Act, there are authorized to be appropriated—

"(1) for fiscal years 1976 and 1977, the sum of $23,440,000 (and such additional amounts as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs); and

"(2) for fiscal year 1978, the sum of $16,600,000 (and such additional amounts as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs);

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to remain available until expended. Of the sum authorized to be appropriated by this section for the fiscal year 1978, $2,000,000 shall be available only for the purpose of furthering the nuclear safeguards programs and activities of the International Atomic Energy Agency."

Prior to Public Law 95-108 subsec. (a) read as follows:

"(a) There are hereby authorized to be appropriated not to exceed $10,000,000 to remain available until expended, to carry out the purposes of this Act. In addition, there is hereby authorized to be appropriated for the fiscal years 1964 and 1965, the sum of $20,000,000, and for the three fiscal years 1966 through 1968, the sum of $30,000,000, and for the two fiscal years 1969 through 1970, the sum of $18,500,000, and for the two fiscal years 1971 and 1972, the sum of $17,500,000, and for the two fiscal years 1973 and 1974, the sum of $22,000,000, and for the fiscal year 1975, the sum of $10,100,000, and for fiscal years 1976 and 1977 the sum of $23,440,000 (and such additional amounts as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs), to remain available until expended, to carry out the purposes of this Act. Notwithstanding any other provisions of this Act, not more than $7,000,000 of the funds appropriated pursuant to the preceding sentence for fiscal years 1969 through 1970 may be used for the purpose of research, development, and other studies conducted in whole or in part outside the Agency, whether by other government agencies or by public or private institutions or persons: *Provided*, That this limitation shall not apply to field test activities conducted pursuant to the authority of this Act."

All but $1,668,900 of the original $10 million authorization was exhausted by $831,100 transferred from the Department of State and the $1 million appropriated by Public Law 87-332 for fiscal year 1962 and the $6.5 million appropriated by Public Law 87-843 for fiscal year 1963. (An additional $261,000 of the original $10 million authorization was used by the appropriations for fiscal years 1971 and 1972, and $10,000 was used for fiscal years 1976 and 1977.)

Public Law 88-186 added the $20 million authorization for fiscal years 1964 and 1965, for which $7.5 million was appropriated by Public Law 88-245 for fiscal year 1964 and $9 million was appropriated by Public Law 88-527 for fiscal year 1965. Public Law 89-27 added the $30 million authorization for fiscal years 1966, 1967, and 1968, for which $10 million was appropriated by Public Law 89-164 for fiscal year 1966, $9 million was appropriated by Public Law 89-797 for fiscal year 1967, and $9 million was appropriated by Public Law 90-133 for fiscal year 1968. Public Law 90-314 added the $18.5 million authorization for fiscal years 1969 and 1970 and the third sentence of the subsection. Public Law 90-470 appropriated $9 million for fiscal year 1969 and Public Law 91-153 appropriated $9.5 million for fiscal year 1970.

Public Law 91-246 added the $17.5 million authorization for fiscal years 1971 and 1972, for which $8,250,000 was appropriated by Public Law 91-472 and $395,000 by Public Law 92-18 for fiscal year 1971, and $9 million was appropriated by Public Law 92-77 and $116,000 by Public Law 92-306 for fiscal year 1972. (Because these appropriations exceeded the $17.5 million authorized for 1971 and 1972, $261,000 of the original $10 million authorization was used to cover the excess.) Public Law 92-352 added the $22 million authorization for fiscal years 1973 and 1974, for which $10 million was appropriated by Public Law 92-544 for fiscal year 1973 and $7,735,000 was appropriated by Public Law 93-162 and $330,000 by Public Law 93-305 for 1974. Public Law 93-332 added the $10.1 million authorization for fiscal year 1975, for which $9,250,000 was appropriated by Public Law 93-433 and $160,000 by Public Law 94-32.

Public Law 91-141 added the $23,440,000 authorization for fiscal years 1976 and 1977 as well as the provision in parentheses for additional amounts, and Public Law 94-144 authorized "such funds as may be necessary" for the three month period of July 1, 1976 through Sept. 30, 1976 between fiscal years 1976 and 1977. Public Law 94-121 appropriated $10.5 million for fiscal year 1976 and $2.7 million for this transition quarter. Public Law 94-303 appropriated an additional $950,000 (including not to exceed $5,000 for official reception and representation expenses) in Title I for fiscal year 1976 and $250,000 for the transition quarter, and $230,000 in Title II for fiscal year 1976 and $80,000 in Title III for the transition quarter for increased pay costs. (The availability of fiscal year 1976 appropriations was extended through the transition quarter by sec. 203 of Public Law 93-554.) For fiscal year 1977, $12 million (including not to exceed $10,000 for official reception and representation expenses) was appropriated by Public Law 94-362 and $200,000 was appropriated by Public Law 95-26 and $220,000 by Public Law 95-86 for increased pay costs. (Because the appropriations for other than increased pay costs exceeded the $23,440,000 authorization for fiscal years 1976 and 1977, $10,000 of the original $10 million authorization was used to cover the excess.)

Of the amount authorized for fiscal years 1976 and 1977, sec. 142 of Public Law 94-141 directed the use of not to exceed $1,000,000 for a study of the impact upon military expenditures of arms control measures mutually agreed to by the United States and the Soviet Union and sec. 143 specified $440,000 for the conduct of additional research, in consultation with the International Atomic Energy Agency, with respect to the development of nuclear safeguard techniques.

For fiscal year 1978, $13.6 million (including not to exceed $10,000 for official reception and representation expenses) was appropriated by Public Law 95-86, $2,370,000 (including not to exceed $2,500 for official reception and representation expenses) was appropriated by Title I of Public Law 95-355, and $350,000 was appropriated by Title II of Public Law 95-355 for increased pay costs. For fiscal year 1979, $16,395,000 (including not to exceed $15,000 for official reception and representation expenses) was appropriated by Public Law 95-431, $925,000 was appropriated by Chapter IX of Title I of Public Law 96-38, and $400,000 was appropriated by Title II of Public Law 96-38 for increased pay costs.

Title V of Public Law 96-68 appropriated $18,270,600 (including not to exceed $16,500 for official reception and representation expenses) for fiscal year 1980 of which $720,000 was subsequently rescinded (45 F.R. 27687).

Continued

(b) Funds appropriated pursuant to this section may be allocated or transferred to any agency for carrying out the purposes of this Act. Such funds shall be available for obligation and expenditure in accordance with authority granted in this Act, or under authority governing the activities of the agencies to which such funds are allocated or transferred.

(c) Not more than 20 per centum of any appropriation made pursuant to this Act shall be obligated and/or reserved during the last month of a fiscal year.[77]

(d) [78] Beginning with its request to the Congress for an authorization of appropriations for the fiscal year 1980, and with such request for each fiscal year thereafter, the Agency shall accompany such request with a detailed budget for each bureau and functional category within each bureau, which budget shall set forth and justify obligations and outlays for the fiscal year for which such request is made and for the fiscal year preceding and next following such year.

REPORT TO CONGRESS

Sec. 50.[79] The Director shall submit to the President, for transmittal to the Congress, not later than January 31 of each year, a report concerning activities of the Agency. Such report shall include a complete and analytical statement of arms control and disarmament goals, negotiations, and activities and an appraisal of the status and prospects of arms control negotiations and of arms control measures in effect.[80]

SPECIALISTS FLUENT IN RUSSIAN LANGUAGE

Sec. 51.[81] The Director is authorized to create up to eight additional permanent personnel positions at both junior and more senior levels for specialists in Soviet foreign and military policies, arms control, or strategic affairs, who also demonstrate fluency in the Russian language.

Sec. 101(o) of Public Law 96-536 appropriated the sum contained in H.R. 7584 ($18,500,000 including not to exceed $16,500 for official reception and representation expenses) on a continuing basis for fiscal year 1981 of which $1,500,000 was subsequently rescinded (46 F.R. 18282).

Sec. 101(h) of Public Law 97-92 appropriated the sum contained in H.R. 4169 as passed by the House ($16,768,000 including not to exceed $16,500 for official reception and representation expenses) on a continuing basis for fiscal year 1982.

For fiscal year 1983, sec. 101(d) of Public Law 97-377 (at 96 Stat. 1966) appropriated the sum contained in S. 2956 as reported in the Senate on Sept. 24, 1982 ($15,142,000 including not to exceed $20,000 for official reception and representation expenses) on a continuing basis, Title I of Public Law 98-63 appropriated $564,000, and Title II of Public Law 98-63 appropriated $300,000 for increased pay costs.

For fiscal year 1984, Title III of Public Law 98-166 appropriated $18,500,000 (including not to exceed $24,000 for official reception and representation expenses) and Title II of Pubiic Law 98-396 appropriated $128,000.

[77] Sec. 4 of Public Law 88-186 added this subsection.

[78] Subsec. (d) was added by sec. 3 of Public Law 95-338. Sec. 148 of Public Law 94-141 repealed a previous subsec. (d). Added by sec. 4 of Public Law 88-186, it had read: "None of the funds herein authorized to be appropriated shall be used to pay for the dissemination within the United States of propaganda concerning the work of the United States Arms Control and Disarmament Agency."

[79] 22 U.S.C. 2590.

[80] Sec. 149 of Public Law 94-141 added the last sentence to this section.

[81] 22 U.S.C. 2591. Sec. 4 of Public Law 98-202 added this section.

REPORTS ON ADHERENCE TO AND COMPLIANCE WITH AGREEMENTS

Sec. 52.[82] The Congress determines that the achievement and maintenance of successful controls upon armaments requires official and public confidence that the parties are expected to adhere to their commitments and that the parties will be held accountable for failure to meet obligations. Without such confidence, existing arms control accords are eroded, and the prospects are jeopardized for new agreements which can place further controls on the competition in nuclear and conventional weapons and which can increase international stability. In accordance with this determination—

(1) the President shall submit, not later than January 31 of each year, to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report prepared by the Director, in coordination with the Secretary of State, the Secretary of Defense, the Secretary of Energy, the Chairman of the Joint Chiefs of Staff, and the Director of Central Intelligence, on the adherence of the United States to obligations undertaken in arms control agreements and on any problems related to compliance by other nations with the provisions of bilateral and multilateral arms control agreements to which the United States is a party;

(2) the section of the report dealing with United States adherence shall include information on the policies and organization of each relevant agency or department of the United States to ensure adherence, a description of national security programs with a direct bearing on adherence questions and of steps being taken to ensure adherence, and a compilation of any substantive questions raised during the previous year regarding United States adherence, together with an assessment of such issues and the need for any corrective action; and

(3) the section of the report dealing with problems of compliance by other nations shall include, in the case of each treaty or agreement about which compliance questions exist—

(A) a description of each significant issue raised and efforts made and contemplated with the other party to seek a resolution of the difficulty;

(B) an assessment of damage, if any, to United States security and other interests; and

(C) recommendations as to any steps which should be considered to redress any damage to United States national security and to reduce compliance problems.

The report required by this section shall be provided in unclassified form, with classified annexes, as appropriate.

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[82] U.S.C. 2591. Sec. 703 of Public Law 98-202 added this section. Previously sec. 5 of Public Law 98-202 had provided that "The President shall prepare and transmit to the Congress a report on the record of the compliance or noncompliance of the Soviet Union with existing arms control agreements to which the Soviet Union is a party."

2. Arms Control and Disarmament Act Authorization for Fiscal Years 1986 and 1987.

Partial text of Public Law 99-93 [H.R. 2068], 99 Stat. 405, approved August 16, 1985

> NOTE.—Except for the provisions included below, the act authorizing appropriations for ACDA for fiscal years 1986 and 1987 consists of amendments to the Arms Control and Disarmament Act. Those amendments have been incorporated into that Act at the appropriate places.

AN ACT To authorize appropriations for fiscal years 1986 and 1987 for the Department of State, the United States Information Agency, the Board for International Broadcasting, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * * * *

SEC. 705. NEW BUILDING IN GENEVA FOR THE USE OF THE UNITED STATES ARMS CONTROL NEGOTIATING TEAMS.

(a) FINDINGS.—The Congress finds that—

(1) the United States is party to vital talks on arms control in Geneva, Switzerland;

(2) these talks include negotiations on strategic nuclear weapons, intermediate range nuclear weapons, space and defense systems, a bilateral United States-Soviet forum, called the Standing Consultative Commission and a multilateral forum, called the Conference on Disarmament;

(3) the United States delegations to these talks occupy buildings and spaces insufficiently secure, modernized, or large enough to permit those delegations to conduct their work efficiently;

(4) the United States delegations to the strategic, intermediate and space and defense talks in particular occupy space in the Botanic Building that is also occupied by offices of numerous other, non-United States organizations, and shares common walls and parking facilities with these delegations;

(5) arms control negotiations require sophisticated security facilities, telecommunications equipment, simultaneous translation capabilities and other specialized services; and

(6) the Soviet Union, for its part, has made available for its negotiating team a modern, secure, well-equipped building dedicated for the use of its arms control negotiating teams.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) in order to facilitate the effective work of the United States arms control negotiating teams, and to provide for them a dedicated structure capable of supporting their vital tasks on a permanent basis, the Secretary of State should submit to the Congress a report on the feasibility, cost, location, and requirements of a structure to house the United States arms control negotiating teams in Geneva;

(2) this report should be submitted as soon as possible; and

(3) this matter should be included in the consideration of the 1985 supplemental appropriation process.

SEC. 706. STUDY OF MEASURES TO ENHANCE CRISIS STABILITY AND CONTROL.

(a) Study.—The Secretary of State and the Director of the Arms Control and Disarmament Agency shall conduct a detailed and complete study and evaluation of additional measures which both enhance the security of the United States and reduce the likelihood of nuclear weapons use by contributing to crisis stability or crisis control capabilities, including specific consideration of the following measures:

(1) Increased redundancy of direct communications link circuits, including the creation of new survivable circuits and terminals, located outside the national capital which have access to the command and control system of the country in which they are located.

(2) Establishment of redundant, survivable direct communications links between and among all nuclear-armed states.

(3) Conclusion of an agreement creating "non-target" sanctuaries only for certain direct communications link circuits to enhance survivability of communications.

(4) Creation in advance of standard operating procedures for communicating, and possibly cooperating, with the Soviet Union and other states in the event of nuclear attacks by third parties on either the United States or Soviet Union.

(5) Addition to the Incidents At Sea agreement of a prohibition on the "locking on" of fire control radars on ships and planes of the other side, an agreement on the separation of naval forces during specified periods of crisis, and other such measures relevant to the Incidents At Sea agreement.

(6) Placement by the United States and the Soviet Union of unmanned launch sensors in the land-based missile fields of both countries.

(7) Establishment of anti-submarine operations free zones designed to enhance the security of ballistic missile submarines.

(8) Installation of permissive action links aboard the ballistic missile submarines of the United States, which might possibly be activated or deactivated at various levels of alert, and encouragement of the Soviet Union to do the same.

(9) Establishment of training programs for National Command Authority officials to familiarize them with alert procedures, communications capabilities, nuclear weapons release authority procedures, and the crisis control and stability implications thereof.

(10) Include in standard operating procedure the relocation in a crisis of a National Command Authority official outside Washington, D.C. to a secure location with access to the strategic command and control system, and announce the institution of this procedure to relevant foreign governments.

(b) REPORT.—The Secretary of State and the Director of the Arms Control and Disarmament Agency shall submit a report of the study and evaluation under subsection (a) to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives by January 1, 1986. Such report should be available in both a classified, if necessary, and unclassified format.

SEC 707. POLICY TOWARD BANNING CHEMICAL WEAPONS.

(a) FINDINGS. —The Congress finds that—

(1) chemical weapons are among the most terrible weapons in today's military arsenals;

(2) it is the objective of the United States to eliminate the threat of chemical warfare through a comprehensive and verifiable ban on chemical weapons;

(3) the United States is vigorously pursuing a multilateral agreement to ban chemical weapons;

(4) the negotiation of a verifiable, bilateral agreement between the United States and the Soviet Union would be a significant step toward achieving a worldwide ban on chemical weapons;

(5) bilateral discussions relating to a ban on chemical weapons took place in July and August of 1984 between the United States and Soviet delegations to the Conference on Disarmament; and

(6) such endeavors could serve the security interests of humankind.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the President—

(1) should be commended for his efforts to negotiate a multilateral agreement banning chemical weapons;

(2) should continue to pursue vigorously such an agreement; and

(3) should seek the continuation and development of bilateral discussions between the United States and the Soviet Union to achieve a comprehensive and verifiable ban on chemcial weapons.

SEC. 708. POLICY REGARDING A JOINT STUDY BY THE UNITED STATES AND THE SOVIET UNION OF THE CONSEQUENCES OF NUCLEAR WINTER.

It is the sense of the Congress that the President should propose to the Government of the Soviet Union during any arms control talks held with such Government that—

(1) the United States and the Soviet Union should jointly study the atmospheric, climatic, environmental, and biological consequences of nuclear explosions, sometimes known as "nuclear winter", and the impact that nuclear winter would have on the national security of both nations;

(2) such a joint study should include the sharing and exchange of information and findings on the nuclear winter phenomena and make recommendations on possible joint research projects that would benefit both nations; and

(3) at an appropriate time the other nuclear weapons states (the United Kingdom, France, and the People's Republic of China) should be involved in the study.

3. Arms Control and Disarmament Agency Appropriations, 1987

Partial text of Public Law 99-591 [H.J. Res. 738], 100 Stat. 3341, approved October 30, 1986

JOINT RESOLUTION Making continuing appropriations for the fiscal year 1987, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1987, and for other purposes, namely:

SEC. 101. (a) * * *

(b) Such amounts as may be necessary for programs, projects or activities provided for in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1987, at a rate of operations and to the extent and in the manner provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

* * * * * * *

TITLE V—RELATED AGENCIES

* * * * * * *

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses, not otherwise provided for, for arms control and disarmament activities, including not to exceed $48,000 for official reception and representation expenses, authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.), $29,000,000.

* * * * * * *

4. Executive Order 11850, April 8, 1975, 40 F.R. 16187

RENUNCIATION OF CERTAIN USES IN WAR OF CHEMICAL HERBICIDES AND RIOT CONTROL AGENTS [1]

The United States renounces, as a matter of national policy, first use of herbicides in war except use, under regulations applicable to their domestic use, for control of vegetation within U.S. bases and installations or around their immediate defensive perimeters, and first use of riot control agents in war except in defensive military modes to save lives such as:

(*a*) Use of riot control agents in riot control situations in areas under direct and distinct U.S. military control, to include controlling rioting prisoners of war.

(*b*) Use of riot control agents in situations in which civilians are used to mask or screen attacks and civilian casualties can be reduced or avoided.

(*c*) Use of riot control agents in rescue missions in remotely isolated areas, of downed aircrews and passengers, and escaping prisoners.

(*d*) Use of riot control agents in rear echelon areas outside the zone of immediate combat to protect convoys from civil disturbances, terrorists and paramilitary organizations.

I have determined that the provisions and procedures prescribed by this Order are necessary to ensure proper implementation and observance of such national policy.

Now, Therefore, by virtue of the authority vested in me as President of the United States of America by the Constitution and laws of the United States and as Commander-in-Chief of the Armed Forces of the United States, it is hereby ordered as follows:

Section 1. The Secretary of Defense shall take all necessary measures to ensure that the use by the Armed Forces of the United States of any riot control agents and chemical herbicides in war is prohibited unless such use has Presidential approval, in advance.

Sec. 2. The Secretary of Defense shall prescribe the rules and regulations he deems necessary to ensure that the national policy herein announced shall be observed by the Armed Forces of the United States.

> NOTE.—Former Executive Order 11902 regarding Procedures for an Export Licensing Policy as to Nuclear Materials and Equipment was repealed by Executive Order 12058. For text of new Executive Order see Volume II, sec. I.

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[1] For additional material concerning this subject, see texts of the Geneva Protocol of 1925 and the Biological Weapons Convention (sec. D, vol. III).

E. DEPARTMENT OF STATE

CONTENTS

Page
1. Authorizations and Appropriations ... 1001
  a. Department of State Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99-93) (partial text) ... 1001
    Section 1. Short title and table of contents ... 1001
  Title I—Department of State ...
    Section 101. Authorizations of appropriations ... 1001
    Section 102. Permanent authorizations of appropriations ... 1003
    Section 104. Security earmark ... 1003
    Section 105. Liaison by the National Commission on Educational, Scientific, and Cultural Cooperation ... 1004
    Section 106. Australian Bicentennial ... 1004
    Section 107. World Commission on Environment and Development ... 1004
    Section 108. Earmarking of refugee assistance funds ... 1004
    Section 109. International Committee of the Red Cross ... 1004
    Section 110. Limitations on use of migration and refugee assistance funds ... 1005
    Section 115. Assistant Secretaries of State. ... 1005
    Section 120. Pilot project for Foreign Service associates ... 1006
    Section 121. Feasibility study of a lateral entry program into the Foreign Service for businessmen and farmers ... 1006
    Section 123. Foreign Service Institute facilities ... 1006
    Section 130. Official residence of Secretary of State ... 1008
    Section 131. Strengthening the personnel system of the Bureau of International Narcotics Matters ... 1008
    Section 132. Sharing of information concerning drug traffickers... 1008
    Section 133. Extradition treaties ... 1009
    Section 134. Establishment of a travel advisory on the state of Jalisco, Mexico ... 1009
    Section 135. Commendation of Ambassador to Mexico ... 1009
    Section 136. Soviet employees at United States diplomatic and consular missions in the Soviet Union ... 1010
    Section 137. Responsibility of United States missions abroad to provide support for United States businesses ... 1010
    Section 138. Responsibility of United States missions to promote freedom of the press abroad ... 1010
    Section 139. Emergency telephone service at U.S. consular offices ... 1011
    Section 140. Responsibilities of United States representatives to international organizations ... 1011
    Section 143. United Nations organizations reform in budget procedures ... 1011
    Section 145. International Jute Organization ... 1012
    Section 146. INTELSAT ... 1012
    Section 147. Soviet and Communist disinformation and press manipulation ... 1014
    Section 148. Murder of Major Arthur D. Nicholson, Junior ... 1014
    Section 149. Inter-American cooperation in space science, and technology ... 1014
    Section 150. Department of State Inspector General ... 1014
    Section 151. Employees of the United Nations ... 1015

Page

Section 152. Representation of minorities and women in the Foreign Service 1015
Section 154. Damages resulting from delays in the construction of the United States embassy in Moscow 1016
Section 155. Soviet and international Communist behavior 1016
Title VIII—Miscellaneous Provisions 1017
Section 802. United States Institute of Peace 1018
Section 803. Ex gratia payment to the Government of Switzerland 1018
Section 804. Policy toward application of the Yalta Agreement 1018
Section 805. Policy toward treatment of Soviet Pentecostals 1019
Section 806. Democracy on Taiwan 1020
Section 807. Increase United States-China trade 1021
Section 809. Refugees in Thailand 1021
Section 810. Policy regarding foreign exchange intervention 1022
Section 811. Commending Mayor Teddy Kollek of Jerusalem 1022
Section 812. Japan-United States security relationship and efforts by Japan to fulfill self-defense responsibilities 1023
Section 813. Diplomatic equivalence and reciprocity 1024
Section 814. United States International Narcotics Control Commission 1025
b. Department of State Authorization Act, Fiscal Years 1984 and 1985 (Public Law 98-164) (partial text) 1027
Title I—Department of State 1027
Section 101—Short Title 1027
Section 102—Authorization of Appropriations 1027
Section 103—Improvement of Consular Facilities in Mexico City 1029
Section 104—Additional Positions for Political and Economic Reporting and for International Communications and Information Policy 1029
Section 105—Alternate Communication Center 1029
Section 106—National Commission on Educational, Scientific, and Cultural Cooperation 1029
Section 107—Coordinating Committee on Export Controls 1030
Section 108—World Heritage Trust Fund 1030
Section 109—Interparliamentary Groups 1030
Section 110—Piracy in the Gulf of Thailand 1030
Section 111—Relief Assistance for El Salvador and Lebanon 1030
Section 112—World Intellectual Property Organization 1030
Section 113—Restriction on Assessed Payments to the United Nations 1031
Section 114—Restrictions Relating to the Palestine Liberation Organization and the South West Africa People's Organization 1031
Section 115—United States Participation in the United Nations if Israel is Illegally Expelled 1032
Section 116—Review of United States Participation in the United Nations 1033
Section 117—Report on Policies Pursued by Other Countries in International Organizations 1033
Section 118—1985 Conference—United Nations Decade for Women 1033
Section 119—United Nations World Assembly on Aging 1034
Section 125—Counselor of the Department of State 1034
Section 127—Foreign National Employees 1035
Section 130—Merger of Foreign Service Information Corps with Foreign Service Corps 1035
Section 131—Danger Pay 1035
Section 133—Foreign Relations Publications 1035
Section 134—United States Diplomatic Relations with the Vatican 1036
Section 135—Use of Herbicides Containing Dioxin Compounds by International Commissions 1036
Title X—Miscellaneous Provisions 1037
Section 1004—Termination of Assistance Programs for Syria 1037

Page

Section 1005—Prohibition on Certain Assistance to the Khmer Rouge in Kampuchea 1038
Section 1006—Raoul Wallenberg and Jan Kaplan 1038
Section 1007—Policy Toward the Export of Nuclear-Related Equipment, Materials, or Technology, to India, Argentina, and South Africa 1039
Section 1008—Acid Rain 1039
Section 1009—International Agreements on Natural Gas 1041
Section 1010—Prepublication Review of Writings of Former Federal Employees 1042
Section 1012—Extended Voluntary Departure Status for Certain El Salvadorans 1042
Section 1013—Expedited Procedures for Certain Joint Resolutions and Bills 1043
c. Department of State Authorization Act, Fiscal Year 1982 and 1983 (Public Law 98-241) (partial text) 1044
Title I—Department of State 1044
Section 101—Short Title 1044
Section 102—Authorizations of Appropriations 1044
Section 103—Reopening Certain United States Consulates 1046
Section 104—Restrictions Relating to Palestinian Rights Units and Projects Providing Political Benefits to the Palestine Liberation Organization 1047
Section 105—Payment of Assessed Contributions for Certain International Organizations 1048
Section 106—International Committee on the Red Cross 1048
Section 107—Assistance for Refugees Settling in Israel 1048
Section 108—United Nations Educational, Scientific and Cultural Organization 1048
Section 109—Restriction on Contributions to the United Nations Educational, Scientific and Cultural Organization 1049
Section 110—Bilateral Science and Technology Agreements 1050
Section 111—Asia Foundation 1050
Section 113—Pan American Institute of Geography and History 1050
Section 114—International Institute for the Unification of Private Law and the Hague Conference on Private International Law 1051
Section 115—Pan American Railway Congress 1051
Section 120—Private Sector Representatives on United States Delegations to International Telecommunications Meetings and Conferences 1051
Section 126—Scientific Exchange Activities with the Soviet Union 1051
Title V—Miscellaneous Provisions 1053
Section 502—Report on Costs for Refugees and Cuban and Haitian Entrants 1053
Section 504—International Code of Marketing of Breastmilk Substitutes 1053
d. Department of State Authorization Act, Fiscal Years 1980 and 1981 (Public Law 96-60) (partial text) 1055
Title I—Department of State 1055
Section 101—Short Title 1055
Section 102—Authorization of Appropriations 1055
Section 103—Assistance for Refugees Settling in Israel 1057
Section 104—United States-Yugoslavia Bilateral Science and Technology Agreement 1057
Section 106—Effective Date for Certain Promotions of Foreign Service Officers 1057
Section 107—Improvement in Foreign National Pay Plans 1057
Section 108—United States Consulates 1058
Section 110—United Nations Technical Assistance Programs 1058
Title IV—Miscellaneous Provisions 1059
Section 402—Change in Statutory Reference 1059
Section 403—Egyptian-Israeli Cultural, Scientific, and Economic Relations 1059

Page
Section 405—Moratorium on the Commercial Killing of Whales 1059
Section 406—Private Sector Representatives on the United States Delegation to the World Administrative Radio Conference 1060
e. Foreign Relations Authorization Act, Fiscal Year 1979 (Public Law 95-426) (partial text) 1062
  Title I—Department of State 1062
    Section 101—Authorization of Appropriations for Fiscal Year 1979 1062
    Section 103—United Nations Conference on Science and Technology for Development 1063
    Section 104—Memorial Statue of General Marshall 1063
    Section 105—Foreign Missions Solar Energy Demonstration 1064
    Section 106—Assistance for Refugees Settling in Israel 1065
    Section 107—Assistance for Refugees in Africa 1065
    Section 114—Under Secretary of State for Management 1066
    Section 115—Assistant Secretary of State for International Narcotics Matters 1066
    Section 120—Publication of Historical Documents by the Department of State 1066
    Section 121—Assistance to Bereaved United States Families 1066
    Section 122—Systematic Information-Sharing 1067
    Section 123—Assisting Minority Enterprise 1067
    Section 124—Limitation on Geographical Travel Restrictions in United States Passports 1067
    Section 125—Diploma[illegible] and Official Passports 1068
    Section 126—Travel Restrictions on Foreign Citizens 1068
  Title IV—Foreign Service and Other Personnel 1068
    Section 411—Compensatory Time Off at Certain Posts in Foreign Areas 1069
  Title V—Science, Technology, and American Diplomacy 1070
    Section 501—Findings 1070
    Section 502—Declaration of Policy 1070
    Section 503—Responsibilities of the President 1071
    Section 504—Responsibility of the Secretary of State 1072
  Title VI—Policy Provisions 1073
    Section 601—International Communication Policy 1073
    Section 602—Action Concerning Resources 1073
    Section 603—International Journalistic Freedom 1074
    Section 604—International Food Reserve 1074
    Section 605—Spanish Democracy 1075
    Section 606—Discriminatory Trade Practices Affecting United States Foreign Relations 1076
    Section 607—Conduct of Diplomatic Relations 1076
    Section 608—Nuclear-Powered Satellites 1076
    Section 609—World Alternate Energy Conference 1077
    Section 610—Atrocities in Cambodia and Uganda 1077
    Section 611—Equitable Treatment of United States Citizens Living Abroad 1078
    Section 612—United States-Canadian Negotiations on Air Quality 1078
    Section 613—Cuban Presence in Africa 1079
    Section 614—Palestinian Rights Units 1079
  Title VII—Miscellaneous Provisions 1080
    Section 704—Contribution to the International Tin Council 1080
    Section 705—Prohibition on Aid or Reparations to Vietnam 1080
    Section 706—Use of Foreign Air Carriers 1080
f. Foreign Relations Authorization Act, Fiscal Year 1978 (Public Law 95-105) (partial text) 1082
  Title I—State Department 1082
    Section 101—Authorization of Appropriations 1082
    Section 102—Transfer Authority 1083
    Section 103—Contribution to the World Health Organization 1083
    Section 104—Assistance for Refugees Settling in Israel 1083
    Section 105—Contribution to the International Committee of the Red Cross 1083

Page

- Section 107—Strengthening Educational Exchange Programs 1083
- Section 108—Americans Incarcerated Abroad 1084
- Section 109—Assistant Secretaries of State 1084
- Section 110—Saint Lawrence Seaway Toll Negotiations 1085
- Section 111—Liability of Consular Officers 1086
- Title IV—Foreign Service and Other Personnel 1086
  - Section 411—Special Annuity for Certain Officers Selected-Out from the Foreign Service 1086
  - Section 412—Compensation for Junior Foreign Service Officers 1087
  - Section 414—Language Training for Foreign Service Spouses 1088
- Title V—Miscellaneous Provisions 1088
  - Section 502—Belgrade Conference 1088
  - Section 503—United Nations Reform 1088
  - Section 504—Information Offices in the United States 1089
  - Section 505—Reparations for Vietnam 1089
  - Section 506—Panama Canal 1089
  - Section 507—United Nations Conference on Science and Technology for Development 1089
  - Section 509—Foreign Employment 1090
  - Section 510—International Food Reserve 1090
  - Section 511—Negotiations with Cuba 1091
  - Section 512—United States Policy Toward Korea 1091
  - Section 514—International Boundary and Water Commission 1092
  - Section 515—Foreign Gifts and Decorations 1092

g. Foreign Relations Authorization Act, Fiscal Year 1977 (Public Law 94-350) (partial text) 1094
- Title I—State Department 1094
  - Section 101—Authorization of Appropriations 1094
  - Section 102—Transfer Authority 1095
  - Section 103—Contribution to the United Nations Educational, Scientific, and Cultural Organization 1095
  - Section 105—Russian Refugee Assistance 1095
  - Section 106—United States Passport Office 1095
  - Section 108—Payment to Lady Catherine Helen Shaw 1096
  - Section 110—Pan American Games 1096
  - Section 113—Membership Authority for International Organizations 1097
  - Section 114—Panama Canal 1097
  - Section 115—International Joint Commission 1097
  - Section 121—Discrimination 1097
- Title II—United States Information Agency 1098
  - Section 201—Authorization of Appropriations 1098
  - Section 202—Transfer Authority 1098
  - Section 205—Bicentennial Distribution of Certain Items Prepared by the United States Information Agency 1099

h. Foreign Relations Authorization Act, Fiscal Year 1976 (Public Law 94-141) (partial text) 1101
- Title I—Administration of Foreign Affairs 1101
  - Section 102—Travel Document and Issuance System 1101
  - Section 105—Reopening of United States Consulate at Gothenburg, Sweden 1101
  - Section 106—Agricultural Attaché in Chain 1102
- Title II—International Organizations, Conferences, and Commissions 1102
  - Section 205—United States Contribution to the United Nations University Endowment Fund 1102
- Title IV—Foreign Service 1102
  - Section 406—Authority of Certain Officers and Employees to Carry Firearms 1102
  - Section 503—United Nations Cooperation Regarding Members of United States Armed Forces Missing in Action in Southeast Asia 1103

i. State Department/USIA Authorization Act, Fiscal Year 1975 (Public Law 93-475) (partial text) 1104
  - Section 3—Repeal of the Formosa Resolution 1104
  - Section 8—Limitation on Payments 1104

Page
Section 14—International Materials ... 1104
j. Department of State Appropriation Authorization Act of 1973 (Public Law 93-126) (partial text) ... 1106
Section 9—Bureau of Oceans and International Environmental and Scientific Affairs ... 1106
Section 11—Reimbursement for Detailed State Department Personnel ... 1107
Section 13—Requirement for Congressional Authorization for the Involvement of American Forces in Further Hostilities in Indochina, and for Extending Assistance to North Vietnam ... 1107
Section 14—Limitation on Publicity and Propaganda Purposes . 1108
Section 16—Mutual Restraint on Military Expenditures ... 1108
k. Foreign Relations Authorization Act of 1972 (Public Law 92-352) (partial text) ... 1109
Title V—General and Miscellaneous Provisions ... 1109
Section 502—Expression of Individual Views to Congress ... 1109
Title VI—Study Commission Relating to Foreign Policy ... 1109
Section 601—Findings and Purposes ... 1109
Section 602—Commission on the Organization of the Government for the Conduct of Foreign Policy ... 1110
Section 603—Duties of the Commission ... 1110
Section 604—Powers of the Commission ... 1111
Section 605—Staff of the Commission ... 1111
Section 606—Expenses of the Commission ... 1112
l. Department of State Appropriations ... 1113
(1) Department of State Appropriations Act, 1987 (Public Law 99-591) (partial text) ... 1113
(2) Urgent Supplemental Appropriations Act, 1986 (Public Law 99-349) (partial text) ... 1119
m. State Department Basic Authorities Act of 1956, as amended (Public Law 84-885) ... 1121
n. The Immigration and Nationality Act, as amended (Public Law 82-414) (partial text) ... 1159
o. International Agreements ... 1161
(1) Transmittal of International Agreements—Case Act (Public Law 92-403) ... 1161
(2) Coordination and Reporting of International Agreements (22 CFR 181) ... 1163
(3) Executive Order 11742 (Delegating to the Secretary of State Certain Functions With Respect to the Negotiation of International Agreements Relating to the Enhancement of the Environment) ... 1171
p. Executive Order 11651 (Textile Trade Agreements) ... 1172
2. Organization and Administration ... 1174
a. Foreign Service Act of 1980 ... 1174
b. Strengthening the Organization and Administration of the Department of State (Public Law 81-73, as amended) ... 1300
c. Executive Order 12293 (The Foreign Service of the United States) ... 1303
d. Executive Order 12343 (Designation of Certain Officers to Act as Secretary of State) ... 1306
e. Foreign Service Retirement Amendments of 1976 (Public Law 94-350) (partial text) ... 1307
f. Interdepartmental Operations of the U.S. Government Overseas ... 1312
(1) Foreign Intelligence Surveillance (50 U.S.C. 1801-1811) ... 1312
(2) Executive Order 12333 (United States Intelligence Activities) ... 1328
(3) Executive Order 12537 (President's Foreign Intelligence Advisory Board) ... 1345
(4) Executive Order 12334 (President's Intelligence Oversight Board) ... 1347
g. National Academy of Peace and Conflict Resolution (Title XV, Part B of Public Law 95-561) ... 1349
h. United States Institute for Peace Act (Title XVII of Public Law 98-525) 1352
i. Hostage Relief Act of 1980 (Public Law 96-449) ... 1364
j. Executive Order 12268 (Hostage Relief Act of 1980) ... 1372
k. 1984 Act to Combat International Terrorism (Public Law 98-533) ... 1373
3. Passport Laws and Regulations ... 1378
a. Protection of Citizens Abroad (Act of July 27, 1868) ... 1378
b. Passport Authority ... 1379

Page

(1) Secretary of State's Passport Authority (Act of July 3, 1926) (partial text) 1379
(2) Executive Order 11295 (Delegation of Authority) 1379
c. Passport Limitations 1381
(1) Allegiance to the United States (Act of July 14, 1902) 1381
(2) Application for Passport (Act of June 15, 1917, as amended) 1381
(3) Ten Year Validity of Passport (Act of July 3, 1926, as amended) (partial text) 1381
(4) Fees (Act of June 4, 1920, as amended) (partial text) 1381
(5) Denial of Passports to Members of Communist Organizations (Act of September 23, 1950, as amended) (partial text) 1382
d. Travel Control of Citizens and Aliens During War or National Emergency (Immigration and Nationality Act of 1952) (partial text) 1383
e. Criminal Provisions 1385
(1) Punishable Violations (Act of June 25, 1948) (partial text) 1385
(2) Statute of Limitations (Act of June 30, 1951) (partial text) 1387
4. Foreign Service Buildings 1388
a. Foreign Service Buildings Act, 1926, as amended 1388
b. The Act of July 25, 1946 (Authorizing Funds for Acquisition of Buildings and Grounds in Foreign Countries) 1396
c. The Act of May 25, 1938 (Authorizing Additional Funds for Buildings for the Use of Diplomatic and Consular Establishments of the United States) 1397
5. International Center Act (Public Law 90-553, as amended) 1398
6. Foreign Gifts and Decorations 1400
a. Foreign Gifts and Decorations Act of 1966, as amended (Public Law 89-673) 1400
b. Receipt and Disposition of Foreign Gifts and Decorations (Public Law 95-105) (partial text) 1401
c. Executive Order 11320 (Delegating Authority to Prescribe Rules and Regulations Relating to Foreign Gifts and Decorations) 1407
d. Senate Resolution 314, 90th Congress, July 19, 1968 1408
7. Migration and Refugee Assistance 1409
a. Migration and Refugee Assistance Act of 1962, as amended (Public Law 87-510) 1409
b. Executive Order 11077 (Administration of the Migration and Refugee Assistance Act of 1962) 1414
c. Refugee Act of 1980 (Public Law 96-212) (partial text) 1417
d. Refugee Education Assistance Act of 1980 (Public Law 96-422) (partial text) 1420
e. Executive Order 12341 (Cuban and Haitian Entrants) 1422
f. Executive Order 12208 (Consultations on the Admission of Refugees) 1423
g. Executive Order 12324 (Interdiction of Illegal Aliens) 1424
8. Recognition by the United States of Foreign Governments (S. Res. 205, 91st Congress) 1426
9. The Asia Foundation Act (title IV of Public Law 98-164) 1427
10. The International Environment Protection Act of 1983 (title VII of Public Law 98-164) 1429
11. Omnibus Diplomatic Security and Antiterrorism Act of 1986 (Public Law 99-399) (partial text) 1432
12. Executive Order 12576 (Victims of Terrorism Compensation) 1477

1. Authorizations and Appropriations

a. Foreign Relations Authorization Act, Fiscal Years 1986 and 1987

Partial text of Public Law 99–93 [H.R. 2068], 99 Stat. 405, approved August 16, 1985; as amended by Public Law 99–399 [Omnibus Diplomatic Security and Antiterroursm Act of 1986; H.R. 4151]; 100 Stat. 868, approved August 27, 1986

> NOTE.—Deleted sections in this Act amend other State Department and foreign relations legislation and are incorporated elsewhere in this compilation.

AN ACT To authorize appropriations for fiscal years 1986 and 1987 for the Department of State, the United States Information Agency, the Board for International Broadcasting, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Foreign Relations Authorization Act, Fiscal Years 1986 and 1987".

(b) TABLE OF CONTENTS.—* * *

TITLE I—DEPARTMENT OF STATE

SEC. 101. AUTHORIZATIONS OF APPROPRIATIONS.

The following amounts are authorized to be appropriated for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law:

(1) Administration of foreign affairs.—For "Administration of Foreign Affairs", $1,828,088,000 for the fiscal year 1986[1] and $1,873,790,000 for the fiscal year 1987.[1a]

(2) International organizations and conferences.—For "International Organizations and Conferences", $534,074,000 for the fiscal year 1986[2] and $534,074,000 for the fiscal year 1987.[2a]

(3) International commissions.—For "International Commissions", $28,704,000 for the fiscal year 1986[3] and $25,824,000 for the fiscal year 1987.[3a]

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[1] The Department of State Appropriation Act, 1986 (Public Law 99-180) appropriated funds for fiscal year 1986 for the "Administration of Foreign Affairs" itemized in the following manner salaries and expenses—$1,455,000,000; reopening consulates—$1,700,000; representation allowances—$4,700,000; protection of foreign missions and officials—$9,500,000; A acquisition and maintenance of buildings abroad—$337,000,000; emergencies in the diplomatic and consular service—$4,400,000; payment to the American Institute in Taiwan—$9,800,000; payment to the Foreign Service Retirement and Disability Fund—$118,174,000.

The Urgent Supplemental Appropriations Act, 1987, Public Law 99-349, 100 Stat. 716, also provided:

Administration of Foreign Affairs

SALARIES AND EXPENSES

Notwithstanding section 15(a) of the State Department Basic Authorities Act of 1956, for an additional amount for "Salaries and expenses", $283,104,000, to remain available until expended: Provided, That $222,104,000 of this amount shall become available for obligation on September 30, 1986.

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

Notwithstanding section 15(a) of the State Department Basic Authorities Act of 1956, for an additional amount for "Acquisition and Maintenance of Buildings Abroad", to be available subject to the approval of the House and Senate Committees on Appropriations under said Committees' policies concerning the reprogramming of funds contained in Public Law 99-180, $409,000,000, to remain available until expended: *Provided*, That such funds shall become available for obligation on September 30, 1986.

COUNTERTERRORISM RESEARCH AND DEVELOPMENT

Notwithstanding section 15(a) of the State Department Basic Authorities Act of 1956, for necessary expenses for "Counterrorism Research and Development", $10,000,000 to remain available until September 30, 1987.

[1a] Sec. 101(b), Title III of the Continuing Appropriations Act, 1987, Public Law 99-591, 100 Stat. 3341 appropriated funds for fiscal year 1987 for the "Administation of Foreign Affairs" itemized in the following manner: Salaries and expenses—$1,527,000,000; representation allowances—$4,460,000; Protection of Foreign Missions and Officials—$9,100,000 acquisition and maintenance of buildings abroad—$440,000,000; emergencies in the diplomatic and consular service—$4,000,000; payment to the American Institute in Taiwan—$9,379,000; and payment to the Foreign Service Retirement and Disability Fund—$127,398,000.

[2] The Department of State Appropriation Act, 1986 (Public Law 99-180 appropriated funds for "International Organizations and Conferences" for fiscal year 1986 itemized in the following manner: contributions to international organizations—$463,000,000; contributions for international peacekeeping activities—$29,400,000; and international conferences and contingencies)—$6,000,000.

[2a] Sec. 101(b), Title III of the Continuing Appropriations Act, 1987, Public Law 99-591, 100 Stat. 3341 appropriated funds for fiscal year 1987 for the "International Organizations and Conferences" itemized in the following manner: contributions to international organizations—$385,000,000; contributions for international peacekeeping activities—$29,400,000; and international conferences and contingencies—$5,460,000. An additional $31,689,000 for peacekeeping operation's was provided by Title II of the Foreign Assistance and Related Programs Appropriations Act of 1987 (sec. 101(f) of the Continuing Appropriations Act, 1987), Public Law 99-591, 100 Stat. 3341.

[3] The Department of State Appropriation Act, 1986 (Public Law 99-180) appropriated funds for "International Commissions" for fiscal year 1986 itemized in the following manner: International boundary and Water Commission, United States and Mexico (salaries and expenses) $11,300,000; (construction) $2,257,000; American Sections, International Commissions $3,755,000; and International Fisheries Commissions—$11,300,000.

[3a] Sec. 101(b), Title III of the Continuing Appropriations Act, 1987, Public Law, 99-591, 100 Stat. 3341, appropriated funds for fiscal year 1987 for "International Commissions" as follows: International Boundary and Water Commission, United States and Mexico (salaries and expenses) $1,800,000; (construction) $3,900,000; (American Sections, International Commissions') $3,700,000; (International Fisheries Commission's) $10,800,000.

(4) MIGRATION AND REFUGEE ASSISTANCE.—For "Migration and Refugee Assistance", $344,730,000 for the fiscal year 1986[4] and $344,730,000 for the fiscal year 1987.[4a]

(5) BILATERAL SCIENCE AND TECHNOLOGY AGREEMENTS.—For "United States Bilateral Science and Technology Agreements", $2,000,000 for the fiscal year 1986[5] and $2,000,000 for the fiscal year 1987.[5a]

(6) SOVIET-EAST EUROPEAN RESEARCH AND TRAINING.—For "Soviet-East European Research and Training", $4,800,000 for the fiscal year 1986[6] and $5,000,000 for the fiscal year 1987.[6a]

SEC. 102. PERMANENT AUTHORIZATIONS OF APPROPRIATIONS.

(a) OTHER AUTHORIZATION OF APPROPRIATIONS.—

(1) Except for authorizations cited in paragraph (2), the only amounts authorized to be appropriated for any fiscal year for the accounts described in section 101 are those amounts specifically authorized to be appropriated for those accounts.

(2) The other authorizations of appropriations referred to in paragraph (1) are those contained in section 24 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696), relating to increases in employee benefits authorized by law and to adverse fluctuations in foreign currency exchange rates and overseas wage and price changes, and in section 821 of the Foreign Service Act of 1980 (22 U.S.C. 4061), relating to the Foreign Service Retirement and Disability Fund.

(b) NOTIFICATION TO AUTHORIZING COMMITTEES OF CERTAIN REQUESTS FOR APPROPRIATIONS.—In any fiscal year, whenever the Secretary of State submits to the Congress a request for appropriations pursuant to the authorizations described in subsection (a)(2), the Secretary shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate of such request.

* * * * * * *

SEC. 104. SECURITY EARMARK.

Of the amounts authorized to be appropriated for "Administration of Foreign Affairs" by section 101(1), not less than $311,000,000 for the fiscal year 1986 shall be available only for security-related capital projects and improvements and the salaries and expenses associated with security-related personnel.

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[4] The Foreign Assistance Appropriation Act, 1986 (sec. 101(j) of the Continuing Appropriations Act, 1986 (Public Law 99-190)) appropriated $338,930,000 for "Migration and Refugee Assistance" during fiscal year 1986.

[4a] Title II of the Foreign Assistance and Related Programs Appropriations Act (sec. 101(f) of the Continuing Appropriations Act, 1987) Public Law 99-591, 100 Stat. 3341 appropriated $346,856,000 for migration and refugee assistance for fiscal year 1987.

[5] The Department of State Appropriation Act, 1986 (Public Law 99-180) appropriated $2,000,000 for United States Bilateral Science and Technology Agreements.

[5a] Title III of sec. 101(b) of the Continuing Appropriations Act (Department of State Appropriations) provided $1,700,000 for scientific and technological cooperation with Yugoslavia.

[6] The Department of State Appropriation Act, 1986 (Public Law 99-180) appropriated for fiscal year 1986, $4,800,000 for Soviet-East European Research and Training.

[6a] Title III of sec. 101(b) of the Continuing Appropriations Act (Department of the State Appropriations) provided $4,600,000 for Soviet-East European research and training.

SEC. 105. LIAISON BY THE NATIONAL COMMISSION ON EDUCATIONAL, SCIENTIFIC, AND CULTURAL COOPERATION.

Of the amounts authorized to be appropriated for "Administration of Foreign Affairs" by section 101(1), $250,000 for fiscal year 1986 and $250,000 for the fiscal year 1987 shall be made available to the National Commission on Educational, Scientific, and Cultural Cooperation in order to enable the Commission to maintain a liaison between the United States Government, the United States educational, scientific, cultural, and communications communities, and the United Nations Educational, Scientific, and Cultural Organization (UNESCO).

SEC. 106. AUSTRALIAN BICENTENNIAL.

(a) FINDING.—The Congress finds that the American-Australian Bicentennial Foundation, a private, nonprofit corporation established in 1983 for the purpose of coordinating all United States official and private participation in the 1988 Australian Bicentennial celebration, deserves and needs financial support to effectively carry out that purpose.

(b) GRANT TO AMERICAN-AUSTRALIAN BICENTENNIAL FOUNDATION.—From the amounts authorized to be appropriated for "Administration of Foreign Affairs" by section 101(1), the Secretary of State may make a grant in each of the fiscal years 1986 and 1987 to the American-Australian Bicentennial Foundation in support of its programs and operations to prepare for United States participation in the Australian Bicentennial celebration.

(c) AUTHORITY OF USIA NOT AFFECTED.—Subsection (b) shall not be construed to affect the authority delegated to the Director of the United States Information Agency under section 102(a)(3) of the Mutual Education and Cultural Exchange Act of 1961 (22 U.S.C. 2452(a)(3)).

SEC. 107. WORLD COMMISSION ON ENVIRONMENT AND DEVELOPMENT.

Of the amounts authorized to be appropriated for "International Organizations and Conferences" by section 101(2), $750,000 for each of the fiscal years 1986 and 1987 shall be available only for a voluntary contribution to the World Commission on Environment and Development.

SEC. 108. EARMARKING OF REFUGEE ASSISTANCE FUNDS.

Of the amounts authorized to be appropriated for "Migration and Refugee Assistance" by section 101(4)—

(1) $12,500,000 for the fiscal year 1986 and $25,000,000 for the fiscal year 1987 shall be available only for assistance for refugees resettling in Israel;

(2) $56,000,000 for the fiscal year 1986 and $56,000,000 for the fiscal year 1987 shall be available only for assistance for African refugees; and

(3) $2,500,000 for the fiscal year 1986 and $1,750,000 for the fiscal year 1987 shall be available to combat piracy in the Gulf of Thailand, for assistance to pirate victims, to promote the rescue of refugees in distress at sea in Southeast Asia, and to strengthen protection measures for Indochinese boat refugees.

SEC. 109. INTERNATIONAL COMMITTEE OF THE RED CROSS.

(a) FINDINGS.—The Congress finds that—

(1) the International Committee of the Red Cross carries out humanitarian missions vital to the United States, including—

(A) the promulgation and implementation of international humanitarian law;

(B) the protection of prisoners of war and of noncombatants in time of conflict;

(C) the protection of political prisoners;

(D) assistance in tracing persons who have disappeared in conflicts or for political reasons;

(E) the provision of medicine, food, and essential assistance to refugees and other victims of man-made disasters; and

(F) assistance in family reunification;

(2) the scope and number of activities carried out by the International Committee of the Red Cross have, as a result of recent global developments, necessarily increased; and

(3) there is an urgent need for increased support from the international community for the regular budget and special appeals of the International Committee of the Red Cross.

(b) UNITED STATES POLICY.—It is the policy of the United States—

(1) to contribute to the International Committee of the Red Cross, in any financial year, an amount not less than 20 percent of the regular budget of the International Committee of the Red Cross; and

(2) to support generously the special appeals made by the International Committee of the Red Cross.

(c) EARMARKING.—Of the amounts authorized to be appropriated for "Migration and Refugee Assistance" by section 101(4), not less than $4,500,000 for each of the fiscal years 1986 and 1987 shall be available only for contribution to the regular budget of the International Committee of the Red Cross.

(d)[7] * * *

SEC. 110. LIMITATIONS ON USE OF MIGRATION AND REFUGEE ASSISTANCE FUNDS.

Of the amounts authorized to be appropriated for "Migration and Refugee Assistance" by section 101(4), not more than $2,000,000 for the fiscal year 1986 and not more than $2,000,000 for the fiscal year 1987 may be used for enhanced reception and placement services.

SEC. 115. ASSISTANT SECRETARIES OF STATE.

(a) * * *

(b) POSITIONS AT LEVEL IV OF THE EXECUTIVE PAY SCHEDULE.—Section 5315 of title 5, United States Code, is amended—

(1) by striking out "Director, Bureau of Intelligence and Research, Department of State"; and

(2) by striking out "(13)" following "Assistant Secretaries of State" and inserting in lieu thereof "(14)".

(b) EFFECTIVE DATE.—Authority provided by the amendment made by subsection (a) shall only apply with respect to funds appropriated after the date of the enactment of this Act.

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[7] Subsec. (d) repeals Section 105 of the Foreign Relations Authorization Act, Fiscal Year 1978, Public Law 99-105 [91 Stat. 844]

SEC. 120. PILOT PROJECT FOR FOREIGN SERVICE ASSOCIATES.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that the national interest of the United States would be well served by making more productive use in United States missions abroad of the resources that spouses of American personnel assigned to missions abroad are qualified to provide.

(b) PILOT PROJECT.—(1) The Secretary of State is authorized to design, conduct, and evaluate a pilot project to test appropriate means of increasing employment of qualified spouses of American personnel assigned to United States missions. The intent of the pilot project shall be to construct a feasible program within which spouses' education, training, and relevant work experience can be used effectively within the mission and in the furthering of United States interests in the host country.

(2) The Secretary shall conduct the pilot project described in paragraph (1) in accordance with section 311(b) of the Foreign Service Act of 1980 (22 U.S.C. 3951(b)).

(c) COMMENCEMENT OF DESIGN PHASE.—The Secretary shall undertake the design phase of the pilot project upon the enactment of this Act.

(d) REPORT.—The Secretary shall report to the Congress by February 1, 1986, on the design of the project and plans for its implementation and evaluation. The report shall include an evaluation of the effects of the pilot program on the full-time career positions in the Foreign Service and on the positions for foreign service nationals.

SEC. 121. FEASIBILITY STUDY OF A LATERAL ENTRY PROGRAM INTO THE FOREIGN SERVICE FOR BUSINESSMEN AND FARMERS.

(a) STUDY.—The Secretary of State shall conduct a comprehensive study on the feasibility and desirability of creating a program of lateral entry into the Foreign Service for American businessmen, farmers, and other occupations. This study shall analyze the need for such a program by determining whether or not the personnel of the Foreign Service is composed of many people with a diversity of backgrounds such as business, farming, or other endeavors. The study shall also analyze the costs of putting such a program into effect.

(b) REPORT.—The Secretary of State shall report the results of such a study to the Congress no later than 180 days after the date of the enactment of this Act.

SEC. 123. FOREIGN SERVICE INSTITUTE FACILITIES.

(a) [8] PURPOSE.—The purpose of this section is to promote comprehensive training to meet the foreign relations and national security objectives of the United States and to provide facilities designed for the purpose to assure cost efficient training.

(b) CONSTRUCTION OF TRAINING FACILITIES.—The Administrator of General Services may construct a consolidated training facility for the Foreign Service Institute on a site made available by the Secretary of State or acquired by the Administrator of General Services. Such site shall be located outside the District of Columbia but within reasonable proximity to the Department of State. The Administrator of General Services may carry out this subsection only to the extent that funds are provided in advance in appropriation Acts to the Department of State and are transferred to the Administrator of General Services for carrying out this section.

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[8] 22 U.S.C. 4021 note.

(c) Use of Funds.—(1) Of amounts authorized to be appropriated to the Department of State for fiscal years 1986 and 1987 for "Administration of Foreign Affairs" by section 101(1), a total of not to exceed $11,000,000 may be transferred by the Secretary of State to the Administrator of General Services for carrying out feasibility studies, site acquisition, and design, architectural, and engineering planning under subsection (b) of this section.

(2) Of amounts authorized to be appropriated to the Department of State for fiscal years beginning after September 30, 1987, for "Administration of Foreign Affairs", a total not to exceed $50,000,000 may be transferred by the Secretary of State to the Administrator of General Services for carrying out construction under subsection (b) of this section.

(3) Funds may not be obligated for construction of a facility under this section before the end of the period of 30 days of continuous session of Congress beginning on the date on which plans and estimates developed to carry out this section are submitted to the Committees on Foreign Affairs and Public Works and Transportation of the House of Representatives and the Committees on Foreign Relations and Environment and Public Works of the Senate. In determining days of continuous session of Congress for purposes of this paragraph—

(A) continuity of session is broken only by an adjournment of Congress sine die; and

(B) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the determination.

If both Houses of Congress are not in session on the day any plans and estimates are submitted to such committees, such submittal shall be deemed to have been submitted on the first succeeding day on which both Houses are in session. If all such committees do not receive a submittal on the same day, such period shall not begin until the date on which all such committees have received it.

(d) Jurisdiction and Custody.—The facility constructed under this section and the site of such facility shall be under jurisdiction and in the custody of the Administrator of General Services.

(e) Operation, Maintenance, Security, Alteration, and Repair.—(1) The Administrator of General Services shall delegate, in accordance with section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486) and section 15 of the Public Buildings Act of 1959 (40 U.S.C. 614), to the Secretary of State responsibility for the operation, maintenance, and security of and alterations and repairs to the facility constructed pursuant to this section, provided the facility is used by the Secretary for the purposes authorized by this section.

(2) Not later than three months after occupancy of such facility, the Secretary of State and the Administrator of General Services shall each submit a report to the Committee on Foreign Affairs and the Committee on Public Works and Transportation of the House of Representatives, and to the Committee on Foreign Rela-

tions and the Committee on Environment and Public Works of the Senate, on the delegation of responsibility, pursuant to paragraph (1), for the operation, maintenance, and security of and alterations and repairs to the facility constructed pursuant to this section.

(f) EXEMPTION FROM PAYMENT OF CHARGES.—(1) Except as provided in paragraph (2), the Department of State shall be exempt from the charges required by section 210(j) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(j)) for the use of the facility constructed under this section for the Foreign Service Institute.

(2) The Administrator of General Services shall charge the Department of State under such section 210(j) for the costs of any operation, maintenance, repairs, or alterations of such facility carried out by the Administrator of General Services.

SEC. 130.[9] OFFICIAL RESIDENCE OF SECRETARY OF STATE.

(a) CONGRESSIONAL REVIEW.—It is the sense of the Congress that the United States should not accept a gift of any house or other place of residence for the purpose of providing an official residence for the Secretary of State unless the Congress has had an opportunity to review the proposed gift.

(b) STUDY AND REPORT.—The Secretary of State shall conduct a study of any offer of a gift for the purpose of providing a place of official residence for the Secretary of State. Such study shall include an examination of the costs to the United States associated with accepting such gift, including the costs of acquisition, maintenance, security, and daily operation of a residence. The Secretary shall report the results of any study conducted under this section to the Committee on Foreign Affairs and the Committee on Public Works and Transportation of the House of Representatives and to the Committee on Foreign Relations and the Committee on Environment and Public Works of the Senate.

SEC. 131. STRENGTHENING THE PERSONNEL SYSTEM OF THE BUREAU OF INTERNATIONAL NARCOTICS MATTERS.

No later than 90 days after the date of the enactment of this Act, the Secretary of State shall report to the Congress on the status of proposals implemented or under consideration to improve the staffing and personnel management in the Bureau of International Narcotics Matters. This report shall explicitly discuss whether a narcotics specialist personnel category in the Foreign Service is an appropriate mechanism to serve these purposes and, if not, what alternatives are contemplated.

SEC. 132.[10] SHARING OF INFORMATION CONCERNING DRUG TRAFFICKERS.

(a) REPORTING SYSTEMS.—In order to ensure that foreign narcotics traffickers are denied visas to enter the United States, as required by section 212(a)(23) of the Immigration and Naturalization Act (22 U.S.C. 1182(a)(23))—

(1) the Department of State shall cooperate with United States law enforcement agencies, including the Drug Enforcement Administration and the United States Customs Service,

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[9] 22 U.S.C. 2697 note.

[10] 8 U.S.C. 1182 note.

in establishing a comprehensive information system on all drug arrests of foreign nationals in the United States, so that that information may be communicated to the appropriate United States embassies; and

(2) the National Drug Enforcement Policy Board shall agree on uniform guidelines which would permit the sharing of information on foreign drug traffickers.

(b) REPORT.—Not later than six months after the date of the enactment of this Act, the Chairman of the National Drug Enforcement Policy Board shall submit a report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate on the steps taken to implement this section.

SEC. 133.[11] EXTRADITION TREATIES.

The Secretary of State, with the assistance of the National Drug Enforcement Policy Board, shall increase United States efforts to negotiate updated extradition treaties relating to narcotics offenses with each major drug-producing country, particularly those in Latin America.

SEC. 134. RECOMMENDATION OF A TRAVEL ADVISORY ON THE STATE OF JALISCO, MEXICO.

(a) VIOLENCE AGAINST AMERICANS.—The Congress—

(1) deplores the brutal murder of Drug Enforcement Administration agent Enrique Camarena Salazar, and the abduction and disappearance of numerous other Americans, including John Clay Walker, Alberto Radelat, Dennis Carlson, Rose Carlson, Benjamin Mascarenas, and Patrica Mascarenas; and

(2) finds that the violence perpetrated by drug traffickers in Mexico constitute a danger to the safety of United States citizens living and traveling in the State of Jalisco, Mexico.

(b) TRAVEL ADVISORY.—The Congress, therefore, recommends that the Secretary of State issue a travel advisory warning United States citizens of the current dangers of traveling in the State of Jalisco, Mexico. Such travel advisory should remain in effect until those responsible for the abduction or murder of any of the United States citizens referred to in subsection (a)(1) have been brought to trial and a verdict has been obtained.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act and each 90 days thereafter, the Secretary of State shall transmit a written report to the Congress on the progress made in the Camarena case, the investigations of the disappearance of United States citizens, and the general safety of United States tourists in Mexico.

SEC. 135. COMMENDATION OF AMBASSADOR TO MEXICO.

The Congress commends our fine Ambassador to Mexico, John Gavin, for insuring a full and complete investigation and prosecution of the murders of Enrique Camerena and for his continuing advocacy of a strong drug enforcement program.

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[11] 18 U.S.C. 3181 note.

SEC. 136.[12] SOVIET EMPLOYEES AT UNITED STATES DIPLOMATIC AND CONSULAR MISSIONS IN THE SOVIET UNION.

(a) LIMITATION.—To the maximum extent practicable, citizens of the Soviet Union shall not be employed as foreign national employees at United States diplomatic or consular missions in the Soviet Union after September 30, 1986.

(b) REPORT.—Should the President determine that the implementation of subsection (a) poses undue practical or administrative difficulties, he is requested to submit a report to Congress describing the number and type of Soviet foreign national employees he wishes to retain at or in proximity to United States diplomatic and consular posts in the Soviet Union, the anticipated duration of their continued employment, the reasons for their continued employment, and the risks associated with the retention of these employees.

SEC. 137. RESPONSIBILITY OF UNITED STATES MISSIONS ABROAD TO PROVIDE SUPPORT FOR UNITED STATES BUSINESSES.

(a) FINDINGS.— The Congress finds that—

(1) the United States is faced with increasingly larger trade deficits every year;

(2) section 104 of the Foreign Service Act of 1980[13] provides that the members of the Foreign Service shall represent the interests of the United States in relation to foreign countries;

(3) section 207(c) of the Foreign Service Act of 1980[14] provides that each chief of mission to a foreign country shall have as a principal duty the promotion of United States goods for export to that country; and

(4) the promotion of United States business interests abroad is a fundamental aspect of United States relations with foreign countries.

(b) POLICY.—It is the sense of the Congress that it is imperative, and in the national interest of the United States, that each United States mission to a foreign country provide such support as may be necessary to United States citizens seeking to do business in that country.

SEC. 138.[15] RESPONSIBILITY OF UNITED STATES MISSIONS TO PROMOTE FREEDOM OF THE PRESS ABROAD.

(a) RESPONSIBILITY.—The United States chief of mission to a foreign country in which there is not respect for freedom of the press shall actively promote respect for freedom of the press in that country.

(b) DEFINITION.—As used in this section, the term "respect for freedom of the press" means that a government—

(1) allows foreign news correspondents into the country and does not subject them to harassment or restrictions;

(2) allows nongovernment-owned press to operate in the country; and

(3) does not subject the press in the country to systematic censorship.

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[12] 22 U.S.C. 3943 note.
[13] 22 U.S.C. 3904.
[14] 22 U.S.C. 3927.
[15] 22 U.S.C. 2656 note.

SEC. 139.[16] EMERGENCY TELEPHONE SERVICE AT U.S. CONSULAR OFFICES.

It is the sense of the Congress that the Secretary of State should ensure that all United States consular offices are equipped with 24-hour emergency telephone service through which United States citizens can contact a member of the staff of any such office. The Secretary should publicize the telephone number of each such service for the information of United States citizens. Not more than 90 days after the date of the enactment of this Act, the Secretary shall submit a report to the Congress on steps taken in accordance with this section.

SEC. 140. RESPONSIBILITIES OF UNITED STATES REPRESENTATIVES TO INTERNATIONAL ORGANIZATIONS.

(a) FINDINGS.—The Congress finds that—

(1) international organizations of which the United States is a member are increasingly involved in the consideration of proposals that may have a significant impact on the interstate or foreign commerce of the United States; and

(2) these proposals are not always adequately publicized or considered pursuant to open and fair procedures available to interested persons.

(b) POLICY.—It is the sense of the Congress that—

(1) the United States representatives to United Nations-related agencies and to other international organizations should oppose the adoption of international marketing and distribution regulations or restrictions which unnecessarily impede the export of United States goods and services; and

(2) the Secretary of State, to the extent practicable, should publish procedures to provide interested persons with timely notice and an opportunity to comment on such regulations and restrictions under consideration in international organizations as the Secretary determines may significantly affect—

(A) the interstate or foreign commerce of the United States;

(B) the policies or programs of the United States Government; or

(C) any State significantly affected by interstate or foreign commerce.

SEC. 143.[17] UNITED NATIONS ORGANIZATIONS REFORM IN BUDGET PROCEDURES.

(a) FINDINGS.—The Congress finds that the United Nations and its specialized agencies which are financed through assessed contributions of member states have not paid sufficient attention in the development of their budgets to the views of the member governments who are major financial contributors to those budgets.

(b) VOTING RIGHTS.—In order to foster greater financial responsibility in preparation of the budgets of the United Nations and its specialized agencies which are financed through assessed contributions, the Secretary of State shall seek the adoption by the United Nations and its specialized agencies of procedures which grant voting rights to each member state on matters of budgetary consequence. Such voting rights shall be proportionate to the contribution of each such member state to the budget of the United Nations and its specialized agencies.

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[16] 22 U.S.C. 2656 note.

[17] 22 U.S.C. 287e note.

(c) LIMITATION ON ASSESSED CONTRIBUTIONS.—No payments may be made for an assessed contribution to the United Nations or its specialized agencies in excess of 20 percent of the total annual budget of the United Nations or its specialized agencies (respectively) for the United States fiscal year 1987 and following years unless the United Nations and its specialized agencies have adopted the voting rights referred to in subsection (b).

SEC. 145. INTERNATIONAL JUTE ORGANIZATION.

The President is authorized to maintain membership of the United States in the International Jute Organization.

SEC. 146.[18] INTELSAT.

(a) POLICY.—The Congress declares that it is the policy of the United States—

(a) as a party to the International Telecommunications Satellite Organization (hereafter in this section referred to as "Intelsat"), to foster and support the global commercial communications satellite system owned and operated by Intelsat;

(2) to make available to consumers a variety of communications satellite services utilizing the space segment facilities of Intelsat and any additional such facilities which are found to be in the national interest and which—

(A) are technically compatible with the use of the radio frequency spectrum and orbital space by the existing or planned Intelsat space segment, and

(B) avoid significant economic harm to the global system of Intelsat; and

(3) to authorize use and operation of any additional space segment facilities only if the obligations of the United States under article XIV(d) of the Intelsat Agreement[19] have been met.

(b) PRECONDITIONS FOR INTELSAT CONSULTATION.—Before consulting with Intelsat for purposes of coordination of any separate international telecommunications satellite system under article XIV(d) of the Intelsat Agreement, the Secretary of State shall—

(1) in coordination with the Secretary of Commerce, ensure that any proposed separate international satellite telecommunications system comply with the Executive Branch conditions established pursuant to the Presidental Determination No. 85-2;[20] and

(2) ensure that one or more foreign authorities have authorized the use of such system consistent with such conditions.

(c) AMENDMENT OF INTELSAT AGREEMENT.—(1) The Secretary of State shall consult with the United States signatory to Intelsat and the Secretary of Commerce regarding the appropriate scope and character of a modification to article V(d) of the Intelsat Agreement which would permit Intelsat to establish cost-based rates for individual traffic routes, as exceptional circumstances warrant, paying particular attention to the need for avoiding significant economic harm to the global system of Intelsat as well as United States national and foreign policy interests.

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[18] 47 U.S.C. 701 note.

[19] 23 U.S.C. 3813.

[20] 3 C.F.R. 1984 Comp., p. 254.

(2)(A) To ensure that rates established by Intelsat for such routes are cost-based, the Secretary of State, in consultation with the Secretary of Commerce and the Chairman of the Federal Communications Commission, shall instruct the United States signatory to Intelsat to ensure that sufficient documentation, including documentation regarding revenues and costs, is provided by Intelsat so as to verify that such rates are in fact cost-based.

(B) To the maximum extent possible, such documentation will be made available to interested parties on a timely basis.

(3) Pursuant to the consultation under paragraph (1) and taking the steps prescribed in paragraph (2) to provide documentation, the United States shall support an appropriate modification to article V(d) of the Intelsat Agreement[21] to accomplish the purpose described in paragraph (1).

(d) CONGRESSIONAL CONSULTATION.—In the event that, after United States consultation with Intelsat for the purposes of coordination under article XIV(d) of the Intelsat Agreement for the establishment of a separate international telecommunications satellite system, the Assembly of Parties of Intelsat fails to recommend such a separate system, and the President determines to pursue the establishment of a separate system notwithstanding the Assembly's failure to approve such system, the Secretary of State, after consultation with the Secretary of Commerce, shall submit to the Congress a detailed report which shall set forth—

(1) the foreign policy reasons for the President's determination, and

(2) a plan for minimizing any negative effects of the President's action on Intelsat and on United States foreign policy interests.

(e) NOTIFICATION TO FEDERAL COMMUNICATIONS COMMISSION.—In the event the Secretary of State submits a report under subsection (d), the Secretary, 60 calendar days after the receipt by the Congress of such report, shall notify the Federal Communications Commission as to whether the United States obligations under article XIV(d) of the Intelsat Agreement have been met.

(f) IMPLEMENTATION.—In implementing the provisions of this section, the Secretary of State shall act in accordance with Executive order 12046.[22]

(g) DEFINITION.—For the purposes of this section, the term "separate international telecommunications satellite system" or "separate system" means a system of one or more telecommunications satellites separate from the Intelsat space segment which is established to provide international telecommunications services between points within the United States and points outside the United States, except that such term shall not include any satellite or system of satellites established—

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[21] 23 U.S.T. 3813.

[22] 3 C.F.R. 1978 Comp., p. 158.

(1) primarily for domestic telecommunications purposes and which incidentally provides services on an ancillary basis to points outside the jurisdiction of the United States but within the western hemisphere, or

(2) solely for unique governmental purposes.

SEC. 147. SOVIET AND COMMUNIST DISINFORMATION AND PRESS MANIPULATION.

Not later than one year after the date of the enactment of this Act, the Secretary of State shall prepare, in consultation with the heads of relevant Federal departments and agencies, and shall transmit to the Speaker of the House of Representatives, and to the Chairman of the Committee on Foreign Relations of the Senate, an unclassified report on Soviet and Communist disinformation and press manipulation with respect to the United States. Such report shall include a recommendation by the President on the advisability of establishing within the Department of State, a permanent office of Soviet disinformation and press manipulation. In conducting the study required by this section the Secretary may make use of suitably qualified scholars and journalists.

SEC. 148. MURDER OF MAJOR ARTHUR D. NICHOLSON, JUNIOR.

It is the sense of the Congress that the United States should declare persona non grata one or more senior defense attaches of the Soviet Union's mission to the United States unless the President certifies to the Congress, within 90 days after the date of the enactment of this Act—

(1) that the Soviet Union has made a formal apology for the murder of Major Arthur D. Nicholson, Junior, and

(2) that the Soviet Union has provided satisfactory assurances that it will adhere to agreements concerning the status and safety of military and civilian missions of western nations in the German Democratic Republic.

SEC. 149. INTER-AMERICAN COOPERATION IN SPACE, SCIENCE, AND TECHNOLOGY.

The Secretary of State shall conduct an in-depth study of the feasibility and the economic and political benefits of the establishment of a major initiative in Inter-American Cooperation in Space, Science, and Technology. Not more than one year after the date of the enactment of this Act, the Secretary shall submit a report to the Congress on the findings of such study and shall include recommendations for implementing such an initiative.

SEC. 150. DEPARTMENT OF STATE INSPECTOR GENERAL.

(a) [23] * * *

(b) [24] ABOLISHMENT OF THE INSPECTOR GENERAL OF THE DEPARTMENT OF STATE AND THE FOREIGN SERVICE.—Notwithstanding section 209 of the Foreign Service Act of 1980 (22 U.S.C. 3929), the Inspector General of the Department of State and the Foreign Service is hereby abolished.

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[23] Subsec. (a) established a Department of State Inspector General under the Inspector General Act of 1978.

[24] Subsec. (b) was substantially amended and restated by sec. 413(c) of Public Law 99-399, 100 Stat. 868.

(c) REPORT.—Not later than six months after the date of the enactment of this Act, the Secretary of State shall submit a report to the Congress on the steps the Secretary has undertaken to implement the provisions of the amendment made by subsection (a).

SEC. 151 [25] EMPLOYEES OF THE UNITED NATIONS.

(a) INITIAL REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall report to the Congress on whether, and the extent to which, international civil servants employed by the United Nations, including those seconded to the United Nations, are required to return all or part of their salaries to their respective governments. The Secretary shall also include in this report a description of the steps taken by the Department of State and by the United States Representative to the United Nations to correct this practice.

(b) REPORT ON STEPS TO CORRECT PRACTICE.—The Secretary of State shall determine and report to the Congress on whether substantial progress has been made by June 1, 1986, in correcting the practice of international civil servants employed by the United Nations being required to return all or part of their salaries to their respective governments.

(c) REDUCTION IN CONTRIBUTION IF SUBSTANTIAL PROGRESS NOT MADE.—If the Secretary of State determines pursuant to subsection (b) that substantial progress has not been made in correcting this practice, the United States shall thereafter reduce the amount of its annual assessed contribution to the United Nations by the amount of that contribution which is the United States proportionate share of the salaries of those international civil servants employed by the United Nations who are returning any portion of their salaries to their respective governments.

(d) NATIONAL TAXATION.—This section does not apply with respect to payments made for purposes of national taxation in accordance with formal treaty reservations concerning such taxation by a member state of the United Nations.

SEC. 152 [26] REPRESENTATION OF MINORITIES AND WOMEN IN THE FOREIGN SERVICE.

(a) DEVELOPMENT OF PROGRAM.—The head of each agency utilizing the Foreign Service personnel system shall develop, consistant with section 7201 of title 5 of the United States Code, a plan designed to increase significantly the number of members of minority groups and women in the Foreign Service in that agency.

(b) EMPHASIS ON MID-LEVELS.—Each plan developed pursuant to this section shall, consistent with section 7201 of title 5 of the United States Code, place particular emphasis on achieving signficiant increases in the numbers of minority group members and women who are in the mid-levels of the Foreign Service.

(c) REPORTS TO CONGRESS.—The head of each agency utilizing the Foreign Service personnel system shall report annually to the Congress on the plan developed pursuant to this section as part of the report required to be submitted pursuant to section 105(d)(2) of the Foreign Service Act of 1980.[27] Subsequent reports pursuant to that section shall include reports on the implementation of these plans, giving particular attention to the progress being made in increasing, through advancement and promotion, the numbers of members of minority groups and women in the mid-levels of the Foreign Service.

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[25] 22 U.S.C. 287e.

[26] 22 U.S.C. 3922a.

[27] 22 U.S.C. 3905.

SEC. 154. DAMAGES RESULTING FROM DELAYS IN THE CONSTRUCTION OF THE UNITED STATES EMBASSY IN MOSCOW.

(a) RESTRICTION; REIMBURSEMENT FOR DAMAGES INCURRED.—The Secretary of State shall not permit the Soviet Union to occupy the new chancery building at its new embassy complex in Washington, D.C., or any other new facility in the Washington, D.C. metropolitan area, if the Soviet Union fails to provide prompt and full reimbursement to the United States for damages incurred as a result of the construction of the new United States Embassy in Moscow. The amount of such reimbursement shall be determined by agreement between the United States and the Soviet Union or, in the event of disagreement, by international arbitration pursuant to subsection (b).

(b) INTERNATIONAL ARBITRATION.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall initiate actions to begin the international arbitration process, which is provided for in the embassy construction agreement between the United States and the Soviet Union, in order to resolve all United States claims against the Soviet Union for damages arising from delays in the construction of the new United States Embassy complex in Moscow.

(c) REPORT.—In the event the amount of reimbursement provided to the United States under subsection (a) by the Soviet Union is less than the amount of funds expended for the damages described in subsection (a) that are determined by the Secretary of State to be the responsibility of the Soviet Union, the Secretary of State shall submit a report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. Such report shall contain a detailed explanation of the reasons the Secretary accepted the settlement arrangements of the United States claims and the financial costs to the United States of doing so.

(d) SUSPENSION OF RESTRICTIONS.—The Secretary of State may suspend the restrictions in subsection (a) in the interests of United States national security if the Secretary certifies to the Congress that a substantial number of the claims described in subsection (a) are settled and that resolution of any remaining claims is proceeding in a satisfactory manner. If the Secretary exercises the authority under this subsection, the Secretary shall report to the appropriate committees of the Congress every six months concerning progress on resolution of any outstanding claims.

SEC. 155. SOVIET AND INTERNATIONAL COMMUNIST BEHAVIOR.

Not later than one year after the date of enactment of this section, the Secretary of State shall prepare and transmit to the Speaker of the House of Representatives, and to chairman of the Committee on Foreign Relations of the Senate, an unclassified report on the advisability of establishing a permanent office in the Department of State to study Soviet and international Communist behavior that violates the concepts of national sovereignty and peace between nations. In conducting the study required by this section, the Secretary may make use of suitably qualified journalists and scholars.

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TITLE II—UNITED STATES INFORMATION AGENCY [28]

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TITLE III—BOARD FOR INTERNATIONAL BROADCASTING [29]

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TITLE IV—THE ASIA FOUNDATION [30]

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TITLE V—IRAN CLAIMS SETTLEMENT [31]

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TITLE VI—UNITED STATES SCHOLARSHIP PROGRAM FOR DEVELOPING COUNTRIES [32]

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TITLE VII—ARMS CONTROL AND DISARMAMENT [33]

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TITLE VIII—MISCELLANEOUS PROVISIONS [34]

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[28] See p. 1504 for the free-standing provisions of this title.

[29] Title III contains amendments to the Board for International Broadcasting Act of 1973. See p. 1626 for the free-standing provisions of this title.

[30] Title IV amends sec. 404 of the Asia Foundation Act. See p. 1427 for text.

[31] See vol. II, sec. N. 3, for the free standing provisions of this title.

[32] See p. 1562 for text of this title.

[33] Title VII contains amendments to the Arms Control and Disarmament Act. See p. 965 for free-standing provisions of this title.

[34] Title VIII amends the National Emergencies Act, the Trading With the Enemy Act, and the United States-India Fund for Cultural, Educational, and Scientific Cooperation Act. Free-standing provisions are reproduced below together with sec. 803 which amends sec. 39 of the Trading With the Enemy Act. Sec. 39 of the amended act does not appear elsewhere in this volume.

SEC. 802. UNITED STATES INSTITUTE OF PEACE.

It is the sense of the Congress that, pursuant to title XVII of the Department of Defense Authorization Act,[35] 1985 (22 U.S.C. 4601 et seq.), nominations to the Board of Directors for the United States Institute of Peace should be submitted to the Senate on a timely basis to permit implementation of the congressional mandate.

SEC. 803.[36] EX GRATIA PAYMENT TO THE GOVERNMENT OF SWITZERLAND.

Section 39 of the Trading With the Enemy Act (62 Stat. 1246; 50 U.S.C. App. 39) is amended by adding at the end thereof the following new subsection:

"(f) Notwithstanding any of the provisions of subsections (a) through (d) of this section, the Attorney General is authorized to pay from property vested in or transferred to the Attorney General under this Act, the sum of $20,000 as an ex gratia payment to the Government of Switzerland in accordance with the terms of the agreement entered into by that Government and the Government of the United States on March 12, 1980."

SEC. 804. POLICY TOWARD APPLICATION OF THE YALTA AGREEMENT.

(a) FINDINGS.—The Congress finds that—

(1) during World War II, representatives of the United States, Britain, and the Soviet Union took part in agreements and understandings concerning other peoples and nations in Europe;

(2) the Soviet Union has not adhered to its obligation undertaken in the 1945 Yalta agreement to guarantee free elections in the countries involved, specifically the pledge for the "earliest possible establishment of free elections of government responsive to the wills of the people and to facilitate where necessary the holding of such elections";

(3) the strong desire of the people of Central and Eastern Europe to exercise their national sovereignty and self-determination and to resist Soviet domination has been demonstrated on many occasions since 1945, including armed resistance to the forcible Soviet takeover of the Baltic Republics and resistance in the Ukraine as well as in the German Democratic Republic in 1953, in Hungary in 1956, in Czechoslovakia in 1968, and in Poland in 1956, 1970, and since 1980;

(4) it is appropriate that the United States express the hopes of the people of the United States that the people of Central and Eastern Europe be permitted to exercise their national sovereignty and self-determination free from Soviet interference; and

(5) it is appropriate for the United States to reject any interpretation or application that, as a result of the signing of the 1945 Yalta executive agreements, the United States accepts and recognizes in any way Soviet hegemony over the countries of Eastern Europe.

(b) POLICY.—(1) The United States does not recognize as legitimate any spheres of influence in Europe and it reaffirms its refusal to recognize such spheres in the present or in the future, by repudiating any attempts to legitimize the domination of East European nations by the Soviet Union through the Yalta executive agreement.

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[35] 98 Stat. 2649.

[36] See footnote 34.

(2) The United States proclaims the hope that the people of Eastern Europe shall again enjoy the right to self-determination within a framework that will sustain peace, that they shall again have the right to choose a form of government under which they shall live, and that the sovereign rights of self-determination shall be restored to them in accordance with the pledge of the Atlantic Charter and with provisions of the United Nations Charter[37] and the Helsinki Final Act of the Conference on Security and Cooperation in Europe;[38]

SEC. 805. POLICY TOWARD TREATMENT OF SOVIET PENTECOSTALS.

(a) FINDINGS.—The Congress finds that—

(1) it is the policy of the Government of the Soviet Union to hinder and deny the free practice of religion and to deny freedom to emigrate to the victims of religious persecution;

(2) such policies are a violation of the letter and spirit of the Charter of the United Nations, the United Nations Declaration on Human Rights, and the Helsinki Final Act of the Conference on Security and Cooperation in Europe;

(3) members of the 170-member Pentecostal Christian community living in Chuguyevka in the Soviet Far East have allegedly undergone persecution at the hands of the Soviet authorities as a result of their attempts to practice their religious beliefs;

(4) the Soviet authorities allegedly have refused to allow members of that Pentecostal community to emigrate from the Soviet Union;

(5) when, on Monday, May 13, 1985, four members of the Pentecostal community of Chuguyevka attempted to enter the United States Embassy in Moscow in an attempt to seek refuge and make their plight known, they were intercepted by Soviet guards stationed outside the Embassy;

(6) in the scuffle that ensued three of the Pentecostals were beaten severely and arrested by the Soviet guards, while the fourth Pentecostal gained entrance to the Embassy and was interviewed by United States officials; and

(7) upon agreeing to leave the United States Embassy the man was driven to the subway in a diplomatic car where he was detained by Soviet police before he could enter the subway.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the Soviet Union has acted in violation of the human rights of the Pentecostal community in Chuguyevka by hindering the practice of their religious beliefs and refusing to allow them to emigrate from the Soviet Union;

(2) personnel of the Government of the Soviet Union acted in violation of the human rights of the four members of the Pen-

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[37] 55 Stat. 1600.

[38] 59 Stat. 1031.

tecostal community who attempted to enter the United States Embassy in Moscow, particularly in using excessive force in an attempt to prevent their entry;

(3) the United States Department of State should continue through all available channels to assure the safety of the four persons who attempted to enter the United States Embassy, and to seek to persuade the Government of the Soviet Union to allow the members of the Pentecostal community in Chuguyevka to emigrate to the West; and

(4) the Secretary of State should undertake a study of United States policy relating to the granting of asylum in United States embassies abroad and develop recommendations for the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives as to where current policy might be adjusted with relation to incidents over the past five years where asylum has been requested at United States embassies abroad.

SEC. 806. DEMOCRACY ON TAIWAN.

(a) FINDINGS.—The Congress finds that—

(1) peace has prevailed in the Taiwan Strait since the normalization of relations between the United States and the People's Republic of China;

(2) the United States expects the future of Taiwan to be settled peacefully and considers a secure Taiwan free from external threat an indispensable element for the island's further democratization and a goal set forth in the Taiwan Relations Act;

(3) the authorities on Taiwan are striving to achieve greater democracy at the local level;

(4) an increasing number of native Taiwanese have been appointed to responsible positions at the provincial and national level on Taiwan;

(5) martial law measures tend to impede progress toward democracy and to abridge guarantees of human rights;

(6) movement toward greater democracy on Taiwan serves to bolster continued American public support for the moral and legal responsibilities set forth in the Taiwan Relations Act;[39]

(7) the United States, in the Taiwan Relations Act, has reaffirmed as a national objective the preservation and enhancement of the human rights of all the people on Taiwan; and

(8) the United States considers democracy a fundamental human right.

(b) SENSE OF CONGRESS.—It is therefore the sense of the Congress that—

(1) one important element of a peaceful future for Taiwan is greater participation in the political process by all the people on Taiwan; and

(2) accordingly, the United States should encourage the authorities on Taiwan, in the spirit of the Taiwan Relations Act, to work vigorously toward this end.

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[39] 22 U.S.C. 3301 note.

SEC. 807. INCREASE UNITED STATES-CHINA TRADE.

(a) FINDINGS.—The Congress finds that—

(1) the People's Republic of China has made substantial progress in promoting market-oriented practices throughout the Chinese economy;

(2) the Chinese economy has responded to this increased liberalization with record growth that last year alone resulted in increases in the real gross national product of an estimated 13 percent;

(3) this growth has created significant new demand for a vast array of products and services that can be met by American producers;

(4) United States trade with the People's Republic of China totalled only $6,000,000,000 in 1984 and was again in deficit by more than $50,000,000;

(5) increased exports are essential to the creation of American jobs and to the vitalit of the American economy; and

(6) the People's Republic of China represents the world's largest potential market.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that, consistent with overall American foreign policy and national security objectives, the Secretary of State and the Secretary of Commerce should take appropriate steps to increase United States-China trade with a view to improving the trade balance, increasing American jobs through export growth, and assuring significant United States participation in the growing Chinese market.

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SEC. 809. REFUGEES IN THAILAND.

(a) APPRECIATION FOR THE RESPONSE OF THE GOVERNMENT OF THAILAND.—The Congress recognizes and expresses appreciation for the extraordinary willingness of the Government of Thailand to respond in a humanitarian way to the influx of refugees fleeing Vietnamese communist oppression.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) Cambodians, Laotians, and Vietnamese seeking asylum and refuge in Thailand should not be involuntarily repatriated or otherwise put at risk; and

(2) every effort should be made to provide increased security for refugees in camps in Thailand which should include an increased presence by international humanitarian organizations.

(c) REVIEW OF CERTAIN CAMBODIAN REFUGEES.—

(1) The Secretary of State should—

(A) work with the Government of Thailand and the United Nations High Commissioner for Refugees to conduct a review of the status of Cambodians who have not been permitted to register at refugee camps in Thailand; and

(B) implement a humanitarian solution to their plight.

(2) The Secretary of State, with the assistance of appropriate agencies, should conduct a review of those Cambodians who have been rejected for admission to the United States to ensure such decisions are consistent with the letter and spirit of United States refugee and immigration law.

(3) The Secretary of State, with the assistance of appropriate agencies, should institute as expeditiously as possible a family reunification program for those refugees in Thailand, including those at the border who have family members in the United States.

(4) The Secretary of State should provide for a program of educational assistance for Cambodians in the border camps and for improved literacy training in all camps.

SEC. 810. POLICY REGARDING FOREIGN EXCHANGE INTERVENTION.

(a) FINDINGS.—The Congress finds and declares that—

(1) the trade deficit looms larger than any other threat to the ability of the United States to generate jobs and create economic well-being;

(2) the trade deficit continues to deteriorate even from the 1984 level of $123,000,000,000;

(3) the trade deficit will continue to deteriorate until the value of the dollar declines on foreign exchange markets;

(4) the dollar's rise may slow down but is unlikely to fall sufficiently as a result of Congress' contemplated budget deficit reduction measures;

(5) the value of the dollar would probably fall under a number of tax reform proposals but industries losing market share due to the exchange rate may not be able to wait for a complete tax package;

(6) the only remaining timely option for lowering the value of the dollar is intervention in foreign exchange markets by the Secretary of the Treasury or the Federal Reserve Board;

(7) any such intervention must be strong enough to achieve the intent of the Congress of lowering the dollar's value but sufficiently moderate to prevent a sudden drop in its value;

(8) any such intervention in order to assure a gradual decline and protect against too large a drop in the value of the dollar, will require coordinated action by the central banks of Europe and Japan as well as the United States; and

(9) such coordination is especially important to strengthen economic and political ties with the allies of the United States and to promote consistent macroeconomic policies to the mutual benefit of all.

(b) SENSE OF CONGRESS.—Therefore, it is the sense of the Congress that—

(1) the Secretary of the Treasury and the Chairman of the Federal Reserve Board, in concert with United States allies and coordinated with the central banks of the Group of Five or other major central banks, should take such steps as are necessary to lower gradually the value of the dollar;

(2) such steps should not exclude intervention in the foreign exchange markets;

(3) the Secretary of the Treasury and the Chairman of the Federal Reserve Board should work to ensure that the domestic macroeconomic policies of the United States and its allies are forged to reinforce rather than oppose one another.

SEC. 811. COMMENDING MAYOR TEDDY KOLLEK OF JERUSALEM.

(a) FINDINGS.—The Congress finds that—

(1) Mayor Teddy Kollek has worked to promote harmony among all the people of Jerusalem; and

(2) he has promoted freedom of access to religious shrines for Muslims, Christians, and Jews; and

(3) through his efforts the aesthetic character of the city has been enhanced.

(b) COMMENDATION.—Therefore, the Congress commends Mayor Kollek for his efforts over the years.

SEC. 812. JAPAN-UNITED STATES SECURITY RELATIONSHIP AND EFFORTS BY JAPAN TO FULFILL SELF-DEFENSE RESPONSIBILITIES.[40]

(a) FINDINGS.—The Congress hereby finds—

(1) the Japan-United States security relationship is the foundation of the peace and security of Japan and the Far East, as well as a major contributor to the protection of the United States and of the democratic freedoms and economic prosperity enjoyed by both the United States and Japan;

(2) the threats to our two democracies have increased significantly since 1976, principally through the Soviet invasion of Afghanistan, the expansion of Soviet armed forces in the Far East, the invasion of Cambodia by Vietnam, and the instability in the Persian Gulf region as signified by the continuing Iran-Iraq conflict;

(3) in recognition of these and other threats, the United States has greatly increased its annual defense spending through sustained real growth averaging 8.8 percent yearly between fiscal 1981 and 1985, and cumulative real growth of 50 percent in that period;

(4) the United States Government appreciates the May 1981 commitment by the Prime Minister of Japan that, pursuant to the Treaty of Mutual Cooperation and Security of 1960 between Japan and the United States, Japan,[41] on its own initiative, would seek to make even greater efforts for improving its defense capabilities, and pursuant to Japan's own Constitution, it was national policy for his country to acquire and maintain the self-defense forces adequate for the defense of its land area and surrounding airspace and sealanes, out to a distance of 1,000 miles;

(5) the United States Government applauds the policy of Japan to obtain the capabilities to defend its sea and air lanes out to 1,000 miles, expects that these capabilities should be acquired by the end of the decade, and recognizes that achieving those capabilities would significantly improve the national security of both Japan and the United States;

(6) the United States Government appreciates the contribution already made by Japan through the Host Nation Support Program and its recent efforts to increase its defense spending; and

(7) Japan, however, in recent years consistently has not provided sufficient funding and resources to meet its self-defense

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[40] 22 U.S.C. 1928 note.

[41] 11 UST 1632.

needs and to meet common United States-Japan defense objectives and alliance responsibilities.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that Japan, to fulfill its self-defense responsibilities pursuant to the 1960 Mutual Cooperation and Security Treaty with the United States, and in accordance with the national policy declaration made by its Prime Minister in May 1981, to develop a 1,000-mile airspace and sealanes defense capability, should implement a 1986–1990 Mid-Term Defense Plan containing sufficient funding, program acquisition, and force development resources to obtain the agreed-upon 1,000 mile self-defense capabilities by the end of the decade, including the allocation of sufficient budgetary resources annually to reduce substantially the ammunition, logistics, and sustainability shortfalls of its self-defense forces.

(c) SUBMISSION TO CONGRESS.—Not later than March 31, 1986, and on an annual basis thereafter, the President shall submit to the appropriate committees of Congress, in both a classified and unclassified form, detailed and extensive information to permit the Congress to understand Japan's progress toward actually fulfilling its common defense commitment, including the development and implementation of a 1986–1990 Mid-Term Defense Plan fully funded for Japan to achieve 1,000-mile self-defense capabilities by 1990. Such information shall include a description of actions taken by the United States Government in the preceding year to encourage Japan to meet its 1,000-mile self-defense commitment by 1990.

SEC. 813. DIPLOMATIC EQUIVALENCE AND RECIPROCITY.

(a) STATEMENT OF CONGRESSIONAL POLICY.—(1) It is the policy of the Congress that the number of nationals of the Soviet Union admitted to the United States who serve as diplomatic or consular personnel of the Soviet Union to the United States shall be substantially equivalent to the number of United States nationals admitted to the Soviet Union who serve as diplomatic or consular personnel of the United States in the Soviet Union unless the President determines that the admission of additional Soviet diplomatic and consular personnel would be in the best interests of the United States.

(2) The policy expressed in paragraph (1) does not apply to dependents or spouses who do not serve as diplomatic or consular personnel.

(b) REPORTING REQUIREMENT.—The Secretary of State and the Attorney General shall prepare and, not later than 6 months after the date of the enactment of this Act, shall transmit to the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate, and to the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives, a report setting forth a plan for ensuring that the number of Soviet nationals described in subsection (a) does not exceed the limitation described in that section.

(c) DEFINITIONS.—For purposes of this section—

(1) the term "diplomatic or consular personnel" means the members of the diplomatic mission or the members of the consular post, as the case may be;

(2) the term "members of the diplomatic mission" is used within the meaning of Article 1(b) of the Vienna Convention on Diplomatic Relations (done April 18, 1961),[42] and

(3) the term "members of the consular post" is used within the meaning of Article 1(g) of the Vienna Convention on Consular Relations (done April 24, 1963).[43]

SEC. 814. UNITED STATES INTERNATIONAL NARCOTICS CONTROL COMMISSION.[44]

(a) ESTABLISHMENT.—There is established the United States International Narcotics Control Commission (hereafter in this section referred to as the "Commission").

(b) DUTIES.—The Commission is authorized and directed—

(1) to monitor and promote international compliance with narcotics control treaties, including eradication and other relevant issues; and

(2) to monitor and encourage United States Government and private programs seeking to expand international cooperation against drug abuse and narcotics trafficking.

(c) MEMBERSHIP.—(1) The Commission shall be composed of 12 members as follows:

(A) 7 Members of the Senate appointed by the President of the Senate, 4 of whom (including the member designated as Chairman) shall be selected from the majority party of the Senate, after consultation with the majority leader, and 3 of whom (including the member designated as Cochairman) shall be selected from the minority party of the Senate, after consultation with the minority leader.

(B) 5 members of the public to be appointed by the President after consultation with the members of the appropriate congressional committees.

(2) There shall be a Chairman and a Cochairman of the Commission.

(d) POWERS.—In carrying out this section, the Commission may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary. Subpoenas may be issued over the signature of the Chairman of the Commission or any member designated by him, and may be served by any person designated by the Chairman or such member. The Chairman of the Commission, or any member designated by him, may administer oaths to any witness.

(e) REPORT BY PRESIDENT TO COMMISSION.—In order to assist the Commission in carrying out its duties, the President shall submit to the Commission a copy of the report required by section 481(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2991(e)).

(f) REPORT TO SENATE.—The Commission is authorized and directed to report to the Senate with respect to the matters covered by this section on a periodic basis and to provide information to Members of the Senate as requested. For each fiscal year for which an appropriation is made the Commission shall submit to the Congress a report on its expenditures under such appropriation.

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[42] 23 UST 3227.

[43] 21 UST 77.

[44] 22 U.S.C. 2291 note.

(g) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to the Commission $325,000 for each fiscal year, to remain available until expended, to assist in meeting the expenses of the Commission for the purpose of carrying out the provisions of this section.

(2) For purposes of section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754(b)), the Commission shall be deemed to be a standing committee of the Senate and shall be entitled to the use of funds in accordance with such section.

(h) STAFF.—The Commission may appoint and fix the pay of such staff personnel as it deems desirable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.[45]

(i) TERMINATION.—The Commission shall cease to exist on September 30, 1987.

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[45] 5 U.S.C. 5101 *et seq.*, 5331.

b. Department of State Authorization Act, Fiscal Years 1984 and 1985

Partial text of Public Law 98-164 [H.R. 2915], 97 Stat. 1017, approved November 22, 1983, as amended by Public Law 99-93 [H.R. 2068], 99 Stat. 405, approved August 16, 1985; and by Public Law 99-415 [Anglo-Irish agreement Support Act of 1986; H.R. 4329]; 100 Stat. 949, approved September 19, 1986

Note.—Deleted sections in this Act amend other State Department and foreign relations legislation and are incorporated elsewhere in this compilation.

AN ACT To authorize appropriations for fiscal years 1984 and 1985 for the Department of State, the United States Information Agency, the Board for International Broadcasting, the Inter-American Foundation, and the Asia Foundation, to establish the National Endowment for Democracy, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—DEPARTMENT OF STATE

SHORT TITLE

Sec. 101. This title and title X of this Act may be cited as the "Department of State Authorization Act, Fiscal Years 1984 and 1985".

AUTHORIZATIONS OF APPROPRIATIONS

Sec. 102. In addition to amounts otherwise authorized for such purposes, the following amounts are authorized to be appropriated for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and other purposes authorized by law:

(1) For "Administration of Foreign Affairs", $1,486,213,000 for the fiscal year 1984 [1] and $1,580,820,000 for the fiscal year 1985.[2]

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[1] The Department of State Appropriations Act, 1984 (Public Law 98-166) appropriated $1,406,497,000 for the "Administration of Foreign Affairs" during fiscal year 1984, itemized in the following manner: salaries and expenses—$1,114,810,000; representation allowances—$4,148,000; acquisition, operation, and maintenance of buildings abroad—$160,000,000; acquisition, operation, and maintenance of buildings abroad (special foreign currency program)—$10,012,000; emergencies in the diplomatic and consular service—$4,356,000; payment to the American Institute in Taiwan—$9,380,000; and payment to the Foreign Service Retirement and Disability Fund—$103,791,000.

The Second Supplemental Appropriations Act, 1984 (Public Law 98-396) for additional amounts provided for "Administration of Foreign Affairs" during fiscal year 1984.

[2] The Department of State Appropriations Act, 1985 (title III of Public Law 98-411) appropriated $1,631,721,000 for the "Administration of Foreign Affairs" during fiscal year 1985, itemized

Continued

(2) For "International Organizations and Conferences", $602,343,000 for the fiscal year 1984 [3] and $602,343,000 for the fiscal year 1985.[4]

(3) For "International Commissions", $23,207,000 for the fiscal year 1984 [5] and $25,355,000 for the fiscal year 1985.[6]

(4) For "Migration and Refugee Assistance", $344,500,000 for the fiscal year 1984 [7] and $326,400,000 for the fiscal year 1985.[8]

(5) For "United States Bilateral Science and Technology Agreements", $1,700,000 for the fiscal year 1984 [9] and $1,700,000 for the fiscal year 1985.

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in the following manner: salaries and expenses—$1,264,901,000; reopening consulates—$1,929,000; representation allowances—$4,500,000; protection of foreign missions and officials—$9,500,000; acquisition, operation, and maintenance of buildings abroad—$211,000,000; acquisition, operation, and maintenance of buildings abroad (special foreign currency program—$19,353,000; emergencies in the diplomatic and consular service—$4,000,000; payment to the American Institute in Taiwan—$9,800,000; and payment to the Foreign Service Retirement and Disability Fund—$106,738,000.

In addition, sec. 139 of the Continuing Appropriations Act, 1985 (Public Law 98-473) appropriated $110,200,000 for the "Administration of Foreign Affairs" during fiscal year 1985, itemized in the following manner: salaries and expenses—$81,200,000; acquisition, operation, and maintenance of buildings abroad—$28,000,000; and emergencies in the diplomatic and consular service (to pay rewards for information concerning terrorist acts)—$1,000,000.

[3] The Department of State Appropriations Act, 1984 (Public Law 98-166) appropriated $595,694,000 for "International Organizations and Conferences" during fiscal year 1984, itemized in the following manner: contributions to international organizations—$520,515,000; contributions to international peacekeeping activities—$66,279,000; and international conferences and contingencies—$8,910,000.

The Supplemental Appropriations Act, 1985 (Public Law 99-88) appropriated funds for the "Administration of Foreign Affairs" in the following manner: Salaries and expenses—$73,342,000 (plus $12,781,000 transferred from "Contributions to International Organizations); acquisition, operation, and maintenance of buildings abroad—$167,579,000 (plus $2,000,000 for the Special Foreign Currency Program); payment to the Foreign Service retirement and disability fund—$5,399,000.

[4] The Department of State Appropriations Act, 1985 (title III of Public Law 98-411) appropriated $559,067,200 for "International Organizations and Conferences" during fiscal year 1985, itemized in the following manner: contributions to international organizations—$501,667,200; contributions to international peacekeeping activities—$47,400,000; and international conferences and contingencies—$10,000,000. For complete text of title III of Public Law 98-441.

The Supplemental Appropriations Act, 1985 (Public Law 99-88) appropriated a $1,200,000 transfer of funds for International Fisheries Commissions from "Contributions to International Organizations", and $1,000,000 for the Fishermen's Protective Fund.

[5] The Department of State Appropriations Act, 1984 (Public Law 98-166) appropriated $23,625,000 for "International Commissions" during fiscal year 1984, itemized in the following manner: International Boundary and Water Commission, United States and Mexico (salaries and expenses)—$10,651,000 and (construction)—$672,000; American sections, international commissions—$3,426,000; and international fisheries commissions—$8,876,000.

Title II of the Second Supplemental Appropriations Act, 1984 (Public Law 98-396) appropriated additional funds for increased pay costs during fiscal year 1984 for "International Commissions" as follows: International Boundary and Water Commission, United States and Mexico—$125,000; and American Sections, international commissions—$38,000.

[6] The Department of State Appropriations Act, 1985 (title III of Public Law 98-411) appropriated $27,185,000 for "International Commissions" during fiscal year 1985, itemized in the following manner: International Boundary and Water Commission, United States and Mexico—$12,000,000 (salaries and expenses) and $2,400,000 (construction); American sections, international commissions—$3,685,000; and international fisheries commissions—$9,100,000.

[7] The Foreign Assistance Appropriations Act, 1984 (sec. 101(b)(1) of Public Law 98-151) appropriated $323,000,000 for "Migration and Refugee Assistance" during fiscal year 1984.

In addition, supplemental funds for migration and refugee assistance during fiscal year 1984 were provided in two acts, as follows: Supplemental Appropriations, 1984 (Public Law 98-332)—$7,000,000 for assistance to displaced persons in El Salvador; and Second Supplemental Appropriations Act, 1984 (Public Law 98-396)—$7,650,000, of which $2,000,000 is available for "International disaster assistance" for medical and medically related assistance for Afghan refugees.

[8] The Foreign Assistance Appropriations Act, 1985 (sec. 101(g) of the Continuing Appropriations Act, 1985 (Public Law 98-473)) appropriated $325,500,000 for "Migration and Refugee Assistance" during fiscal year 1985.

The Supplemental Appropriations Act, 1985 (Public Law 99-88; 99 Stat 329 transferred and additional amount of $12,500,000 for "migration and refugee assistance" from the "Economic Support Fund" for Lebanon as provided in Public Law 98-63: *Provided,* That this amount shall be available only for Soviet, Eastern European and other refugees resettling in Israel.

[9] The Department of State Appropriations Act, 1984 (Public Law 98-166) appropriated $1,683,000 for "United States Bilateral Science and Technology Agreements" during fiscal year 1984.

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IMPROVEMENT OF CONSULAR FACILITIES IN MEXICO CITY

Sec. 103. In addition to the amounts authorized to be appropriated by section 102(1) of this Act, there are authorized to be appropriated for "Administration of Foreign Affairs" for the fiscal year 1984, $4,000,000 to be used for the purchase of land for and the construction of additional consular facilities, and for certain improvements in existing consular facilities, at the United States Embassy in Mexico City, Mexico.

ADDITIONAL POSITIONS FOR POLITICAL AND ECONOMIC REPORTING AND FOR INTERNATIONAL COMMUNICATIONS AND INFORMATION POLICY

Sec. 104. The Secretary of State shall allocate such funds as may be necessary of the amounts appropriated to the Department of State for the fiscal year 1984 for "Administration of Foreign Affairs" in order to fund 73 additional positions for political and economic reporting and 11 additional positions for international communications and information policy. The positions funded pursuant to this section shall be in addition to the positions which the Department was authorized to have in fiscal year 1983 plus the number of additional positions which have been requested for the Department for the fiscal year 1984.

ALTERNATE COMMUNICATIONS CENTER

Sec. 105. Of the funds authorized to be appropriated under paragraph (1) of section 102, not less than $3,000,000 for the fiscal year 1984 and not less than $7,000,000 for the fiscal year 1985 shall be available only to cover expenses related to the establishment in the State of Maryland of an alternative communications center for the Department of State in order to secure the uninterrupted transmission of communications related to the foreign policy and national security interests of the United States and of communications of other departments and agencies of the United States.

NATIONAL COMMISSION ON EDUCATIONAL, SCIENTIFIC, AND CULTURAL COOPERATION

Sec. 106. (a) Section 5 of the joint resolution entitled "Joint Resolution providing for membership and participation by the United States in the United Nations Educational, Scientific, and Cultural Organization, and authorizing an appropriation therefor", approved July 30, 1946 (22 U.S.C. 287q), is amended by repealing the eighth sentence.

(b) Of the amounts authorized to be appropriated for "Administration of Foreign Affairs" by section 102(1) of this Act, $250,000 for each of the fiscal years 1984 and 1985 shall be available only for the expenses of the secretariat of the National Commission on Educational, Scientific, and Cultural Cooperation.

COORDINATING COMMITTEE ON EXPORT CONTROLS

Sec. 107. Of the funds authorized to be appropriated for the fiscal year 1984 under paragraph (2) of section 102, $2,000,000 shall be used to modernize the facilities and operating procedures of the Coordinating Committee on Export Controls. The Congress finds that the executive branch should seek cost sharing arrangements with other member countries to modernize both the facilities and operations of the Coordinating Committee on Export Controls.

WORLD HERITAGE TRUST FUND

Sec. 108. Of the funds authorized to be appropriated by paragraph (2) of section 102, not less than $248,500 for each of the fiscal years 1984 and 1985 shall be available only for the United States contribution to the World Heritage Trust Fund.

INTERPARLIAMENTARY GROUPS

Sec. 109. (a) [10] * * *

(b) Of the amount appropriated for the purposes authorized by the amendment made by subsection (a) of this section, up to $25,000 may be used to meet the expenses incurred in hosting the spring 1984 meeting of the British-American Parliamentary Group which is to be held in the United States.

(c) [10a] Of the amounts authorized to be appropriated for each fiscal year for "International Organizations and Conferences" $50,000 may be used for expenses of United States participation in the United States-European Community Interparliamentary Group.

PIRACY IN THE GULF OF THAILAND

Sec. 110. Of the amounts authorized to be appropriated for "Migration and Refugee Assistance" by section 102(4) of this Act, $5,000,000 for each of the fiscal years 1984 and 1985 shall be used for assistance to combat piracy in the Gulf of Thailand.

RELIEF ASSISTANCE FOR EL SALVADOR AND LEBANON

Sec. 111. Notwithstanding any other provision of law, of the funds authorized to be appropriated for fiscal year 1984 under section 102(4) of this Act—

(1) $10,000,000 shall be available only for El Salvador for relief assistance for displaced persons; and

(2) up to $25,000,000, but not less than $5,000,000 shall be available only for Lebanon for relief and rehabilitation assistance for refugees and displaced persons.

WORLD INTELLECTUAL PROPERTY ORGANIZATION

Sec. 112. The joint resolution entitled "Joint Resolution to authorize appropriations incident to United States participation in the International Bureau for the Protection of Industrial Property", approved July 12, 1960 (22 U.S.C. 269(f)), is amended by striking out all after the resolving clause and inserting in lieu thereof the following: "That funds appropriated to the Secretary of State for 'International Organizations and Conferences' shall be available for the payment by the United States of its proportionate share of the expenses of the International Bureau for the Protection of Industrial Property for any year after 1981 as determined under article 16(4) of the Paris Convention for the Protection of Industrial Property, as revised, except that in no event shall the payment for any year exceed 6.6 percent of all expenses of the Bureau apportioned among countries for that year.".

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[10] Subsec. (a) amends the Act of July 11, 1956 (22 U.S.C. 1928e) authorizing U.S. participation in parliamentary conference of the North Atlantic Treaty Organization. For text of this Act, see vol. II, sec. N.

[10a] Subsec. (c) was extensively amended by sec. 7(b) of Public Law 99–415; 100 Stat. 949.

RESTRICTION ON ASSESSED PAYMENTS TO THE UNITED NATIONS

Sec. 113. None of the funds authorized to be appropriated by this Act shall be used to make assessed payments to the United Nations, the United Nations Educational, Scientific, and Cultural Organization, the World Health Organization, the Food and Agriculture Organization, and the International Labor Organization which, in the aggregate, are in excess of the aggregate calendar year 1983 United States assessed contributions to such organizations.

RESTRICTIONS RELATING TO THE PALESTINE LIBERATION ORGANIZATION AND THE SOUTH WEST AFRICA PEOPLE'S ORGANIZATION

Sec. 114. (a) Funds appropriated for any fiscal year for the Department of State for "International Organizations and Conferences" may not be used for payment by the United States, as its contribution toward the assessed budget of the United Nations for any year, of any amount which would cause the total amount paid by the United States as its assessed contribution for that year to exceed the amount assessed as the United States contribution for that year less—

(1) 25 percent of the amount budgeted for that year for the Committee on the Exercise for the Inalienable Rights of the Palestinian People (for any similar successor entity);

(2) 25 percent of the amount budgeted for that year for the Special Unit on Palestinian Rights (for any similar successor entity);

(3) 25 percent of the amount budgeted for that year for projects whose primary purpose is to provide benefits to the Palestine Liberation Organization or entities associated with it or to the South West Africa People's Organization;

(4) [11] 25 percent of the amount budgeted for that year for the Second Decade to Combat Racism and Racial Discrimination;

(5) [11] 25 percent of the amount budgeted for any other United Nations agency or conference whose sole or partial purpose is to implement the provisions of General Assembly Resolution 33/79; and

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[11] Subparagraphs (4), (5) and (6) were added by Sec. 144 of Public Law 99-93 [99 Stat. 405], The Foreign Relations Authorization Act, Fiscal Years 1986 and 1987.

(6)[11] 25 percent of the amount budgeted for the General Assembly-approved $73,500,000 conference center to be constructed for the Economic Commission for Africa (ECA) in the Ethiopian capital of Addis Ababa.

(b) Funds appropriated for any fiscal year for the Department of State for "International Organizations and Conferences" may not be used for payment by the United States, as its contribution toward the assessed budget of any specialized agency of the United Nations for any year, of any amount which would cause the total amount paid by the United States as its assessed contribution for that year to exceed the amount assessed as the United States contribution for that year less 25 percent of the amount budgeted by such agency for that year for projects whose primary purpose is to provide benefits to the Palestine Liberation Organization or entities associated with it or to the South West Africa People's Organization.

(c) The President shall annually review the budgets of the United Nations and its specialized agencies to determine which projects have the primary purpose of providing benefits to the Palestine Liberation Organization or to the South West Africa People's Organization. The President shall report to the Congress on any such project for which a portion of the United States assessed contribution is withheld and the amount withheld.

(d) Subsections (a)(3) and (b) shall not be construed as limiting United States contributions to the United Nations or its specialized agencies for projects whose primary purpose is to provide humanitarian, educational, developmental, and other nonpolitical benefits.

UNITED STATES PARTICIPATION IN THE UNITED NATIONS IF ISRAEL IS ILLEGALLY EXPELLED

Sec. 115. (a) The Congress finds that—

(1) the United Nations was founded on the principle of universality;

(2) the United Nations Charter stipulates that members may be suspended by the General Assembly only "upon the recommendation of the Security Council"; and

(3) any move by the General Assembly that would illegally deny Israel its credentials in the Assembly would be a direct violation of these provisions of the Charter.

(b) If Israel is illegally expelled, suspended, denied its credentials, or in any other manner denied its right to participate in the General Assembly of the United Nations or any specialized agency of the United Nations, the United States shall suspend its participation in the General Assembly or such specialized agency until the illegal action is reversed. The United States shall reduce its annual assessed contribution to the United Nations or such specialized agency by 8.34 percent for each month in which United States participation is suspended pursuant to this section.[12]

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[12] Section 142 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987, Public Law 99-93 [99 Stat. 405], substituted this last sentence in lieu of the sentence: "The United States shall withhold payment of its assessed contribution to the United Nations or a specialized agency during any period in which United States participation is suspended pursuant to this section."

REVIEW OF UNITED STATES PARTICIPATION IN THE UNITED NATIONS

Sec. 116. (a) The Congress finds that—

(1) the United Nations was founded for the primary purpose of maintaining international peace and security by encouraging peaceful resolution of disputes and the development of friendly relations among nations;

(2) the United States, as a founding member of the United Nations and the largest contributor to the United Nations, became and remains a member of the United Nations in order to contribute to collective efforts among the nations of the world to realize the ends of international peace and security;

(3) the United States is committed to upholding and strengthening the principles and purposes of the United Nations Charter upon which the United Nations was founded.

(b) It is the sense of the Congress that—

(1) a review of United States participation in the United Nations is urgently called for with a view to examining—

(A) the extent and levels of United States financial contributions to the United Nations;

(B) the importance of the United Nations, as presently constituted, to fulfilling the policies and objectives of the United States;

(C) the benefits derived by the United States from participation in the United Nations;

(2) the President should review and make recommendations to the Congress regarding the matters described in this section by June 30, 1984; and

(3) the Secretary of State should communicate to the member states of the General Assembly of the United Nations the policy contained in this section.

REPORT ON POLICIES PURSUED BY OTHER COUNTRIES IN INTERNATIONAL ORGANIZATIONS

Sec. 117. The Secretary of State shall transmit to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate, by January 31 of each year, a report regarding the policies which each member country of the United Nations pursues in international organizations of which the United States is a member. The report shall describe generally each country's foreign policies as reflected in its activities in international organizations and shall detail their respective positions on major issues of interest to the United States, including key decisions relating to the budget of international organizations.

1985 CONFERENCE—UNITED NATIONS DECADE FOR WOMEN

Sec. 118. The President shall use every available means at his disposal to ensure that the 1985 Conference to commemorate the conclusion of the United Nations Decade for Women is not dominated by political issues extraneous to the goals of the 1985 Women's Conference that would jeopardize United States participation in and support for that Conference consistent with applicable legislation concerning United States contributions to the United

Nations. Prior to the 1985 Conference, the President shall report to the Congress on the nature of the preparations, the adherence to the original goals of the Conference, and the extent of any continued United States participation and support for the Conference.

UNITED NATIONS WORLD ASSEMBLY ON AGING

Sec. 119. (a) The Congress finds that—

(1) in 1977 the Congress called for the United Nations to convene a World Assembly on Aging;

(2) the United Nations World Assembly on Aging was held in Vienna, Austria, from July 26 to August 6, 1982, and unanimously adopted the Vienna International Plan of Action on Aging on August 6, 1982, which called for the development of policies designed to enhance the individual lives of the aging and to allow the aging to enjoy their advancing years in peace, health, and security;

(3) the United Nations General Assembly on December 3, 1982, unanimously endorsed the World Assembly International Plan of Action; and

(4) the General Assembly of the United Nations, in adopting the plan, called upon governments to make continuous efforts to implement the principles and recommendations contained in the Plan of Action as adopted by the World Assembly on Aging.

(b) Therefore, it is the sense of the Congress that the President should take steps to—

(1) encourage government-wide participation in implementing the recommendations of the World Assembly and planning for the scheduled review in 1985 by the United Nations on the implementation of the Vienna International Plan of Action on Aging;

(2) encourage the exchange of information and the promotion of research on aging among the States, the Federal Government, international organizations, and other nations;

(3) encourage greater private sector involvement in responding to the concerns of the aging; and

(4) inform developing nations that the United States Government recognizes aging as an important issue, requiring close and sustained attention in national and regional development plans.

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COUNSELOR OF THE DEPARTMENT OF STATE

Sec. 125. (a)[13] * * *

(b)(1) Section 5314 of title 5, United States Code, is amended by inserting immediately after the item relating to the Under Secretaries of State the following:

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[13] Subsec. (a) amends sec. 2 of "An Act to strengthen and improve the organization and administration of the Department of State" (22 U.S.C. 2653) in order to remove the Counselor of the Department of State from equal rank with Assistant Secretaries so that the Counselor would rank equally with the Under Secretaries. The amendments in subsec. (b) to title 5, U.S.C., change the salary level of the Counselor from Executive Level IV to Executive Level III.

"Counselor of the Department of State.".

(2) Section 5315 of such title is amended by striking out "Counselor of the Department of State.".

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FOREIGN NATIONAL EMPLOYEES

Sec. 127. (a)[14] * * *

(b)[15](1) Section 5944 of title 5, United States Code, is repealed.

(2) The chapter analysis for chapter 59 of such title 5 is amended by striking out the item relating to section 5944.

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MERGER OF FOREIGN SERVICE INFORMATION CORPS WITH FOREIGN SERVICE CORPS

Sec. 130. (a)[16] * * *

(b)[16] * * *

(c) Not later than one year after the date of enactment of this section, the Secretary of State shall submit a report to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate describing the policies and procedures adopted pursuant to the amendment made by subsection (b).

DANGER PAY

Sec. 131.[17] Section 5928 of title 5, United States Code, is amended by adding at the end thereof the following: "The presence of nonessential personnel or dependents shall not preclude payment of an allowance under this section. In each instance where an allowance under this section is initiated or terminated, the Secretary of State shall inform the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate of the action taken and the circumstances justifying it.".

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FOREIGN RELATIONS PUBLICATIONS

Sec. 133. (a) The Congress expresses concern about the excessive delays currently experienced in the publication of the Department of State's vital series of historical volumes, "The Foreign Relations of the United States". It is the sense of the Congress that the current delays must be substantially reduced so that publication of this series will occur after twenty years, and no later than twenty-five years, from the date of the events themselves.

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[14] Subsec. (a) amends sec. 408(a)(1) of the Foreign Service Act of 1980 in order to clarify the Secretary of State's authority to utilize provident funds (retirement benefits) for foreign national employees of the United States Government. For text, see page 1197.

[15] 5 U.S.C. 5944 had concerned payment of burial expenses for foreign national employees of the United States Government. This provision was superceded by sec. 408 of the Foreign Service Act of 1980. For text, see page 1197.

[16] Subsecs. (a) and (b) amend secs. 102 and 502, respectively, of the Foreign Service Act of 1980. These provisions change the designation of members of the Foreign Service Information Officers to Foreign Service Officers and direct the Secretary of State to implement policies to insure that Foreign Service Officers from all agencies are able to compete for chief of missions positions on an equal basis.

[17] 5 U.S.C. 5928 concerns danger pay allowances for United States Government employees serving in certain foreign areas.

(b) The Historian of the Department of State shall prepare and submit a report within three months after the date of enactment of this Act to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives explaining the reasons for these delays and the steps which would be required to reach the goal of publication within twenty-five years.

UNITED STATES DIPLOMATIC RELATIONS WITH THE VATICAN

Sec. 134. In order to provide for the establishment of United States diplomatic relations with the Vatican, the Act entitled "An Act making Appropriations for the Consular and Diplomatic Expenses of the Government for the Year ending thirtieth June, eighteen hundred and sixty-eight, and for other purposes", approved February 28, 1867, is amended by repealing the following sentence (14 Stat. 413): "And no money hereby or otherwise appropriated shall be paid for the support of an American legation at Rome, from and after the thirtieth day of June, eighteen hundred and sixty-seven.".

USE OF HERBICIDES CONTAINING DIOXIN COMPOUNDS BY INTERNATIONAL COMMISSIONS

Sec. 135. (a) Notwithstanding any other provision of law, none of the funds made available under this Act for "International Commissions" for the fiscal year 1984 and the fiscal year 1985 shall be available for the use, by such commissions or their agents, of herbicides containing dioxin compounds.

(b) Unless the Committee on Foreign Relations and the Committee on Environment and Public Works of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Governors of the affected border States are notified forty-five days in advance of the use of a herbicide by an international commission, funds appropriated for such use shall not be available for obligation or expenditure. Such notification shall include—

(1) the name of the herbicide;

(2) an estimate of the quantity of herbicide planned for use;

(3) an identification of the area on which the herbicide will be used; and

(4) a description of the herbicide's chemical composition.

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TITLE II—UNITED STATES INFORMATION AGENCY [18]

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[18] See page 1509 for the free-standing provisions of this title.

TITLE III—BOARD FOR INTERNATIONAL BROADCASTING [19]

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TITLE IV—THE ASIA FOUNDATION [20]

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TITLE V—NATIONAL ENDOWMENT FOR DEMOCRACY [21]

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TITLE VI—FOREIGN MISSIONS [22]

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TITLE VII—INTERNATIONAL ENVIRONMENTAL PROTECTION [23]

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TITLE VIII—SOVIET-EASTERN EUROPEAN RESEARCH AND TRAINING [24]

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TITLE IX—UNITED STATES-INDIA FUND FOR CULTURAL, EDUCATIONAL, AND SCIENTIFIC COOPERATION [25]

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TITLE X—MISCELLANEOUS PROVISIONS

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TERMINATION OF ASSISTANCE PROGRAMS FOR SYRIA

Sec. 1004.[26] (a) After the enactment of this section, funds available to the Agency for International Development may not be used for any payment or reimbursement of any kind to the Government of Syria or for the delivery of any goods or services of any kind to the Government of Syria.

(b) The Administrator of the Agency for International Development shall deobligate all funds which have been obligated for Syria under the Foreign Assistance Act of 1961 prior to the enactment of this section, except that—

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[19] This title contains amendments to the Board for International Broadcasting Act of 1973 and free-standing provisions.

[20] Title IV is cited as the Asia Foundation Act.

[21] Title V is cited as the National Endowment for Democracy Act.

[22] Title VI contains amendments to the Diplomatic Relations Act and to the State Department Basic Authorities Act of 1956. Free-standing provisions in the title are cited as the Foreign Missions Amendments Act of 1983.

[23] Title VII amends the Foreign Assistance Act of 1961, the Mutual Educational and Cultural Exchange Act of 1961, and is cited as the International Environmental Protection Act of 1983.

[24] Title VIII is cited as the Soviet-Eastern European Research and Training Act of 1983.

[25] Title IX is cited as the United States-India Fund for Cultural, Educational, and Scientific Cooperation Act.

[26] 22 U.S.C. 2346a note.

(1) such funds may continue to be used to finance the training or studies outside of Syria of students whose course of study began before the enactment of this section;

(2) the Administrator may adopt as a contract of the United States Government any contract with a United States or third-country contractor which would otherwise be terminated pursuant to this subsection, and may assume in whole or in part any liabilities arising under such contract, except that the authority provided by this paragraph may be exercised only to the extent that budget authority is available to meet the obligations of the United States under such contracts; and

(3) amounts certified pursuant to section 1311 of the Supplemental Appropriation Act, 1955,[27] as having been obligated for Syria under chapter 4 of part II of the Foreign Assistance Act of 1961 shall continue to be available until expended to meet necessary expenses arising from the termination of assistance programs for Syria pursuant to this subsection.

PROHIBITION ON CERTAIN ASSISTANCE TO THE KHMER ROUGE IN KAMPUCHEA

Sec. 1005. (a) Notwithstanding any other provision of law, none of the funds authorized to be appropriated by this Act or any other Act may be obligated or expended for the purpose or with the effect of promoting, sustaining, or augmenting, directly or indirectly, the capacity of the Khmer Rouge or any of its members to conduct military or paramilitary operations in Kampuchea or elsewhere in Indochina.

(b) All funds appropriated before the date of enactment of this section which were obligated but not expended for activities having the purpose or effect described in subsection (a) shall be deobligated and shall be deposited in the Treasury of the United States as miscellaneous receipts.

(c) This section shall not be construed as limiting the provision of food, medicine, or other humanitarian assistance to the Kampuchea people.

RAOUL WALLENBERG AND JAN KAPLAN

Sec. 1006. (a) The Congress finds that—

(1) the Soviet Union arrested one of the great heroes of modern times in 1945 when they arrested Raoul Wallenberg;

(2) Raoul Wallenberg was a Swedish diplomat who, at great personal risk, had acted to save hundreds of thousands of Hungarian Jews from the Nazi Holocaust;

(3) Raoul Wallenberg took these actions as a humanitarian and with the knowledge, consent, and financial assistance of the United States Government;

(4) Raoul Wallenberg has recently been made an honorary citizen of the United States;

(5) the Soviet Union has changed their story a number of times about the whereabouts of Raoul Wallenberg;

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[27] Now codified as 31 U.S.C. 1108. For text, see page 540.

(6) the most recent position of the Soviet Union is that he died in 1947;

(7) there are many eyewitnesses who have testified that they saw Raoul Wallenberg in Russian prisons and hospitals in the decades since the 1940's;

(8) one of the most recent eyewitnesses was Jan Kaplan, a Russian refusnik who shortly after his release from a Soviet jail in 1977, phoned his daughter, Doctor Anna Bilder, in Israel and reported that he had met a Swede in prison who had survived thirty years in the Gulag;

(9) during the next two years, Anna Bilder received no further word from or about her father;

(10) in July 1977, Jan Kaplan's wife smuggled a letter to Doctor Bilder informing her that Jan Kaplan had been rearrested because of a letter he had tried to smuggle to her about Raoul Wallenberg;

(11) in 1980, the Swedish Government sent an official request to interview Jan Kaplan;

(12) the Soviets made no response to this request;

(13) the whereabouts of Jan Kaplan are not known; and

(14) Jan Kaplan could provide valuable information about Raoul Wallenberg.

(b) It is the sense of the Congress that the President, acting directly or through the Secretary of State, should take all possible steps at all appropriate times to ascertain that whereabouts of Jan Kaplan and to request an interview with him in order to learn more concerning the whereabouts of Raoul Wallenberg.

POLICY TOWARD THE EXPORT OF NUCLEAR-RELATED EQUIPMENT, MATERIALS, OR TECHNOLOGY TO INDIA, ARGENTINA, AND SOUTH AFRICA

Sec. 1007. (a) It is the sense of Congress that the United States Government should disapprove the export of, and should suspend or revoke approval for the export of, any nuclear-related equipment, material, or technology, including nuclear components and heavy water, to the Government of India, Argentina, or South Africa until such time as such government gives the Government of the United States stronger nuclear nonproliferation guarantees. Such guarantees should include—

(1) reliable assurances by such government that it is not engaged in any program leading to the development, testing, or detonation of nuclear explosive devices; and

(2) agreement by such government to accept international safeguards on all its nuclear facilities.

(b) If the President determines, in the case of India's Tarapur reactor, while it is under International Atomic Energy Agency inspection, that certain equipment or non-nuclear material or technology is necessary for humanitarian reasons to protect the health and safety of operations and is not available from a foreign supplier, the President may authorize the export of such equipment or non-nuclear material or technology.

ACID RAIN

Sec. 1008. (a) The Congress finds the following:

(1) Acid deposition, commonly known as "acid rain" is believed to have caused serious damage to the natural environment in large parts of Canada and the United States and has raised justified concerns among citizens of both countries.

(2) Acid rain is believed to have caused billions of dollars of damage annually to both natural and man-made materials. It damages crops and the forest which support 25 percent of the Canadian economy and much of our own. It threatens marine life in fresh water lakes, rivers, and streams.

(3) The principal sources of acid rain are believed to be emissions resulting from power generation, industrial production, mineral smelters, and automobile transportation which originate in both the United States and Canada and which affect the environment of the other.

(4) Section 612 of the Foreign Relations Authorization Act, Fiscal Year 1979, called upon the President to "make every effort to negotiate a cooperative agreement with the Government of Canada aimed at preserving the mutual airshed of the United States and Canada so as to protect and enhance air resources".

(5) On August 5, 1980, the Governments of Canada and the United States signed a Memorandum of Intent committing both parties "to develop a bilateral agreement which will reflect and further the development of effective domestic control programs and other measures to combat transboundary air pollution," and, as an interim action, committing both parties to "promote vigorous enforcement of existing laws and regulations" and "to develop domestic air pollution control policies and strategies, and as necessary and appropriate, seek legislative or other support to give effect to them".

(6) The Government of Canada has made a formal offer to reduce eastern emissions of sulfur dioxide by 50 percent by 1990 should the United States make a comparable commitment.

(7) Both the United States and Canada have taken steps to reduce transboundary pollutants. Present United States air emission standards are the most stringent in the world. In the past decade, the United States has reduced sulfur dioxide emissons by 15 percent. However, the failure of the United States to respond in a timely manner to concerns about transboundary air pollution would harm the historically close relations between the United States and Canada.

(8) The strategies and techniques adopted to control air pollution emissons should weigh heavily on the employment and other economic effects on employment in the United States and Canada of the acid precipitation, electricity generation, manufacture, distribution and installation of pollution control equipment, and any curtailment of emission producing industrial activity.

(b) It is therefore the sense of the Congress that the President should—

(1) respond constructively to the Canadian offer on air pollution emissions;

(2) proceed to negotiate as expeditiously as possible a bilateral agreement with Canada providing for significant reductions in transboundary air pollution while keeping economic dislocations in both countries to the minimum possible; and

(3) consider prompt initiation of a joint Government-supported program to develop new cost-effective technologies that will facilitate reduction of sulfur dioxide emissions and other copollutants;

(4) instruct the Secretary of State to report to the Congress no later than December 1, 1983, on the progress toward achieving a new transboundary air pollution agreement, including a cooperative program on new technologies.

INTERNATIONAL AGREEMENTS ON NATURAL GAS

Sec. 1009. (a) The Congress finds that—

(1) the foreign policy and economic well-being of the United States depend on mutually beneficial relationships with our trading partners throughout the world;

(2) America's present economic difficulties have been caused in part by the huge increases in the price of energy, especially imported energy, during the 1970's;

(3) at a time when prices for other forms of energy are stabilizing or falling, the burner-tip price of natural gas continues to rise throughout the United States;

(4) the high price of natural gas is a severe hardship for low-income persons, the elderly, the agricultural industry, small businesses, and other consumers without alternative fuel sources;

(5) high-priced imported natural gas is a major factor contributing to these price increases;

(6) imports of high-priced natural gas continue at prices above fair market levels, despite the increased availability of uncommitted and ample supplies of lower priced domestic gas;

(7) it is in the interest of the United States to continue to import natural gas from secure sources in whatever quantity consumers require, as long as the price is fair;

(8) the principles of free and fair international trade require that natural gas prices and terms of trade be made fair to all trading partners; and

(9) the immediacy of this problem requires the prompt and serious attention of all parties involved.

(b) It is the sense of the Congress that—

(1) the United States Government should move immediately to promote lower prices and fair market conditions for imported natural gas; and

(2) within thirty days after the date of enactment of this section, the Secretary of State, with the assistance of the Secretary of Energy, should prepare and transmit to the Congress a report on the progress made in achieving lower prices and fair market conditions for imported natural gas.

PREPUBLICATION REVIEW OF WRITINGS OF FORMER FEDERAL EMPLOYEES

Sec. 1010. The head of a department or agency of the Government may not, before April 15, 1984, enforce, issue, or implement any rule, regulation, directive, policy, decision, or order which (1) would require any officer or employee to submit, after termination of employment with the Government, his or her writings for prepublication review by an officer or employee of the Government, and (2) is different from the rules, regulations, directives, policies, decisions, or orders (relating to prepublication review of such writings) in effect on March 1, 1983.

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EXTENDED VOLUNTARY DEPARTURE STATUS FOR CERTAIN EL SALVADORANS

Sec. 1012. (a) The Congress finds that—

(1) ongoing fighting between the military forces of the Government of El Salvador and opposition forces is creating potentially life-threatening situations for innocent nationals of El Salvador;

(2) thousands of El Salvadoran nationals have fled from El Salvador and entered the United States since January 1980;

(3) currently the United States Government is detaining these nationals of El Salvador for the purpose of deporting or otherwise returning them to El Salvador, thereby irreparably harming the foreign policy image of the United States;

(4) deportation of these nationals could be temporarily suspended, until it became safe to return to El Salvador, if they are provided with extended voluntary departure status; and

(5) such extended voluntary departure status has been granted in recent history in cases of nationals who fled from Vietnam, Laos, Iran, and Nicaragua.

(b) Therefore, it is the sense of the Congress that—

(1) the Secretary of State should recommend that extended voluntary departure status be granted to aliens—

(A) who are nationals of El Salvador,

(B) who have been in the United States since before January 1, 1983,

(C) who otherwise qualify for voluntary departure (in lieu of deportation) under section 242(b) or 244(e) of the Immigration and Nationality Act (8 U.S.C. 1252(b) and 1254(e)), and

(D) who were not excludable from the United States at the time of their entry on any ground specified in section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) other than the grounds described in paragraphs (14), (15), (20), (21), and (25); and

(2) such status should be granted to those aliens until the situation in El Salvador has changed sufficiently to permit their safely residing in that country.

EXPEDITED PROCEDURES FOR CERTAIN JOINT RESOLUTIONS AND BILLS

Sec. 1013.[28] Any joint resolution or bill introduced in either House which requires the removal of United States Armed Forces engaged in hostilities outside the territory of the United States, its possessions and territories, without a declaration of war or specific statutory authorization shall be considered in accordance with the procedures of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976, except that any such resolution or bill shall be amendable. If such a joint resolution or bill should be vetoed by the President, the time for debate in consideration of the veto message on such measure shall be limited to twenty hours in the Senate and in the House shall be determined in accordance with the Rules of the House.

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[28] 50 U.S.C. 1546a.

c. Department of State Authorization Act, Fiscal Years 1982 and 1983

Partial text of Public Law 97-241 [S. 1193], 96 Stat. 273, approved August 24, 1982, as amended by Public Law 98-164 [H.R. 2915], 97 Stat. 1017 at 1030, approved November 22, 1983

AN ACT To authorize appropriations for fiscal years 1982 and 1983 for the Department of State, the International Communication Agency, and the Board for International Broadcasting, and for other purposes.

> NOTE.—Deleted sections in this Act amend other State Department and foreign relations legislation and are incorporated elsewhere in this compilation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—DEPARTMENT OF STATE

SHORT TITLE

Sec. 101. This title may be cited as the "Department of State Authorization Act, Fiscal Years 1982 and 1983".

AUTHORIZATIONS OF APPROPRIATIONS

Sec. 102. There are authorized to be appropriated for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and other purposes authorized by law, the following amounts:

(1) For "Administration of Foreign Affairs", $1,245,637,000 for the fiscal year 1982[1] and $1,248,059,000 for the fiscal year 1983.[2]

(2) For "International Organizations and Conferences", $503,462,000 for the fiscal year 1982[3] and $514,436,000 for the fiscal year 1983.[4]

(3) For "International Commissions", $19,808,000 for the fiscal year 1982[5] and $22,432,000 for the fiscal year 1983.[6]

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[1] Sec. 101(h) of Public Law 97-92 (Continuing Appropriations, 1982; 95 Stat. 1183) and H.R. 4169, as passed by the House and made part of Public Law 97-92, appropriated $1,176,381,000 for the "Administration of Foreign Affairs" during fiscal year 1982, itemized in the following manner: salaries and expenses—$890,758,000; representation allowances—$3,570,000; acquisition, operation, and maintenance of buildings abroad—$185,970,000; acquisition, operation and maintenance of buildings abroad (special foreign currency program)—$9,102,000; emergencies in the diplomatic and consular service—$4,400,000; buying power maintenance—$1,500,000; payment to the American Institute in Taiwan—$7,884,000; and payment to the Foreign Service Retirement and Disability Fund—$73,197,000.

Subsequently, the Supplemental Appropriations Act, 1982, (Public Law 97-257; 96 Stat. 819 at 822) provided the following additional amounts: salaries and expenses—$37,978,000, of which $31,228,000 shall remain available until Sept. 30, 1984; acquisition, operation, and maintenance of buildings abroad—$17,655,000, to remain available until Sept. 30, 1984; payment to the American Institute in Taiwan—$244,000; and payment to the Foreign Service Retirement and Disability Fund—$4,615,000.

[2] Sec. 101(d) of Public Law 97-377 (Further Continuing Appropriation Act, 1983; 96 Stat. 1830 at 1876) and S. 2956, as reported in the Senate on Sept. 24, 1982 and made part of Public Law 97-377, appropriated $1,310,232,000 for "Administration of Foreign Affairs" during fiscal year 1983, itemized in following manner: salaries and expenses—$995,000,000; reopening consulates—$1,000,000; representation allowances—$3,876,000; acquisition, operation, and maintenance of buildings abroad—$193,040,000; acquisition, operation, and maintenance of buildings abroad (special foreign currency program)—$8,360,000; emergencies in the diplomatic and consular service—$4,400,000; buying power maintenance—$4,500,000; payment to the American Institute in Taiwan—$8,744,000; and payment to the Foreign Service Retirement and Disability Fund—$91,312,000.

In addition to the regular fiscal year 1983 appropriation of $1,310,232,000 for the "Administration of Foreign Affairs" contained in Public Law 97-377, the Supplemental Appropriations Act, 1983 (Public Law 98-63) provided the following amounts: salaries and expenses—$7,985,000; acquisition, operation, and maintenance of buildings abroad—$22,256,000; payment to the Foreign Service Retirement and Disability Fund—$4,658,000; and salaries and expenses (increased pay costs)—$21,711,000, of which $8,111,000 was derived by transfer from contributions to the international organizations.

[3] Sec. 101(h) of Public Law 97-92 (Continuing Appropriations, 1982; 95 Stat. 1183) and H.R. 4169, as passed by the House and made part of Public Law 97-92, appropriated $466,462,000 for "International Organizations and Conferences" during fiscal year 1982 itemized in the following manner: contributions to international organizations—$398,240,000 including funds for the payment of assessed contributions to the Pan American Health Organization, and to reimburse the Pan American Health Organization for payments under the tax equalization program for employees who are U.S. citizens; contributions for international peacekeeping activities—$60,938,000; international conferences and contingencies—$7,284,000.

[4] Sec. 101(d) of Public Law 97-377 (Further Continuing Appropriations Act, 1983; 96 Stat. 1830 at 1877) and S. 2956, as reported in the Senate on Sept. 24, 1982 and made part of Public Law 97-377, appropriated $526,915,000 for "International Organizations and Conferences" during fiscal year 1983 itemized in the following manner: contributions to international organizations—$444,315,000, of which $12,506,000 shall be for payment of the full 1983 assessed contributions to the Inter-American Institute for Cooperation on Agriculture; contributions for international peacekeeping activities—$73,400,000, of which not more than $50,000,000 shall be available for contributions to a United Nations Transition Assistance Group, upon a determination by the President; and international conferences and contingencies—$9,200,000.

[5] Sec. 101(h) of Public Law 97-92 (Continuing Appropriations, 1982; 95 Stat. 1183) and H.R. 4169, as passed by the House and made part of Public Law 97-92, appropriated $20,197,000 for "International Commissions" during fiscal year 1982 itemized in the following manner: International Boundary and Water Commission, United States and Mexico, salaries and expenses—$7,927,000 and for detailed plan preparation and construction of authorized projects—$1,186,000; American sections, international commissions—$2,847,000; and international fisheries commissions—$8,237,000. Subsequently, the Supplemental Appropriations Act, 1982 (Public Law 97-257; 96 Stat. 819 at 823) provided the following additional amounts: American Sections, International Commissions—$95,000 for the International Joint Commission to remain available until Sept. 30, 1983.

[6] Sec. 101(d) of Public Law 97-377 (Further Continuing Appropriations Act, 1983; 96 Stat. 1830 at 1866) and S. 2956, as reported in the Senate on Sept. 24, 1982 and made part of Public Law 97-377, appropriated $20,198,000 for "International Commissions" during fiscal year 1983 item-

Continued

(4) For "Migration and Refugee Assistance", $504,100,000 for the fiscal year 1982[7] and $460,000,000 for the fiscal year 1983.[8]

REOPENING CERTAIN UNITED STATES CONSULATES

Sec. 103. (a) Notwithstanding any other provision of law, $400,000 of the funds available for the fiscal year 1982 for "Salaries and Expenses" of the Department of State are hereby reprogramed for, and shall be used by the Department for, the expenses of operating and maintaining the consulates specified in subsection (c) of this section.[9]

(b) None of the funds made available under this or any other Act for "Administration of Foreign Affairs" may be used for the establishment or operation of any United States consulate that did not exist on the date of enactment of this Act (other than the consulates specified in subsection (c)) until all the United States consulates specified in subsection (c) have been reopened as required by section 108 of the Department of State Authorization Act, Fiscal Years 1980 and 1981, to the extent such reopening is authorized by the foreign government involved. A report shall be made to the Committee on Foreign Relations of the Senate and the Committee

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ized in the following manner: International Boundary and Water Commission, United States and Mexico—$8,754,000; American sections, international commissions—$2,918,000; and international fisheries commissions—$8,526,000.

In addition to the regular fiscal year 1983 appropriation of $20,198,000 contained in Public Law 97-377, the Supplemental Appropriations Act, 1983 (Public Law 98-63) provided $174,000 for the International Boundary and Water Commission, United States and Mexico, for increased pay costs.

[7] Foreign Assistance and Related Programs Appropriations Act, 1982, (Public Law 97-121; 95 Stat. 1652) provided the following:

"MIGRATION AND REFUGEE ASSISTANCE

"For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross and assistance to refugees, including contributions to the Intergovernmental Committee for European Migration and the United Nations High Commissioner for Refugees; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980, allowances as authorized by sections 5921 through 5925 of title 5, United States Code; hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $503,000,000: *Provided*, That $30,000,000 of this amount shall be transferred to the Agency for International Development to be used only for resettlement services and facilities for refugees and displaced persons in Africa: *Provided further*, That $5,000,000 of this amount shall be used for assistance for persons displaced by strife in El Salvador as provided in H.R. 3566 as reported May 19, 1981: *Provided further*, That these funds shall be administered in a manner that insures equity in the treatment of all refugees receiving Federal assistance: *Provided further*, That no funds herein appropriated shall be used to assist directly in the migration to any nation in the Western Hemisphere of any person not having a security clearance based on reasonable standards to insure against Communist infiltration in the Western Hemisphere: *Provided further*, That not more than $7,426,000 of the funds appropriated under this heading shall be available for the administrative expenses of the Office of Refugee Programs of the Department of State."

[8] Appropriations for "Migration and Refugee Assistance", as well as all foreign assistance programs, during fiscal year 1983 are included in the Further Continuing Appropriations Act, 1983 (Public Law 97-377). Under the terms of this Act, appropriations for foreign aid are set at the rates and conditions provided in Public Law 97-121, Foreign Assistance Appropriations Act of 1982, except for certain programs. The exceptions to Public Law 97-121 are stated in the Further Continuing Appropriations Act, 1983, which includes the following: "$395,000,000 for 'Migration and Refugee Assistance' (without applying prior year earmarking of funds)." See footnote 7 above for text of the terms and conditions stipulated in Public Law 97-121 for migration and refugee assistance.

[9] Sec. 307 of Supplemental Appropriations Act, 1982, (Public Law 97-257; 96 Stat. 875) provided the following:

"SEC. 307. Notwithstanding any other provision of law, none of the funds made available by this or any other Act, heretofore or hereafter enacted, may be used to carry out section 103 and section 305(d)(3) of S. 1193 An Act to authorize appropriations for fiscal years 1982 and 1983 for the Department of State, the International Communication Agency and the Board for International Broadcasting, and for other purposes, unless reprogrammed in accordance with the procedures established by the Committees on Appropriations of the House and Senate."

on Foreign Affairs of the House of Representatives concerning the extent to which such foreign government authorization has been received, and the progress achieved with respect to the reopening of the specified consulates.[10]

(c) The consulates referred to in subsections (a) and (b) of this section are the consulates in the following locations: Turin, Italy; Salzburg, Austria; Goteborg, Sweden; Bremen, Germany; Nice, France; Mandalay, Burma; and Brisbane, Australia.

RESTRICTIONS RELATING TO PALESTINIAN RIGHTS UNITS AND PROJECTS PROVIDING POLITICAL BENEFITS TO THE PALESTINE LIBERATION ORGANIZATION

Sec. 104. (a) Funds appropriated under paragraph (2) of section 102 of this Act may not be used for payment by the United States, as its contribution toward the assessed budget of the United Nations for any year, of any amount which would cause the total amount paid by the United States as its assessed contribution for that year to exceed the amount assessed as the United States contribution for that year less—

(1) 25 percent of the amount budgeted for that year for the Committee on the Exercise for the Inalienable Rights of the Palestinian People (or any similar successor entity); and

(2) 25 percent of the amount budgeted for that year for the Special Unit on Palestinian Rights (or any similar successor entity); and

(3) 25 percent of the amount budgeted for that year for projects whose primary purpose is to provide political benefits to the Palestine Liberation Organization or entities associated with it.

(b) Funds appropriated under paragraph (2) of section 102 of this Act may not be used for payment by the United States, as its contribution toward the assessed budget of any specialized agency of the United Nations for any year, of any amount which would cause the total amount paid by the United States as its assessed contribution for that year to exceed the amount assessed as the United States contribution for that year less 25 percent of the amount budgeted by such agency for that year for projects whose primary purpose is to provide political benefits to the Palestine Liberation Organization or entities associated with it.

(c)[11] The President shall annually review the budgets of the United Nations and its specialized agencies to determine which projects have the primary purpose of providing political benefit to the Palestine Liberation Organization. The President shall report to the Congress on any such project for which a portion of the United States assessed contribution is withheld and the amount withheld.

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[10] The phrase ", to the extent such reopening is authorized by the foreign government involved" and the final sentence of subsec. (b) were added by sec. 137 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (Public Law 98-164; 97 Stat. 1030).

[11] Sec. 3 of Executive Order 12374 (July 28, 1982; 47 F.R. 32903), as amended by Executive Order 12408 (Feb. 23, 1983; 48 F.R. 8035) stated that the functions vested in the President under this subsec. are delegated to the Secretary of State.

(d) Subsections (a)(3) and (b) shall not be construed as limiting United States contributions to the United Nations, or its specialized agencies, for projects whose primary purpose is to provide humanitarian, educational, developmental, and other nonpolitical benefits to the Palestinian people.

PAYMENT OF ASSESSED CONTRIBUTIONS FOR CERTAIN INTERNATIONAL ORGANIZATIONS

Sec. 105. (a) Funds authorized to be appropriated for the fiscal year 1982 by paragraph (2) of section 102 of this Act shall be used for payment of the entire amount payable for the United States contribution for the calendar year 1982 to the Organization of American States, to the Pan American Health Organization, and to the Inter-American Institute for Cooperation on Agriculture.

(b) Funds authorized to be appropriated for the fiscal year 1983 by paragraph (2) of section 102 of this Act shall be used for payment of the entire amount payable for the United States contribution for the calendar year 1983 to the Organization of American States, to the Pan American Health Organization, and to the Inter-American Institute for Cooperation on Agriculture.

(c) For purposes of this section, the term "United States contribution" means the United States assessed contribution to the budget of the Organization of American States, the Pan American Health Organization, or the Inter-American Institute for Cooperation on Agriculture, as the case may be, plus amounts required to be paid by the United States or minus amounts credited to the United States (as appropriate) under that organization's tax equalization program.

INTERNATIONAL COMMITTEE OF THE RED CROSS

Sec. 106. Of the amounts authorized to be appropriated by paragraph (4) of section 102 of this Act, $1,500,000 shall be available for the fiscal year 1982 and $1,500,000 shall be available for the fiscal year 1983 only for the International Committee of the Red Cross to support the activities of the protection and assistance program for "political" detainees.

ASSISTANCE FOR REFUGEES SETTLING IN ISRAEL

Sec. 107. Of the amounts authorized to be appropriated by paragraph (4) of section 102 of this Act, $12,500,000 for the fiscal year 1982 and $16,875,000 for the fiscal year 1983 shall be available only for assistance for the resettlement in Israel of refugees from the Union of Soviet Socialist Republics, from Communist countries in Eastern Europe, and from other countries.

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

Sec. 108. (a) The Congress finds that—

(1) a free press is vital to the functioning of free governments;

(2) Article 19 of the Universal Declaration of Human Rights provides for the right to freedom of expression and to "seek,

receive, and impart information and ideas through any media and regardless of frontiers";

(3) the Constitution of the United Nations Educational, Scientific and Cultural Organization provides for the promotion of "the free flow of ideas by word and image";

(4) the signatories of the Final Act of the Conference on Security and Cooperation in Europe (Helsinki, 1975) pledged themselves "to facilitate the freer and wider dissemination of information of all kinds, to encourage co-operation in the field of information and the exchange of information with other countries, and to improve the conditions under which journalists from one participating State exercise their profession in another participating State"; and

(5) government censorship, domination, or suppression of a free press is a danger to free men and women everywhere.

(b) Therefore, it is the sense of the Congress that the United Nations Educational, Scientific and Cultural Organization should cease efforts to attempt to regulate news content and to formulate rules and regulations for the operation of the world press.

(c) The Congress opposes efforts by some countries to control access to and dissemination of news.

(d)[11] The President shall evaluate and, not later than six months after the date of enactment of this Act, shall report to the Congress his assessment of—

(1) the extent to which United States financial contributions to the United Nations Educational, Scientific and Cultural organization, and the extent to which the programs and activities of that Organization, serve the national interests of the United States;

(2) the programs and activities of the United Nations Educational, Scientific and Cultural Organization, especially its programs and activities in the communications sector; and

(3) the quality of United States participation in the United Nations Educational, Scientific and Cultural Organization, including the quality of United States diplomatic efforts with respect to that Organization, the quality of United States representation in the Secretariat of that Organization, and the quality of recruitment of United States citizens to be employed by that Organization.

Such report should include the President's recommendations regarding any improvements which should be made in the quality and substance of United States representation in the United Nations Educational, Scientific and Cultural Organization.

RESTRICTION ON CONTRIBUTIONS TO THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

Sec. 109.[12] (a) None of the funds authorized to be appropriated by paragraph (2) of section 102 of this Act or by any other Act for "International Organizations and Conferences" may be used for payment by the United States of its contribution toward the assessed budget of the United Nations Educational, Scientific and

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[12] 22 U.S.C. 287c note.

Cultural Organization if that organization implements any policy or procedure the effect of which is to license journalists or their publications, to censor or otherwise restrict the free flow of information within or among countries, or to impose mandatory codes of journalistic practice or ethics.

(b) Not later than February 1 of each year, the Secretary of State shall report to the Congress with respect to whether the United Nations Educational, Scientific and Cultural Organization has taken any action described in subsection (a) of this section.

BILATERAL SCIENCE AND TECHNOLOGY AGREEMENTS

Sec. 110. In addition to the amounts authorized to be appropriated by section 102 of this Act, there are authorized to be appropriated to the Secretary of State $3,700,000 for the fiscal year 1982 [13] and $3,700,000 for the fiscal year 1983 [14] for payment of the United States share of expenses of the science and technology agreements between the United States and Yugoslavia and between the United States and Poland.

ASIA FOUNDATION

Sec. 111. In addition to the amounts authorized to be appropriated by section 102 of this Act, there are authorized to be appropriated to the Secretary of State $4,500,000 for the fiscal year 1982 [15] and $4,500,000 for the fiscal year 1983 [16] for the Asia Foundation in furtherance of that organization's purposes as described in its charter. Amounts appropriated under this section shall be made available to the Asia Foundation by the Secretary of State in accordance with the terms and conditions of a grant agreement to be negotiated between the Secretary and the Foundation.

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PAN AMERICAN INSTITUTE OF GEOGRAPHY AND HISTORY

Sec. 113. Paragraph (1) of the first section of the joint resolution entited "Joint Resolution to provide for membership of the United States in the Pan American Institute of Geography and History; and to authorize the President to extend an invitation for the next general assembly of the institute to meet in the United States in 1935, and to provide an appropriation for expenses thereof", approved August 2, 1935 (22 U.S.C. 273), is amended by striking out ", not to exceed $200,000 annually,".

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[13] Sec. 101(h) of Public Law 97-92 (Continuing Appropriations, 1982; 95 Stat. 1183) and H.R. 4169, as passed by the House and made part of Public Law 97-92, appropriated $3,700,000 for United States bilateral science and technology agreements during fiscal year 1982.

[14] Sec. 101(d) of Public Law 97-377 (Further Continuing Appropriations Act, 1983; 96 Stat. 1830 at 1866) and S. 2956, as reported in the Senate on Sept. 24, 1982 and made part of Public Law 97-377, appropriated $1,700,000 for United States bilateral science and technology agreements with Yugoslavia and Poland during fiscal year 1983.

[15] Sec. 101(h) of Public Law 97-92 (Continuing Appropriations, 1982; 95 Stat. 1183) and H.R. 4169, as passed by the House and made part of Public Law 97-92, appropriated $3,100,000 for the Asia Foundation during fiscal year 1982.

[16] Sec. 101(d) of Public Law 97-377 (Further Continuing Appropriations Act, 1983; 96 Stat. 1830 at 1877) and S. 2956, as reported in the Senate on Sept. 24, 1982 and made part of Public Law 97-377, appropriated $4,100,000 for the Asia Foundation during fiscal year 1983.

INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW AND THE HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW

Sec. 114. Section 2 of the joint resolution entitled "Joint Resolution to provide for participation by the Government of the United States in the Hague Conference on Private International Law and the International (Rome) Institute for the Unification of Private Law, and authorizing appropriations therefor", approved December 30, 1963 (22 U.S.C. 269g–1), is amended by striking out ", except that" and all that follows through "that year".

PAN AMERICAN RAILWAY CONGRESS

Sec. 115. Section 2(a) of the joint resolution entitled "Joint Resolution providing for participation by the Government of the United States in the Pan American Railway Congress, and authorizing an appropriation therefor", approved June 28, 1948 (22 U.S.C. 280k), is amended by striking out "Not more than $15,000 annually" and inserting in lieu thereof "Such sums as may be necessary".

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PRIVATE SECTOR REPRESENTATIVES ON UNITED STATES DELEGATIONS TO INTERNATIONAL TELECOMMUNICATIONS MEETINGS AND CONFERENCES

Sec. 120. (a) Sections 203, 205, 207, and 208 of title 18, United States Code,[17] shall not apply to a private sector representative on the United States delegation to an international telecommunications meeting or conference who is specifically designated to speak on behalf of or otherwise represent the interests of the United States at such meeting or conference with respect to a particular matter, if the Secretary of State (or the Secretary's designee) certifies that no Government employee on the delegation is as well qualified to represent United States interests with respect to such matter and that such designation serves the national interest. All such representatives shall have on file with the Department of State the financial disclosure report required for special Government employees.

(b) As used in this section, the term "international telecommunications meeting or conference" means the conferences of the International Telecommunications Union, meetings of its International Consultative Committees for Radio and for Telephone and Telegraph, and such other international telecommunications meetings or conferences as the Secretary of State may designate.

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SCIENTIFIC EXCHANGE ACTIVITIES WITH THE SOVIET UNION

Sec. 126. (a) Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit to the Congress a report with respect to the individual exchange activities conducted pursuant to the 11 agreements for cooperation in specialized fields which were entered into by the United States and the Union of Soviet Socialist Republics between 1972 and 1974. This report shall include—

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[17] These are provisions of the Ethics in Government Act which restrict the movement of individuals between the Government and private sector.

(1) an assessment of the risk of the transfer to the Soviet Union of military significant technology through research, exchanges, and other activities conducted pursuant to those agreements; and

(2) a detailed description on the exchanges and other activities conducted pursuant to those agreements during fiscal year 1981 and fiscal year 1982, including—

(A) the areas of cooperation,

(B) the specific research and projects involved,

(C) the man-hours spent in short-term (less than 60 days) and long-term exchanges,

(D) the level of United States and Soviet funding in each such fiscal year, and

(E) an assessment of the equality or inequality in value of the information exchanged.

(b) The Secretary of State shall prepare the report required by subsection (a) in consultation and cooperation with the heads of the other agencies involved in the exchange and other cooperative activities conducted pursuant to the agreements described in that subsection.

(c) [18] Not later than July 1 of each year, the Secretary of State shall submit to the Congress a list of the Soviet nationals participating during the upcoming academic year in the United States-Union of Soviet Socialist Republics graduate student/young faculty exchange or in the United States-Union of Soviet Socialist Republics senior scholar exchange, their topics of study, and where they are to study. This report shall also include a determination by the Secretary of State, in consultation with the heads of the other agencies involved in these exchange programs, that these exchange programs will not jeopardize United States national security interests.

TITLE II—FOREIGN MISSIONS [19]

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TITLE III—UNITED STATES INFORMATION AGENCY [20]

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TITLE IV—BOARD FOR INTERNATIONAL BROADCASTING [21]

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[18] 22 U.S.C. 2458 note.

[19] Title II, cited as the Foreign Missions Act, amends the State Department Basic Authorities Act of 1956 by adding a new title concerning the regulation of foreign missions.

[20] See page 1514 for text of free-standing provisions contained in this title.

[21] For the most part, title IV contains amendments to the Board for International Broadcasting Act of 1973.

TITLE V—MISCELLANEOUS PROVISIONS

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REPORT ON COSTS FOR REFUGEES AND CUBAN AND HAITIAN ENTRANTS

Sec. 502. (a) Not later than 60 days after the date of enactment of this Act, the President shall prepare and transmit to the Congress a full and complete report on the total cost of Federal, State, and local efforts to assist refugees and Cuban and Haitian entrants within the United States or abroad for each of the fiscal years 1981 and 1982. Such report shall include and set forth for each such fiscal year—

(1) the costs of assistance for resettlement of refugees and Cuban and Haitian entrants within the United States or abroad;

(2) the costs of United States contributions to foreign governments, international organizations, or other agencies which are attributable to assistance for refugees and Cuban and Haitian entrants;

(3) the costs of Federal, State, and local efforts other than those described in paragraphs (1) and (2) to assist and provide services for refugees and Cuban and Haitian entrants;

(4) administrative and operating expenses of Federal, State, and local governments that are attributable to programs of assistance or services described in paragraphs (1), (2), and (3); and

(5) administrative and operating expenses incurred by the United States because of the entry of such aliens into the United States.

(b) For purposes of this section—

(1) the term "refugees" is used within the meaning of paragraph (42) of section 101(a) of the Immigration and Nationality Act; and

(2) the term "Cubans and Haitian entrants" means Cuban and Haitians paroled into the United States pursuant to section 212(d)(5) of the Immigration and Nationality Act, during 1980 who have not been given or denied refugee status under that Act.

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INTERNATIONAL CODE OF MARKETING OF BREASTMILK SUBSTITUTES

Sec. 504. The Congress expresses its strong support for the promotion by the United States of sound infant feeding practices, and continues to be concerned with the sole negative vote cast by the United States against the International Code of Marketing of Breastmilk Substitutes. The Congress urges the President, in light of congressional concern and of new indications of international support for general implementation of the Code, to review the United States position on the Code prior to the 25th World Health Assembly meeting. The Congress also urges United States infant formula manufacturers to continue to re-examine their own position regarding the Code.

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d. Department of State Authorization Act, Fiscal Years 1980 and 1981

Partial text of Public Law 96-60 [H.R. 3363], 93 Stat. 395, approved August 15, 1979, as amended by Public Law 96-110 [H.R. 4955], 93 Stat. 843, approved November 13, 1979; Public Law 96-533 [International Security and Development Cooperation Act of 1980; H.R. 6942], 94 Stat. 3131 at 3151, approved December 16, 1980; and by Public Law 97-241 [S. 1193], 96 Stat. 273 at 298, approved August 24, 1982

AN ACT To authorize appropriations for fiscal years 1980 and 1981 for the Department of State, the International Communication Agency, and the Board for International Broadcasting.

> NOTE.—Deleted sections amend other State Department and foreign relations legislation and are incorporated elsewhere in this compilation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—DEPARTMENT OF STATE

SHORT TITLE

Sec. 101. This title may be cited as the "Department of State Authorization Act, Fiscal Years 1980 and 1981".

AUTHORIZATIONS OF APPROPRIATIONS

Sec. 102. (a) There are authorized to be appropriated for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and other purposes authorized by law, the following amounts, subject to the limitation in subsection (b):

(1) For "Administration of Foreign Affairs", $849,423,000 for the fiscal year 1980 and $1,009,815,000 for the fiscal year 1981.[1]

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[1] The Department of State Appropriation Act, 1981 (Title I of H.R. 7584) was adopted by Congress on Dec. 3, 1980 but vetoed by the President on Dec. 13, 1980. Appropriations for the Department of State during fiscal year 1981 were governed by Public Law 96-536, a continuing resolution providing funds for any Federal agency which had not yet received funding through an appropriation act. Under the terms of Public Law 96-536, the Department of State was funded at levels established in H.R. 7584. H.R. 7584 appropriated $996,385,000 for Administration of Foreign Affairs itemized in the following manner: salaries and expenses—$813,000,000; representation allowances—$3,125,000; acquisition, operation, and maintenance of buildings abroad—$118,432,000; acquisition, operation, and maintenance of buildings abroad (special foreign currency program—$8,200,000; emergencies in the Diplomatic and Consular Service—$5,000,000; payment to the American Institute in Taiwan—$6,282,000; payment to the Foreign Service Retirement and Disability Fund—$42,346,000.

(2) For "International Organizations and Conferences", $502,945,000 for the fiscal year 1980 and $525,082,000 for the fiscal year 1981.[2]

(3) For "International Commissions", $26,733,000 for the fiscal year 1980 and $26,081,000 for the fiscal year 1981.[3]

(4) For "Migration and Refugee Assistance", $104,910,000 for the fiscal year 1979 (in addition to amounts otherwise authorized), $456,241,000 for the fiscal year 1980, and $517,209,000 for the fiscal year 1981.[4]

(b) The aggregate amount appropriated under paragraphs (1), (2), and (3) of subsection (a) may not exceed $1,369,401,000 for the fiscal year 1980 and may not exceed $1,547,778,000 for the fiscal year 1981.

(c) Funds appropriated under paragraph (2) of subsection (a) may not be used for payment by the United States, as its contribution toward the assessed budget of the United Nations for any year, of any amount which would cause the total amount paid by the United States as its assessed contribution for that year to exceed the amount assessed as the United States contribution for that year less—

(1) 25 percent of the amount budgeted for that year for the Committee on the Exercise of the Inalienable Rights of the Palestinian People (or any similar successor entity), and

(2) 25 percent of the amount budgeted for that year for the Special Unit on Palestinian Rights (or any similar successor entity).

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[2] The Department of State Appropriation Act, 1981 (Title I of H.R. 7584) was adopted by Congress on Dec. 3, 1980 but vetoed by the President on Dec. 13, 1980. Appropriations for the Department of State during fiscal year 1981 were governed by Public Law 96-536, a continuing resolution providing funds for any Federal agency which had not yet received funding through an appropriation act. Under the terms of Public Law 96-536, the Department of State was funded at levels established in H.R. 7584. H.R. 7584 appropriated $538,110,000 for International Organizations and Conferences itemized in the following manner: contributions to international organizations—$481,110,000; contributions for international peacekeeping activities—$50,000,000; international conferences and contingencies—$7,000,000.

[3] The Department of State Appropriation Act, 1981 (Title I of H.R. 7584) was adopted by Congress on Dec. 3, 1980, but vetoed by the President on Dec. 13, 1980. Appropriations for the Department of State during fiscal year 1981 were governed by Public Law 96-536, a continuing resolution providing funds for any Federal agency which had not yet received funding through an appropriation act. Under the terms of Public Law 96-536, the Department of State was funded at levels established in H.R. 7584. H.R. 7584 appropriated $24,713,000 for International Commissions itemized in the following manner: International Boundary and Water Commission, United States and Mexico—$13,675,000; American sections, international commissions—$3,000,000; international fisheries commissions—$8,038,000.

[4] Sec. 1 of the Cambodian Disaster Assistance Authorization Act (Public Law 96-110; 93 Stat. 843) substituted authorization figures of $456,241,000 and $457,798,000 in lieu of the original fiscal years 1980 and 1981 authorizations of $248,951,000 and $254,188,000, respectively. The fiscal year 1981 authorization was further increased to $517,209,000 by sec. 406 of the International Security and Development Cooperation Act of 1980 (Public Law 96-533; 94 Stat. 3151).

A foreign assistance appropriation bill was not enacted for fiscal years 1980 or 1981. Since Oct. 1, 1979, programs funded under this appropriation measure operated pursuant to a series of continuing resolutions. The final continuing resolution (H.J. Res. 644; Public Law 96-536) provided (with several exceptions) such amounts as may be necessary for continuing projects or activities "which were conducted in fiscal year 1980 and would be provided for in H.R. 7854, the Foreign Assistance and Related Programs Appropriation Act, 1981, as reported July 29, 1980, at a rate of operations not in excess of the rate which would have been provided under the terms of the conference report (House Report 96-787), and in accordance with associated agreements stated in the Joint Explanatory Statements of the Committee of Conference, accompanying H.R. 4473 * * *" (this conference report was never approved by Congress).

Pursuant to Public Law 96-536, the fiscal year 1981 appropriation for Migration and Refugee Assistance is $456,241,000.

ASSISTANCE FOR REFUGEES SETTLING IN ISRAEL

Sec. 103. Of the amounts authorized to be appropriated by section 102(a)(4) of this Act for the fiscal year 1980 and for the fiscal year 1981, $25,000,000 for each such fiscal year shall be available only for assistance for the resettlement in Israel of refugees from the Union of Soviet Socialist Republics and from Communist countries in Eastern Europe.

UNITED STATES-YUGOSLAVIA BILATERAL SCIENCE AND TECHNOLOGY AGREEMENT

Sec. 104. In addition to the amounts authorized to be appropriated by section 102(a) of this Act, there are authorized to be appropriated to the Secretary of State $1,400,000 for the fiscal year 1980 and $1,400,000 for the fiscal year 1981[5] for payment of the United States share of expenses of a five-year bilateral science and technology agreement between the United States and Yugoslavia, following entry into force of such agreement.

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EFFECTIVE DATE FOR CERTAIN PROMOTIONS OF FOREIGN SERVICE OFFICERS

Sec. 106. The promotion for each of 64 Foreign Service officers of classes 8 and 7 to the next higher class, as the case may be, for which the Senate gave its advice and consent on March 21, 1979, and which was attested to on March 22, 1979, shall be considered for all purposes to take effect on December 17, 1978. Any payments made in implementation of this section shall be from funds previously authorized and appropriated for the fiscal year 1979.

IMPROVEMENT IN FOREIGN NATIONAL PAY PLANS[6]

Sec. 107. (a) It is the sense of the Congress that the Secretary of State should—

(1) improve coordination between the Department of State and the Department of Defense and other departments and agencies of the United States operating outside the United States with respect to foreign national pay systems and wage schedules to the extent that—

(A) joint wage surveys and compatible pay schedules are adopted in countries where two or more departments or agencies of the United States directly employ foreign nationals, and

(B) Department of Defense wage rates are included in wage surveys of the Department of State where the Department of Defense operates under indirect-hire arrangements;

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[5] The Department of State Appropriation Act, 1981 (Title I of H.R. 7584) was adopted by Congress on Dec. 3, 1980 but vetoed by the President on Dec. 3, 1980. Appropriations for the Department of State during fiscal year 1981 were governed by Public Law 96–536, a continuing resolution providing funds for any Federal agency which had not yet received funding through an appropriation act. Under the terms of Public Law 96–536, the Department of State was funded at levels established in H.R. 7584. H.R. 7584 appropriated $1,400,000 for United States-Yugoslavia Bilateral Science and Technology Agreement.

[6] 22 U.S.C. 899 note.

(2) monitor the establishment of wage rates outside the United States more closely to insure that United States missions—

(A) operate under salary schedules that reflect private sector average pay or average pay ranges,

(B) include the cost of severance in making pay adjustments, and

(C) survey jobs in the private sector which represent as closely as possible the work force of the mission; and

(3) substitute, whenever possible, prevailing local retirement plans for civil service retirement with respect to the retirement of foreign nationals employed by the United States.

(b) * * *

UNITED STATES CONSULATES

Sec. 108. (a) The following United States consulates shall not be closed or, if closed on the date of enactment of this Act, shall be reopened as soon as possible after such date: Salzburg, Austria; Bremen, Germany; Nice, France; Turin, Italy; Goteborg, Sweden; Adana, Turkey; Tangier, Morocco; Mandalay, Burma; Brisbane, Australia; and Surabaya, Indonesia.

(b) Personnel assigned to the consulates described in subsection (a) shall not be counted toward any personnel ceiling for the Department of State established by the Director of the Office of Management and Budget.

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UNITED NATIONS TECHNICAL ASSISTANCE PROGRAMS

Sec. 110. Title I of the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1979 (Public Law 95-431; 92 Stat. 1021), is amended in the paragraph under the heading "CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS" by striking out ", of which no part may be made available for the furnishing of technical assistance by the United Nations or any of its specialized agencies".[7]

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[7] Such paragraph in Public Law 95-431 appropriated $327,676,000 for contributions to international organizations but prohibited the use of these funds for technical assistance by the United Nations or any of its specialized agencies. This amendment lifts this prohibition.

TITLE II—INTERNATIONAL COMMUNICATION AGENCY [8]

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TITLE III—BOARD FOR INTERNATIONAL BROADCASTING [8]

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TITLE IV—MISCELLANEOUS PROVISIONS

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CHANGE IN STATUTORY REFERENCE

Sec. 402. Any reference in any provision of law to the Committee on International Relations of the House of Representatives shall be deemed to be a reference to the Committee on Foreign Affairs of the House of Representatives.

EGYPTIAN-ISRAELI CULTURAL, SCIENTIFIC, AND ECONOMIC RELATIONS

Sec. 403. It is the sense of the Congress that it should be the policy of the United States to promote and encourage cultural, scientific, and economic relations between the Arab Republic of Egypt and the State of Israel.

MORATORIUM ON THE COMMERCIAL KILLING OF WHALES

Sec. 405. (a) The Congress finds and declares that—

(1) whales are a unique marine resource of great esthetic and scientific interest to mankind and are a vital part of the marine ecosystem;

(2) the protection and conservation of whales are of particular interest to citizens of the United States;

(3) in 1971 the Congress adopted resolutions requesting the Secretary of State to negotiate a ten-year moratorium on the commercial killing of whales;

(4) the United States, which effectively banned all commercial whaling by United States nationals in December 1971, has sought an international moratorium on the commercial killing of whales since 1972;

(5) the United Nations Conference on the Human Environment adopted a resolution in 1972 calling for a ten-year moratorium on commercial whaling;

(6) the United Nations Governing Council for Environment Programs in 1973 and 1974 confirmed such call for a ten-year moratorium, and the Council continues to support ongoing efforts relating to the whale conservation;

(7) the International Convention for the Regulation of Whaling, signed in 1946, as implemented by the International Whaling Commission, is not providing adequate protection to whales;

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[8] Titles II and III concern material found in section F of this volume, "Information and Educational and Cultural Exchange Programs."

(8) the data-gathering structure established under the International Whaling Commission has not provided all the available data necessary for sound whale conservation;

(9) there is strong evidence that the members of the International Whaling Commission continue to import, in some instances in increasing amounts, whale products from countries not members of the Commission; and

(10) defects in the implementation of the International Convention for the Regulation of Whaling by the International Whaling Commission allow harvests of the declining whale species.

(b) The Congress urges—

(1) the International Whaling Commission to agree to a moratorium on the commercial killing of whales; and

(2) Brazil, Denmark, Iceland, Japan, Norway, the Soviet Union, and the Republic of Korea, as parties to the International Convention for the Regulation of Whaling and which still engage in commercial whaling, and Chile, the People's Republic of China, Peru, Portugal, the Democratic Republic of Korea, Spain, and Taiwan, as countries which are not parties to the Convention and which still engage in commercial whaling, to recognize and comply voluntarily with a moratorium on the commercial killing of whales, as endorsed by the United Nations Conference on the Human Environment and the United Nations Governing Council for Environment Programs.

PRIVATE SECTOR REPRESENTATIVES ON THE UNITED STATES DELEGATION TO THE WORLD ADMINISTRATIVE RADIO CONFERENCE

Sec. 406. The provisions of sections 203, 205, 207, and 208 of title 18, United States Code, shall not apply to a private sector representative on the United States Delegation to the World Administrative Radio Conference to be convened in Geneva on September 24, 1979, who is specifically designated to speak on behalf of or otherwise represent the interest of the United States at such Conference with respect to a particular matter, if the Secretary of State or his designee certifies that no Government employee on the delegation is as well qualified to represent United States interests with respect to such matter and that such designation serves the national interest. All of such representatives shall have on file with the Department of State the financial disclosure report required for special Government employees.

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SANCTIONS AGAINST ZIMBABWE-RHODESIA

Sec. 408.[9] * * * [Repealed—1982]

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[9] Sec. 505(a)(1) of Public Law 97-241 (96 Stat. 298) repealed sec. 408. It formerly read as follows:

"Sec. 408. (a) The Congress finds that—

"(1) it is in the interest of the United States to encourage the development of a multiracial democracy in Zimbabwe-Rhodesia based on both majority rule and minority rights;

"(2) the elections held in April 1979, in which Zimbabwe-Rhodesians approved through elections the transfer of power to a black majority government, constituted a significant step toward multiracial democracy in Zimbabwe-Rhodesia;

"(3) the Government of Zimbabwe-Rhodesia has expressed its willingness to negotiate in good faith at an all-parties conference, held under international auspices, on all relevant issues;

"(4) it is in the foreign policy interest of the United States to further continuing progress toward genuine majority rule in Zimbabwe-Rhodesia and to encourage a peaceful resolution of the conflict; and

"(5) the Government of Great Britain, which retains responsibility for Zimbabwe-Rhodesia under international law, has not yet taken steps to recognize the legality of the new government.

"(b) In view of these considerations, the President shall—

"(1) continue United States efforts to promote a speedy end to the Rhodesian conflict; and

"(2) terminate sanctions against Zimbabwe-Rhodesia by November 15, 1979, unless the President determines it would not be in our national interest to do so and so reports to the Congress. If the President so reports to the Congress, then sanctions shall be terminated if the Congress, within 30 calendar days after receiving the report under paragraph (2), adopts a concurrent resolution stating in substance that it rejects the determination of the President. A concurrent resolution under the preceding sentence shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976 and in the House of Representatives in accordance with the procedures applicable to the consideration of resolutions of disapproval under section 36(b) of the Arms Export Control Act."

See also sec. J, vol. II for additional legislative activity concerning the Zimbabwe-Rhodesia issue. Pursuant to the authority contained in subsec. (b) of this section, the President issued Determination No. 80-6 on November 14, 1979, in which he found it to be in the national interest of the United States to continue sanctions against Zimbabwe-Rhodesia.

e. Foreign Relations Authorization Act, Fiscal Year 1979

Partial text of Public Law 95-426 [H.R. 12598], 92 Stat. 963, approved October 7, 1978, as amended by Public Law 95-482 [H.J. Res 1139], 92 Stat. 1603 at 1605, approved October 18, 1978; Public Law 96-60 [H.R. 3363], 93 Stat. 395 at 405, approved August 15, 1979; Public Law 96-465 [Foreign Service Act of 1980; H.R. 6790], 94 Stat. 2071 at 2160, approved October 17, 1980; Public Law 97-241 [S. 1193], 96 Stat. 273 at 299, approved August 24, 1982; and by Public Law 98-164 [H.R. 2915], 97 Stat. 1017 at 1061, approved November 22, 1983

AN ACT To authorize appropriations for fiscal year 1979 for the Department of State, the International Communication Agency, and the Board for International Broadcasting, to make changes in the laws relating to those agencies, to make changes in the Foreign Service personnel system, to establish policies and responsibilities with respect to science, technology, and American diplomacy, and for other purposes.

NOTE.—Deleted sections amend other State Department or foreign relations legislation and are incorporated elsewhere in this compilation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Foreign Relations Authorization Act, Fiscal Year 1979".

TITLE I—DEPARTMENT OF STATE

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1979

Sec. 101. (a) There are authorized to be appropriated for the Department of State for the fiscal year 1979 to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States, including trade negotiations, and other purposes authorized by law, the following amounts:

(1) For "Administration of Foreign Affairs", $849,118,000.

(2) For "International Organizations and Conferences", $412,826,000.

(3) For "International Commissions", $20,773,000.

(4) For "Migration and Refugee Assistance", $116,536,000.

(5) For increases in salary, pay, retirement, and other employee benefits authorized by law, and for other nondiscretionary costs, such amounts as may be necessary.

(b) Amounts appropriated under this section are authorized to remain available until expended.

(c) Funds authorized to be appropriated for the fiscal year 1979 by paragraphs (1) through (4) of subsection (a) may be appropriated for the fiscal year 1979 for a purpose for which appropriations are authorized by any other of those paragraphs, except that the total amount appropriated for a purpose described in any of those paragraphs may not exceed by more than 10 percent the amount specifically authorized for that purpose by subsection (a).

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UNITED NATIONS CONFERENCE ON SCIENCE AND TECHNOLOGY FOR DEVELOPMENT

Sec. 103. (a) The Congress find that—

(1) science and technology are keys to eradicating hunger and poverty in developing countries;

(2) the ability of the developing countries to achieve self-sustaining growth has been hindered by the lack of an indigenous scientific and technological base;

(3) this scientific and technological base is vital to the emergence of developing countries as full and equal partners in the international system;

(4) expanded cooperation with respect to science and technology and can significantly contribute to an improved North-South relationship; and

(5) the United Nations Conference on Science and Technology for Development offers a valuable forum for the analysis of problems of development that might be alleviated or solved with the aid of scientific and technical expertise.

(b) It is therefore the sense of the Congress that the United States should strongly support the purpose of the United Nations Conference on Science and Technology for Development and that the United States delegation to this conference should actively develop and offer proposals which would facilitate an expansion of mutually beneficial cooperation among developed and developing countries with respect to science and technology, including joint education and research and development programs.

(c) In addition to amounts otherwise available for such purpose, $945,000 of the amount authorized to be appropriated by section 101(a)(1) of this Act shall be available only for expenses incurred by the Department of State in connection with the United Nations Conference on Science and Technology for Development, including expenses for preparatory conferences and seminars held in the United States.

MEMORIAL STATUE OF GENERAL MARSHALL

Sec. 104. (a) The Secretary of State is authorized to acquire on behalf of the United States a memorial statue or bust of General George C. Marshall (hereafter in this section referred to as the "memorial") to be placed in an appropriate location within the Department of State.

(b)(1) To assist the Secretary of State in carrying out the provisions of subsection (a), there is established a Commission to be composed of seven members as follows:

(A) The Secretary, who shall be the chairman of the Commission.

(B) Two members appointed by the Secretary.

(C) Two members appointed by the chairman of the Committee on Foreign Relations of the Senate.

(D) Two members appointed by the chairman of the Committee on International Relations of the House of Representatives.

Members of the Commission shall serve without compensation.

(2) The Commission shall operate under the direction of the Secretary of State and, subject to final approval by the Secretary, shall select the sculptor for the memorial and select its size, style, design, and material.

(3) The Commission shall cease to exist upon completion of its functions under this section, as determined by the Secretary.

(c)(1) Of the funds authorized to be appropriated by section 101(a)(1) of this Act, not more than $10,000 may be used for payment of costs incurred in carrying out subsection (a) of this section.

(2) All other costs incurred in carrying out subsection (a) shall be paid by the Secretary of State with funds contributed to the United States for such purpose.

(d) The Secretary of State shall be responsible for maintenance and care of the memorial.

FOREIGN MISSION SOLAR ENERGY DEMONSTRATION

Sec. 105.[1] (a) It is the purpose of this section to provide for the demonstration of solar energy and other renewable energy technologies in foreign countries through the use of such energy in buildings acquired under subsection (a) of the first section of the Foreign Service Buildings Act, 1926 (22 U.S.C. 292(a)),[2] in order that—

(1) countries in which such buildings are located may be given visible incentives to develop and use local solar energy or other renewable energy resources to reduce dependence upon petroleum and petroleum products;

(2) markets may be developed for American solar energy systems and components in order to stimulate investment in such systems and components and to reduce the costs of such systems and components to reasonable levels;

(3) in furtherance of the purpose of section 119 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151q),[3] cooperation may be developed between the United States and other countries in an effort to develop solar energy or other renewable energy systems within a short period of time; and

(4) equipment which is vital to the operation of sensitive systems within United States missions abroad may be made more reliable and less dependent upon interruptible local energy supplies.

(b)(1) The Secretary of State shall implement projects for the application of solar energy or other forms of renewable energy in buildings acquired under subsection (a) of the first section of the Foreign Service Buildings Act, 1926.

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[1] 22 U.S.C. 292a.

[2] For text, see sec. E.4 of this volume.

[3] Sec. 119 was repealed in 1980.

(2) The Secretary of State shall select projects under paragraph (1) in consultation with the Secretary of Energy. Such projects shall apply available solar energy and other renewable energy technologies, including those for—

(A) the heating and cooling of buildings;
(B) solar thermal electric systems;
(C) solar photovoltaic conversion systems;
(D) wind energy systems; and
(E) systems for developing fuels from biomass.

The Secretary of Energy shall inform the Secretary of State of all such technologies which are feasible for such projects, taking into account the resources and environmental conditions of the countries in which such projects are to be implemented. Upon the request of the Secretary of State, the Secretary of Energy shall provide to the Secretary of State any technical information or other technical assistance which the Secretary of State considers necessary with respect to any such project. Any project selected under this section should be similar to projects which have been demonstrated by the Department of Energy (or any of its predecessor agencies) to be reliable, maintainable, and technically feasible.

(3) Any project selected under this section shall be adaptable to the local resources, climatic conditions, and economic circumstances of the country in which such project is implemented in order that such country will be more likely to implement similar projects.

(4) The Secretary of State shall insure that any project selected under this section is demonstrated to, and available for inspection by, officials and other citizens of the country in which such project is implemented.

(5) In selecting projects under this section, the Secretary of State shall give the priority to projects to be implemented in developing countries.

(c) Whenever any building is constructed under the authority contained in the first section of the Foreign Service Buildings Act, 1926, the Secretary of State shall insure that the planning for such construction takes into account those renewable energy systems which are available in the country in which the building is to be constructed.

(d) In addition to amounts otherwise available for such purposes, $4,000,000 of the amount authorized to be appropriated by section 101(a)(1) of this Act shall be available only to carry out the purposes of this section.

ASSISTANCE FOR REFUGEES SETTLING IN ISRAEL

Sec. 106. Of the amount authorized to be appropriated by section 101(a)(4) of this Act, $25,000,000 shall be available only for assistance for the resettlement in Israel of refugees from the Union of Soviet Socialist Republics and from Communist countries in Eastern Europe.

ASSISTANCE FOR REFUGEES IN AFRICA

Sec. 107. In addition to amounts otherwise available for such purpose, $5,000,000 of the amount authorized to be appropriated by section 101(a)(4) of this Act shall be available only for assistance for refugees in Africa.

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UNDER SECRETARY OF STATE FOR MANAGEMENT

Sec. 114. (a) * * *

(b)(1) Paragraph (9) of section 5314 of title 5, United States Code, is amended by inserting "and Under Secretary of State for Management" immediately after "Programs".

(2) Paragraph (10) of section 5315 of such title is repealed.

(c) The amendments made by this section shall take effect on October 1, 1978.

ASSISTANT SECRETARY OF STATE FOR INTERNATIONAL NARCOTICS MATTERS

Sec. 115.[4] (a) There is established in the Department of State, in addition to the positions provided under the first section of the Act of May 26, 1949 (22 U.S.C. 2652), an Assistant Secretary of State for International Narcotics Matters, who shall be appointed by the President, by and with the advice and consent of the Senate. The Assistant Secretary shall be responsible for the overall coordination of the role of the Department of State in the international aspects of narcotics problems.

(b)(1) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(122) Assistant Secretary for International Narcotics Matters, Department of State.".

(2) The amendment made by paragraph (1) of this subsection shall take effect on October 1, 1978.

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PUBLICATION OF HISTORICAL DOCUMENTS BY THE DEPARTMENT OF STATE

Sec. 120.[5] (a) The Congress finds that the Department of State publication "Foreign Relations of the United States" plays an important role in making the documentary record of United States foreign relations available to the Congress and the American public.

(b) The Secretary of State shall therefore insure that publication of the "Foreign Relations of the United States" volumes is continued in such a manner as will maintain the high standard of comprehensive documentation already established by past volumes.

ASSISTANCE TO BEREAVED UNITED STATES FAMILIES

Sec. 121.[6] The Congress finds that the Department of State should, in the performance of its consular duties, render all reason-

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[4] 22 U.S.C. 2652a.

[5] 44 U.S.C. 1314 note.

[6] 22 U.S.C. 1175 note. Sec. 505(a) of Public Law 97-241 (96 Stat. 299) repealed subsec. (b) of this section which had required a report from the Secretary of State describing alternative proce-

Continued

able administrative assistance to a United States citizen who is making necessary arrangements following the death of another United States citizen abroad.

SYSTEMATIC INFORMATION-SHARING

Sec. 122.[7] The Congress finds that—

(1) international political, economic, and other studies prepared systematically by analysts of the Department of State as needed background information for executive branch policymakers could be similarly valuable to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate in fulfilling their responsibilities; and

(2) a formal information-sharing arrangement between the Department of State and such congressional committees could therefore serve the national interest, provided that controls on dissemination are established which insure that neither the process of analysis nor necessary confidentiality is jeopardized.

ASSISTING MINORITY ENTERPRISE

Sec. 123. (a) The Congress finds that the Inter-Agency Council for Minority Enterprise has been created to assist minority owned and operated businesses in establishing broader markets, including markets with respect to procurement by the United States Government.

(b) It is the sense of the Congress that the Secretary of State, in cooperation with such Council, should—

(1) broaden minority business participation in the provision of goods and services for the Department of State; and

(2) establish and expand export markets for minority businesses.

LIMITATION ON GEOGRAPHICAL TRAVEL RESTRICTIONS IN UNITED STATES PASSPORTS

Sec. 124. For the purpose of achieving greater United States compliance with the provisions of the Final Act of the Conference on Security and Cooperation in Europe (signed at Helsinki on August 1, 1975) and for the purpose of encouraging other countries which are signatories to the Final Act to comply with those provisions, the first section of the Act entitled "An Act to regulate the issue and validity of passports, and for other purposes", approved July 3, 1926 (22 U.S.C. 211a),[8] is amended by adding at the end thereof the following: "Unless authorized by law, a passport may not be designated as restricted for travel to or for use in any country other than a country with which the United States is at war, where

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dures by which the Department of State could provide loans or other forms of assistance to a U.S. citizen to facilitate arrangements following the death of another U.S. citizen abroad. The Secretary submitted this report on Jan. 19, 1979.

[7] 22 U.S.C. 2280 note. Sec. 505(a) of Public Law 97-241 (96 Stat. 299) repealed subsec. (b) of this section which had required a report from the Secretary of State containing recommendations for the establishment of an information-sharing arrangement between the State Department and congressional committees. The Secretary submitted this report on Jan. 19, 1979.

[8] For text, see sec. E.2 of this volume.

armed hostilities are in progress, or where there is imminent danger to the public health or the physical safety of United States travellers.".

DIPLOMATIC AND OFFICIAL PASSPORTS

Sec. 125.[9] It is the sense of the Congress that a diplomatic or official United States passport should be issued only to, and used only by, a person who holds a diplomatic or other official position in the United States Government or who is otherwise eligible for such a passport under conditions specifically authorized by law.

TRAVEL RESTRICTIONS ON FOREIGN CITIZENS

Sec. 126.[10] (a) For the purpose of implementing general principles of the Final Act of the Conference on Security and Cooperation in Europe (signed at Helsinki on August 1, 1975) emphasizing the lowering of international barriers to the free movement of people and ideas and in accordance with provisions of the Vienna Convention on Diplomatic Relations establishing the legal principles of nondiscrimination and reciprocity, it shall be the general policy of the United States to impose restrictions on travel within the United States by citizens of another country only when the government of that country imposes restrictions on travel by the United States citizens within that country.

(b) The Secretary of State shall—

(1) insure that this policy is clearly conveyed to any foreign government imposing travel restrictions on United States citizens; and

(2) seek to elimination, on a mutual and reciprocal basis, of travel restrictions imposed by such government and by the Government of the United States on each other's citizens.

(c)[11] * * * [Repealed—1983]

(d) Subsection (a) may not be construed as limiting any restrictions on travel within the United States which are imposed by the United States Government, on a reciprocal basis, with respect to the officials of particular foreign governments.

TITLE II—INTERNATIONAL COMMUNICATION AGENCY

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TITLE IV—FOREIGN SERVICE AND OTHER PERSONNEL

EMPLOYMENT OF FAMILY MEMBERS OVERSEAS

Sec. 401.[12] * * * [Repealed—1981]

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[9] 22 U.S.C. 211a note.

[10] 22 U.S.C. 2691 note.

[11] Sec. 1011(a)(1) of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (Public Law 98-164; 97 Stat. 1061) repealed subsec. (c) which had required a report to Congress by the Secretary of State annually for 1979-1981 concerning domestic travel restrictions imposed by the U.S. Government, on a reciprocal basis, with respect to similar restrictions imposed by foreign governments on United States citizens.

[12] Sec. 401 was repealed by sec. 2205(2) of the Foreign Service Act of 1980 (Public Law 96-465; 94 Stat. 2160).

ORIENTATION AND LANGUAGE TRAINING FOR FAMILY MEMBERS

Sec. 405. (a)[13] * * *
(b)[13] * * * [Repealed—1983]

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Sec. 406.[14] * * * [Repealed—1978]

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COMPENSATORY TIME OFF AT CERTAIN POSTS IN FOREIGN AREAS

Sec. 411. (a) Subchapter III of chapter 59 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 5926. Compensatory time off at certain posts in foreign areas

"(a) Under regulations prescribed pursuant to this subchapter, and notwithstanding subchapter V of chapter 55 of this title or any other law, the head of an agency may, on request of an employee serving in a foreign area—

"(1) at an isolated post performing functions required to be maintained on a substantially continuous basis, grant the employee compensatory time off for an equal amount of time spent in regularly scheduled overtime work; or

"(2) at a post in a locality that customarily observes irregular hours of work or where other special conditions are present, in order to cope with those special circumstances, grant the employee compensatory time off for an equal amount of time spent in regularly scheduled overtime work for use during the pay period in which it is earned.

Credit for compensatory time off earned under paragraph (2) shall not form the basis for any additional compensation.

"(b) Compensatory time earned under this section shall be for use only while the employee is assigned to the post where it is earned. Any such compensatory time not used at the time the employee is reassigned to another post shall be forfeited.".

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[13] Sec. 405(a) amended the Foreign Service Act of 1946 by adding a new sec. 708. (Foreign Service Act of 1946 replaced by the Foreign Service Act of 1980.) Sec. 1101(a)(2) of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (Public Law 98-164; 97 Stat. 1061) repealed sec. 405(b) which had required a report to Congress from the Secretary of State regarding orientation and language training programs for family members of U.S. Government employees.

[14] Sec. 406 was repealed by sec. 109 of Public Law 95-482 (Continuing Appropriations, fiscal year 1979; 92 Stat. 1604). It had read as follows:

"SPECIAL COMPUTATION OF ANNUITIES

"Sec. 406." Notwithstanding the first sentence of section 821(a) of the Foreign Service Act of 1946 (22 U.S.C. 1076(a)), the annuity of any participant in the Foreign Service Retirement and Disability System whose salary was or is limited by the provisions of section 5308 of title 5, United States Code, and who retires during the period beginning October 1, 1978, and ending December 31, 1979, shall be equal to 2 per centum of his or her basic salary for the highest year of service for which contributions have been made to the Foreign Service Retirement and Disability Fund multiplied by the number of years, not exceeding thirty-five, of service credit obtained in accordance with the provisions of sections 851 and 853 of the Foreign Service Act of 1946 (22 U.S.C. 1091 and 1093)."

(b) The section analysis for such chapter is amended by inserting the following new item immediately after the item relating to section 5925:

"5926. Compensatory time off at certain posts in foreign areas.".

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REVIEW OF FOREIGN SERVICE PERSONNEL REQUIREMENTS AND COMPENSATION

Sec. 413.[15] * * * [Repealed—1981]

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TITLE V—SCIENCE, TECHNOLOGY, AND AMERICAN DIPLOMACY [16]

FINDINGS

Sec. 501. The Congress finds that—

(1) the consequences of modern scientific and technological advances are of such major significance in United States foreign policy that understanding and appropriate knowledge of modern science and technology by officers and employees of the United States Government are essential in the conduct of modern diplomacy;

(2) many problems and opportunities for development in modern diplomacy lie in scientific and technological fields;

(3) in the formulation, implementation, and evaluation of the technological aspects of United States foreign policy, the United States Government should seek out and consult with both public and private industrial, academic, and research institutions concerned with modern technology; and

(4) the effective use of science and technology in international relations for the mutual benefit of all countries requires the development and use of the skills and methods of long-range planning.

DECLARATION OF POLICY

Sec. 502. In order to maximize the benefits and to minimize the adverse consequences of science and technology in the conduct of foreign policy, the Congress declares the following to be the policy of the United States:

(1) Technological opportunities, impacts, changes, and threats should be anticipated and assessed, and appropriate measures should be implemented to influence such technological developments in ways beneficial to the United States and other countries.

(2) The mutually beneficial applications of technology in bilateral and multilateral agreements and activities involving the United States and foreign countries or international orga-

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[15] Sec. 413 was repealed by sec. 2205(2) of the Foreign Service Act of 1980 (Public Law 96–465; 94 Stat. 2160).

[16] 22 U.S.C. 2656a–2656d.

nizations should be recognized and supported as an important element of United States foreign policy.

(3) The United States Government should implement appropriate measures to insure that individuals are trained in the use of science and technology as an instrument in international relations and that officers and employees of the United States Government engaged in formal and informal exchanges of scientific and technical information, personnel, and hardware are knowledgeable in international affairs.

(4) In recognition of the environmental and technological factors that change relations among countries and in recognition of the growing interdependence between the domestic and foreign policies and programs of the United States, United States foreign policy should be continually reviewed by the executive and legislative branches of the Government to insure appropriate and timely application of science and technology to the conduct of United States foreign policy.

RESPONSIBILITIES OF THE PRESIDENT

Sec. 503. (a) The President, in consultation with the Director of the Office of Science and Technology Policy and other officials whom the President considers appropriate, shall—

(1) notwithstanding any other provision of law, insure that the Secretary of State is informed and consulted before any agency of the United States Government takes any major action, primarily involving science or technology, with respect to any foreign government or international organization;

(2) identify and evaluate elements of major domestic science and technology programs and activities of the United States Government with significant international implications;

(3) identify and evaluate international scientific or technological developments with significant implications for domestic programs and activities of the United States Government; and

(4) assess and initiate appropriate international scientific and technological activities which are based upon domestic scientific and technological activities of the United States Government and which are beneficial to the United States and foreign countries.

(b) The President shall study and not later than January 31, 1980, and not later than January 31 of each year thereafter, shall transmit to the Congress a report containing recommendations with respect to—

(1) personnel requirements, and standards and training for service of officers and employees of the United States Government, with respect to assignments in any Federal agency which involve foreign relations and science or technology; and

(2) the continuation of existing bilateral and multilateral activities and agreements primarily involving science and technology, including (A) an analysis of the foreign policy implications and the scientific and technological benefits of such activities or agreements for the United States and other parties, (B) the adequacy of the funding for and administration of such

activities and agreements, and (C) plans for future evaluation of such activities and agreements on a routine basis.

(c) Except as otherwise provided by law, nothing in this section shall be construed as requiring the public disclosure of sensitive information relating to intelligence sources or methods or to persons engaged in monitoring scientific or technological developments for intelligence purposes.

RESPONSIBILITY OF THE SECRETARY OF STATE

Sec. 504. (a) In order to implement the policy set forth in section 502 of this title, the Secretary of State (hereafter in this section referred to as the "Secretary") shall have primary responsibility for coordination and oversight with respect to all major science or science and technology agreements and activities between the United States and foreign countries, international organizations, or commissions of which the United States and one or more foreign countries are members.

(b) The Secretary shall, to such extent or in such amounts as are provided in appropriation Acts, enter into long-term contracts, including contracts for the services of consultants, and shall make grants and take other appropriate measures in order to obtain studies, analyses, and recommendations from knowledgeable persons and organizations with respect to the application of science or technology to problems of foreign policy.

(c) The Secretary shall, to such extent or in such amounts as are provided in appropriation Acts, enter into short-term and long-term contracts, including contracts for the services of consultants, and shall make grants and take other appropriate measures in order to obtain assistance from knowledgeable persons and organizations in training officers and employees of the United States Government, at all levels of the Foreign Service and Civil Service—

(1) in the application of science and technology to problems of United States foreign policy and international relations generally; and

(2) in the skills of long-range planning and analysis with respect to the scientific and technological aspects of United States foreign policy.

(d) In obtaining assistance pursuant to subsection (c) in training personnel who are officers or employees of the Department of State, the Secretary may provide for detached service for graduate study at accredited colleges and universities.

(e)[17] * * * [Repealed—1982]

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[17] Subsec. (e), which had required a report from the Secretary of State concerning the coordination and oversight of all major science or science and technology agreements and activities between the United States and foreign countries, international organizations, or commissions, was repealed by sec. 505(a)(2) of Public Law 97-241 (96 Stat. 299). The Secretary submitted this report on Jan. 19, 1979 and filed a supplemental report on Oct. 26, 1979.

TITLE VI—POLICY PROVISIONS

INTERNATIONAL COMMUNICATIONS POLICY

Sec. 601.[18] The Congress finds that—

(1) a series of multilateral meetings scheduled to convene in 1978 and 1979 (including the twentieth General Conference of the United Nations Educational, Scientific, and Cultural Organization; the Thirty-second United Nations General Assembly; the United Nations Conference on Science and Technology for Development; and the World Administrative Radio Conference of the International Telecommunications Union) will address a complex variety of international communications and information issues and will likely, through the promulgation of binding agreements relating to such issues, have a significant and lasting effect on the free flow of information and ideas among the countries of the world; and

(2) since the United States is the leading user of communications channels and information in the world, the United States Government should have a comprehensive policy regarding the various communications and information issues that have entered international discussions and should establish an effective mechanism by which to develop and coordinate United States policy on such issues.

ACTION CONCERNING RESOURCES

Sec. 602.[19] It is the sense of the Congress that the President should convey to all countries having an interest in cetacean sea life the serious concern of the Congress regarding the continuing destruction of these marine mammals (highlighted by the recent slaughter of dolphins in the Sea of Japan by Japanese fishermen) and should encourage such countries—

(1) to join in international discussions with other such countries in order to advance general understanding of cetacean life and thereby facilitate an effective use of the living marine resources of the world which does not jeopardize the natural balance of the aquatic environment;

(2) to participate in an exchange of information with the National Marine Fisheries Service of the United States Department of Commerce, including cooperation in studies of—

(A) the impact of cetaceans on ecologically related human foodstuffs, and

(B) alternative methods of dealing with cetacean problems as they occur;

(3) to cooperate in establishing an international cetacean commission to advance understanding of cetacean life and to insure the effective conservation and protection of cetaceans on a global scale; and

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[18] Sec. 505(a) of Public Law 97-241 (96 Stat. 299) repealed subsec. (b) of this section which had required a report from the President describing procedures established by which to develop and maintain a comprehensive U.S. policy regarding international communication and information issues and discussing U.S. goals and positions concerning anticipated international meetings addressing such issues. The President submitted this report on Feb. 8, 1979.

[19] 22 U.S.C. 1361 note.

(4) to adopt comprehensive marine mammal protection legislation.

INTERNATIONAL JOURNALISTIC FREEDOM

Sec. 603.[20] (a) The Congress finds that—

(1) news dissemination and the free flow of information across national boundaries are vital to international understanding and to healthy relations among countries; and

(2) recurring and reliable reports strongly indicate that in many countries foreign news correspondents are subject to governmental harassment and restriction, including the denial of access to legitimate news sources, the imposition of censorship, and detention, incarceration, and expulsion.

(b) It is therefore the sense of the Congress that the President should—

(1) advise the appropriate officials of any foreign government which subjects foreign news correspondents to harassment and restrictions that the United States considers such mistreatment a significant and potentially damaging factor in overall relations of the United States with such country; and

(2) raise in appropriate international forums the issue of the treatment of foreign news correspondents, with a view toward gaining multilateral support for the legitimate rights of such correspondents.

(c)[21] * * * [Repealed—1982]

INTERNATIONAL FOOD RESERVE

Sec. 604.[22] (a) The Congress finds that—

(1) half a billion people suffer regularly from malnutrition or undernutrition;

(2) even very modest shortfalls in crop production can result in greatly increased human suffering, and undercut the benefits of bilateral and multilateral assistance programs, in poor developing countries with chronic food deficits;

(3) increasing variability in world food production and trade presents a serious threat not only to consumers but also to producers;

(4) the World Food Conference recognized the urgent need for an international undertaking to achieve a system of world food security based largely upon strategic food reserves;

(5) the Congress through legislation has repeatedly urged the President to negotiate with other nations to establish such a system of reserves;

(6) although the nations of the world have agreed to begin discussions on a system of grain reserves to regulate food availability, agreement on a global network of nationally held reserves still eludes the international community;

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[20] 22 U.S.C. 2656 note.

[21] Subsec. (c), which had required a report from the President describing actions taken pursuant to subsec. (b), was repealed by sec. 505(a)(2) of Public Law 97-241 (96 Stat. 299). The President submitted this report on Feb. 8, 1979.

[22] 22 U.S.C. 2220 note.

(7) while some progress has taken place in the United States in creating domestic farmer held reserves, the scale of such reserves does not insure adequate protection against fluctuations in world production and price; and

(8) the United States, as the world's leading producer of foodstuffs, remains in a unique position to provide the leadership necessary to make world food security a reality.

(b) It is therefore the sense of the Congress that the President should continue his efforts directed toward achievement of an agreement establishing an international network of nationally held grain reserves which provides for supply assurance to consumers and income security to producers.

SPANISH DEMOCRACY

Sec. 605. (a) The Congress finds that—

(1) the Senate, in rendering its advice and consent to ratification of the Treaty of Friendship and Cooperation between the United States and Spain (signed on January 24, 1976), declared its hope and intent that the Treaty would serve to support and foster Spain's progress toward free institutions;

(2) this declaration reflected the strong desire of the United States Government and the American people to see a restoration of democracy in Spain and an expansion of mutually beneficial relations between Spain and the democracies of America and Europe; and

(3) political developments in Spain during the past two years constitute a major step toward the construction of a stable and lasting Spanish democracy.

(b) The Congress finds further that—

(1) the masterpiece "Guernica", painted by Pablo Picasso, has for four decades been a powerful and poignant symbol of the horror of war;

(2) this treasured painting, while universal in its significance, holds special meaning for the people of Spain by its representation of the tragic civil war which destroyed Spanish democracy;

(3) Pablo Picasso, having painted "Guernica" for the Spanish Republican Government and concerned for Spain's future when that government fell, stipulated that the painting should remain in the custody of the Museum of Modern Art in New York until Spanish democracy had been restored; and

(4) the United States and Spain, in a Supplementary Agreement entered into with the Treaty of Friendship and Cooperation, have committed themselves to expand their cooperation in the fields of education and culture.

(c) It is therefore the sense of the Congress, anticipating the continuance of recent promising developments in Spanish political life, that "Guernica" should, at some point in the near future and through appropriate legal procedures, be transferred to the people and Government of a democratic Spain.

(d) It is further the sense of the Congress that the American people, having long benefited from this treasure and admiring Spain's achievement, would wish, as an expression of appreciation and congratulation upon the transfer of "Guernica" to Spain, to assist in the preparation of facilities for the permanent display of the painting, if such assistance is found to be appropriate by the elected leaders of Spain.

DISCRIMINATORY TRADE PRACTICES AFFECTING UNITED STATES FOREIGN RELATIONS

Sec. 606.[23] (a) The Congress finds that those provisions of United States statutes which authorize or require suspension of or discrimination with respect to all trade between the United States and a particular foreign country and which affect, directly and significantly, the conduct of the United States foreign relations should be periodically reevaluated by the President and the Congress.

(b) Therefore, not later than January 20, 1979, the President shall transmit to the Speaker of the House of Representatives, and to the chairman of the Committee on Foreign Relations and the chairman of other appropriate committees of the Senate, a report which—

(1) identifies all statutory provisions which provide for such discriminatory trade practices;

(2) evaluates each such practice; and

(3) recommends, in the form of draft legislation, such amendments to those provisions as the President certifies would in his judgment advance United States foreign policy interests.

CONDUCT OF DIPLOMATIC RELATIONS

Sec. 607.[24] The Congress finds that the conduct of diplomatic relations with a foreign government has as its principal purpose the discussion and negotiation with that government of outstanding issues and, like the recognition of a foreign government, does not in itself imply approval of that government or of the political-economic system it represents.

NUCLEAR-POWERED SATELLITES

Sec. 608.[25] (a) The Congress finds that—

(1) no international regime governs the use of nuclear-powered satellites in space;

(2) the unregulated use of such technology poses the possibility of catastrophic damage to human life and the global environment; and

(3) this danger has been evidenced by mishaps encountered, despite certain precautions, by nuclear-powered satellites of both the United States and the Soviet Union.

(b) It is therefore the sense of the Congress that the United States should take the initiative immediately in seeking a multilateral agreement governing the use of nuclear-powered satellites in space.

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[23] 22 U.S.C. 2842 note.

[24] 22 U.S.C. 2656 note.

[25] 22 U.S.C. 2656d.

(c)[26] * * * [Repealed—1982]

WORLD ALTERNATE ENERGY CONFERENCE

Sec. 609. (a) The Congress finds that—

(1) increasing global dependence on fossil fuels, particularly oil and natural gas, when existing supplies are rapidly being depleted, is costly to developed and developing countries both environmentally and economically;

(2) the uncontrolled spread of nuclear power carries serious dangers due to waste pollution and the possibility of accidents or material diversion;

(3) expanded development and use of alternate, nonconventional, or renewable sources of energy (including solar energy, wind, biomass waste materials, and alcohol fuels) could assist all countries in satisfying rising energy demands, while reducing environmental and economic risk;

(4) no international agency exists at present which assists countries in exchanging information and technical assistance concerning energy-related problems or which promotes the development and use of alternate energy sources; and

(5) an international agency performing these functions could be of benefit to all countries and could be particularly effective in assisting developing countries to become more self-sufficient and thereby to increase their standard of living.

(b) It is therefore the sense of the Congress that the United States should encourage the United Nations to convene a World Alternate Energy Conference in 1981 for the purpose of considering ways to meet the energy needs of the world through the development and use of alternate energy sources. Among proposals considered at such a conference should be the establishment, under United Nations auspices, of an international Alternate Energy Commission to encourage the worldwide use of alternate energy sources by assisting in the dissemination of information and by other appropriate means.

(c)[27] * * * [Repealed—1982]

ATROCITIES IN CAMBODIA AND UGANDA

Sec. 610.[28] (a) The Congress finds that reliable reports of events in Cambodia and Uganda attest to the existence of governmental practices in those countries of such systematic and extensive brutality as to require special notice and continuing condemnation by outside observers.

(b) Recognizing the limited direct influence of the United States in Cambodia and Uganda, the Congress urges the President to move aggressively to support multilateral action by the United Nations and other international organizations, and to encourage bilateral action by countries having more extensive relations with Cambodia and Uganda, to bring an end to the brutal and inhumane practices of the governments of those two countries.

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[26] Subsec. (c), which had required a report from the Secretary of State on actions taken by the U.S. Government pursuant to subsec. (b), was repealed by sec. 505(a)(2) of Public Law 97-241 (96 Stat. 299). The Secretary submitted this report on Jan. 19, 1979.

[27] Subsec. (c), which had required a report from the Secretary of State on actions taken pursuant to subsec. (b), was repealed by sec. 505(a)(2) of Public Law 97-241 (96 Stat. 299). The Secretary submitted this report on Jan. 19, 1979.

[28] 22 U.S.C. 2151 note.

(c) [29] * * * [Repealed—1982]

(d) It is the sense of the Congress that the President should—

(1) prohibit the export of military, paramilitary, and police equipment to Uganda;

(2) direct that the visa application of any official or employee of the Government of Uganda seeking to enter the United States for the purpose of military, paramilitary, or police training, may be approved by a consular officer only after the appropriate official of the Department of State in Washington has reviewed the application and has determined that the Government of Uganda has demonstrated a proper respect for the rule of law and for internationally recognized human rights; and

(3) instruct the Permanent Representative of the United States to the United Nations to submit to the Security Council of the United Nations for its consideration a resolution imposing a mandatory arms embargo on Uganda by all members of the United Nations.

EQUITABLE TREATMENT OF UNITED STATES CITIZENS LIVING ABROAD

Sec. 611.[30] The Congress finds that—

(1) United States citizens living abroad should be provided fair and equitable treatment by the United States Government with regard to taxation, citizenship of progeny, veterans' benefits, voting rights, Social Security benefits, and other obligations, rights, and benefits; and

(2) [31] United States statutes and regulations should be designed so as not to create competitive disadvantage for individual American citizens living abroad or working in international markets.

UNITED STATES-CANADIAN NEGOTIATIONS ON AIR QUALITY

Sec. 612.[32] (a) The Congress finds that—

(1) the United States and Canada share a common environment along a 5,500 mile border;

(2) the United States and Canada are both becoming increasingly concerned about the effects of pollution, particularly that

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[29] Subsec. (c), which had required a report from the Secretary of State concerning actions taken pursuant to subsec. (b), was repealed by sec. 505(a)(2) of Public Law 97-241 (96 Stat. 299). The Secretary submitted this report on Jan. 19, 1979.

[30] 22 U.S.C. 1731 note. Sec. 505(a) of Public Law 97-241 (96 Stat. 299) repealed subsec. (b) of this section. Subsec. (b), as amended by sec. 407(b) of Public Law 96-60, had required a report from the President identifying all U.S. statutes and regulations which treat U.S. citizens living abroad differently from U.S. citizens living in the United States or which may cause competitive disadvantage for Americans working abroad relative to the treatment by other major trading nations of the world of their citizens who are working abroad. The report also required an evaluation of such practices and draft legislation to correct any unfair or competitively disadvantageous treatment. The President submitted reports pursuant to this requirement on Aug. 27, 1979, and Jan. 24, 1980.

[31] Par. (2) was amended and restated by sec. 407(a) of Public Law 96-60 (93 Stat. 405). It formerly read as follows: "(2) such fair and equitable treatment would be facilitated by a periodic review of statutes and regulations affecting Americans living abroad."

[32] 42 U.S.C. 7415 note.

resulting from power generation facilities, since the facilities of each country affect the environment of the other;

(3) the United States and Canada have subscribed to international conventions; have joined in the environmental work of the United Nations, the Organization for Economic Cooperation and Development, and other international environmental forums; and have entered into and implemented effectively the provisions of the historic Boundary Waters Treaty of 1909; and

(4) the United States and Canada have a tradition of cooperative resolution of issues of mutual concern which is nowhere more evident than in the environmental area.

(b) It is the sense of the Congress that the President should make every effort to negotiate a cooperative agreement with the Government of Canada aimed at preserving the mutual airshed of the United States and Canada so as to protect and enhance air resources and insure the attainment and maintenance of air quality protective of public health and welfare.

(c) It is further the sense of the Congress that the President, through the Secretary of State working in concert with interested Federal agencies and the affected States, should take whatever diplomatic actions appear necessary to reduce or eliminate any undesirable impact upon the United States and Canada resulting from air pollution from any source.

CUBAN PRESENCE IN AFRICA

Sec. 613.[33] The Congress finds that—

(1) the President authorized the exchange of notes of May 30, 1977, between the Governments of the United States and Cuba which established an Interests Section for the United States in the Embassy of Switzerland in Havana and an Interests Section for Cuba in the Embassy of Czechoslovakia in Washington;

(2) the President has the authority under the Export Administration Act of 1969 to limit trade with Cuba being conducted by subsidiaries of American firms operating in third countries;

(3) the President has the power to sever all diplomatic and economic relations with Cuba; and

(4) there has been a sharp increase in the number of Cuban military personnel serving in Africa in the past year.

PALESTINIAN RIGHTS UNITS

Sec. 614. (a) The Congress, noting United Nations General Assembly Resolution 3376 (XXX) which established the Committee on the Exercise of the Inalienable Rights of the Palestinian People and noting United Nations General Assembly Resolutions 32/40/A and 32/40/B which continued the mandate of that Committee and requested that the Secretary General establish within the Secretariat of the United Nations a Special Unit on Palestinian Rights, declares that—

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[33] 22 U.S.C. 2370 note. Sec. 505(a) of Public Law 97-241 (96 Stat. 299) repealed subsec. (b) of this section which had required a report from the President reviewing U.S. diplomatic and economic relations with Cuba. The President submitted this report on Feb. 8, 1979.

(1) the continuation of the Committee on the Exercise of the Inalienable Rights of the Palestinian People and the creation of the Special Unit on Palestinian Rights are wasteful expenditures of limited United Nations resources at a time when the United Nations is experiencing severe financial difficulties and when the United Nations is under close scrutiny from contributing members;

(2) the work of the Committee on the Exercise of the Inalienable Rights of the Palestinian People does not contribute to the process of peacemaking underway at present in the Middle East; and

(3) the United States Ambassador to the United Nations should be instructed to continue to oppose extensions of the mandate of that Committee as well as extensions of the Special Unit on Palestinian Rights.

(b) It is the sense of the Congress that the President should direct the Permanent Representative of the United States to the United Nations to use all means at his disposal to obtain action by the General Assembly terminating the Committee on the Exercise of the Inalienable Rights of the Palestinian People and the Special Unit on Palestinian Rights.

TITLE VII—MISCELLANEOUS PROVISIONS

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CONTRIBUTION TO THE INTERNATIONAL TIN COUNCIL

Sec. 704. Effective October 1, 1978, there is authorized to be appropriated to the President $60,000,000 for the purpose of acquiring tin metal to contribute to the buffer stock of the International Tin Council established under the Fifth International Tin Agreement.

PROHIBITION ON AID OR REPARATIONS TO VIETNAM

Sec. 705.[34] The President shall continue to take all possible steps to obtain a final accounting of all Americans missing in action in Vietnam.

USE OF FOREIGN AIR CARRIERS

Sec. 706. Notwithstanding the limitations established by section 1117 of the Federal Aviation Act of 1958 (49 U.S.C. 1517), funds appropriated after the date of enactment of this Act to the Department of State, the International Communications Agency, the Agency for International Development (or any successor agency),[35] and the Arms Control and Disarmament Agency may be used to pay for the transportation, between two places both of which are outside the United States, of officers and employees of those agencies, their dependents, and accompanying baggage, aboard air carriers which do not hold certificates under section 401 of that Act.

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[34] Subsec. (a), which had prohibited the use of any funds authorized to be appropriated by this Act for reparations, aid, or any other form of payment to Vietnam, was repealed by sec. 505(a)(2) of Public Law 97-241 (96 Stat. 299).

[35] This responsibility of AID was transferred to the Director of IDCA, pursuant to sec. 6 of Reorganization Plan No. 2 of 1979 (establishing IDCA).

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PANAMA CANAL TREATIES

Sec. 709.[36] * * * [Repealed—1982]

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COMMISSION ON HUNGER AND MALNUTRITION

Sec. 711.[37] * * * [Repealed—1982]

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[36] Sec. 709, which had prohibited the use of any funds authorized to be appropriated by this Act, directly or indirectly, to effect the implementation of the Panama Canal treaties without authorization by the Constitution or by Act of Congress, was repealed by sec. 505(a)(2) of Public Law 97-241 (96 Stat. 299).

[37] Sec. 711, which had authorized $1.5 million in each of the fiscal years 1979 and 1980 for a commission on global hunger and malnutrition, was repealed by sec. 505(a)(2) of Public Law 97-241 (96 Stat. 299).

f. Foreign Relations Authorization Act, Fiscal Year 1978

Partial text of Public Law 95-105 [H.R. 6689], 91 Stat. 844, approved August 17, 1977, as amended by Public Law 95-426 [Foreign Relations Authorization Act, Fiscal Year 1979; H.R. 12598], 92 Stat. 963, approved October 7, 1978; Public Law 96-465 [Foreign Service Act of 1980; H.R. 6790], 94 Stat. 2071 at 2160, approved October 17, 1980; and by Public Law 97-241 [S. 1193], 96 Stat. 273 at 299, approved August 24, 1982

AN ACT To authorize fiscal year 1978 appropriations for the Department of State, the United States Information Agency, and the Board for International Broadcasting, and for other purposes.

> NOTE.—Deleted sections amend other State Department or foreign relations legislation and are incorporated elsewhere in this volume.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Foreign Relations Authorization Act, Fiscal Year 1978".

TITLE I—STATE DEPARTMENT

AUTHORIZATION OF APPROPRIATIONS

Sec. 101. (a) There are authorized to be appropriated for the Department of State for fiscal year 1978, to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States, including trade negotiations, and other purposes authorized by law, the following amounts:

(1) For the "Administration of Foreign Affairs", $762,005,000.

(2) For "International Organizations and Conferences", $426,687,000.[1]

(3) For "International Commissions", $21,839,000.

(4) For "Education Exchange", $94,600,000.

(5) For "Migration and Refugee Assistance", $63,554,000.

(6) For increases in salary, pay, retirement, and other employee benefits authorized by law, and for other nondiscretionary costs, such amounts as may be necessary.

(b) Amounts appropriated under this section are authorized to remain available until expended.

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[1] This authorization figure was substituted in lieu of the original authorization of $389,412,000 by sec. 102 of Public Law 95-426 (92 Stat. 963).

TRANSFER AUTHORITY

Sec. 102. Funds authorized to be appropriated for fiscal year 1978 by any paragraph of section 101(a) (other than paragraph (6)) may be appropriated for such fiscal year for a purpose for which appropriations are authorized by any other paragraph of such section (other than paragraph (6)), except that the total amount appropriated for a purpose described in any paragraph of section 101(a) (other than paragraph (6)) may not exceed the amount specifically authorized for such purpose by section 101(a) by more than 10 per centum.

CONTRIBUTION TO THE WORLD HEALTH ORGANIZATION

Sec. 103. Notwithstanding the limitation contained in the proviso in the paragraph under the subheading "Contributions to International Organizations" in title I of the Act of October 25, 1972 (86 Stat. 1110),[2] $7,281,583 of the amount authorized to be appropriated by section 101(a)(2) of this Act may be used to pay the unpaid portion of the United States assessed contributions to the World Health Organization for the calendar years 1974 through 1977.

ASSISTANCE FOR REFUGEES SETTLING IN ISRAEL

Sec. 104. Of the amount authorized to be appropriated by section 101(a)(5) of this Act, $20,000,000 shall be available only for assistance for the resettlement in Israel of refugees from the Union of Soviet Socialist Republics and from Communist countries in Eastern Europe.

CONTRIBUTION TO THE INTERNATIONAL COMMITTEE OF THE RED CROSS

Sec. 105.[3] * * * [Repealed—1985]

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STRENGTHENING EDUCATIONAL EXCHANGE PROGRAMS

Sec. 107.[4] The Congress finds that—

(1) for over thirty years the United States program for the international exchange of teachers and scholars, begun by the Act of August 1, 1946 (60 Stat. 754; known as the "Fulbright Act of 1946"), has contributed significantly to the free flow of knowledge and to greater understanding between the United States and other nations;

(2) it is in the interest of the United States that this program be strengthened; and

(3) a still stronger educational exchange program can be attained by—

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[2] Such Act places a 25 percent ceiling on U.S. payments of assessed contributions to the United Nations or any affiliated agency. The amount authorized in this section is in excess of the 25 percent limit. For complete text of the proviso of this Act, see sec. J, vol. II.

[3] Sec. 105 was repealed by sec. 109(d) of Public Law 99-93 [99 Stat. 410].

[4] Sec. 505(a)(3) of Public Law 97-241 (96 Stat. 299) repealed subsec. (b) of this section which had required a report from the Secretary of State on measures taken to strengthen educational exchange activities. The Secretary submitted this report on Jan. 3, 1978.

(A) diversifying exchange opportunities so as to assist persons from professional and public life to spend time in an academic setting and to assist teachers and scholars to spend time in professional and other pursuits in the public arena;

(B) providing sharper focus to exchange activities by bringing selected grant recipients together for joint work on themes and problems identified as having current significance in international affairs; and

(C) lengthening the period of some scholarships to allow work by grant recipients to be phased over more than one location.

AMERICANS INCARCERATED ABROAD

Sec. 108.[5] It is the sense of the Congress that the Secretary of State should make every effort to seek the early release of American citizens unjustifiably held in foreign jails, and that he should direct the appropriate consular officers to redouble their efforts for the protection and welfare of imprisoned American citizens abroad. Beginning February 15, 1978, the Secretary of State shall transmit annually to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report on the number of American citizens in foreign jails, the charges against them, and what measures have been taken to assist these individuals, including his assessment of the performance of embassy and consular personnel in providing such assistance in each foreign country where American citizens are incarcerated.

ASSISTANT SECRETARIES OF STATE

Sec. 109. (a) * * *

(6)[6] The individual holding the position of Coordinator for Human Rights and Humanitarian Affairs on the date of enactment of this section shall assume the duties of the Assistant Secretary of State for Human Rights and Humanitarian Affairs and shall not be required to be reappointed by reason of the enactment of this section.

(7)[7] * * * [Repealed—1982]

(b)(1) Section 104 of the Immigration and Nationality Act[8] (8 U.S.C. 1104) is amended—

(A) in subsection (a)(2), by striking out "Security and";

(B) in subsection (b)—

(i) in the first sentence by striking out "Security and" and all that follows through "Assistant Secretary of State" and inserting in lieu thereof "Consular Affairs to be headed by an Assistant Secretary of State for Consular Affairs";

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[5] 22 U.S.C. 2151n–1. See also the Act of July 27, 1868 (Protection of Citizens Abroad).

[6] 22 U.S.C. 2384 note.

[7] Par. (7), which had required a report from the Secretary of State on operations and organization plans for the Office of the Assistant Secretary for Human Rights and Humanitarian Affairs, was repealed by sec. 505(a)(3) of Public Law 97–241 (96 Stat. 299). The Secretary submitted this report on Jan. 31, 1978.

[8] For complete text of sec. 104, see sec. E.1 of this Volume.

(ii) by striking out the second sentence; and

(iii) in the third sentence, by striking out "administrator" and inserting in lieu thereof "Assistant Secretary of State for Consular Affairs";

(C) in subsection (d), by striking out "Security and"; and

(D) by repealing subsection (f).

(2) Section 105 of such Act [9] is amended by striking out "administrator" both places it appears and inserting in lieu thereof "Assistant Secretary of State for Consular Affairs".

(3) Section 101(a)(1) of such Act [10] is amended by striking out "administrator of the Bureau of Security and Consular Affairs of the Department of State" and inserting in lieu thereof "Assistant Secretary of State for Consular Affairs".

(4) The individual holding the position of administrator of the Bureau of Security and Consular Affairs on the date of enactment of this section shall assume the duties of the Assistant Secretary of State for Consular Affairs and shall not be required to be reappointed by reason of the enactment of this section.

(5) Any reference in any law to the Bureau of Security and Consular Affairs or to the administrator of such Bureau shall be deemed to be a reference to the Bureau of Consular Affairs or to the Assistant Secretary of State for Consular Affairs, respectively.

(c) * * *

(d) Section 5315 of title 5, United States Code,[11] is amended—

(1) by repealing paragraph (1); and

(2) by striking out "(11)" in paragraph (22) and inserting in lieu thereof "(13)".

SAINT LAWRENCE SEAWAY TOLL NEGOTIATIONS

Sec. 110. (a) There is established an advisory board (hereafter in this section referred to as the "Board") to advise the Secretary of State with respect to the negotiations with Canada concerning toll increases on the Saint Lawrence Seaway and the Welland Canal.

(b) The Board shall consist of 15 members appointed by the President from among representatives of groups in the Great Lakes area which would be affected most directly by increased tolls, including port directors, port authorities, maritime labor, shipping companies, shippers, and consumers.

(c)(1) Members of the Board shall each be entitled to receive the daily equivalent of the maximum annual rate of basic pay in effect for grade GS–15 of the General Schedule for each day (including traveltime) during which they are engaged in the actual performance of duties vested in the Board.

(2) While away from their homes or regular places of business in the performance of services for the Board, members of the Board shall be allowed travel expenses, including per diem in lieu of sub-

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[9] Sec. 105 provides authority for the Assistant Secretary of State for Consular Affairs to maintain direct liaison with the Directors of the FBI, CIA, and other internal security officers of the Government.

[10] Sec. 101(a)(1) defines the term, "administrator".

[11] Sec. 5315 of title 5 concerns Executive Schedule pay rates for positions at level IV.

sistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

(d) The Board shall cease to exist on the date designated by the Secretary of State as the date on which the negotiations described in subsection (a) are completed or on September 30, 1978, whichever date occurs first.

LIABILITY OF CONSULAR OFFICERS

Sec. 111. (a)(1) Sections 1735 and 1736 of the Revised Statutes of the United States (22 U.S.C. 1199) are repealed.[12]

(2) The section analysis of chapter two of title XVIII of the Revised Statutes of the United States is amended by striking out the items relating to sections 1735 and 1736.

(b) The repeals made by subsection (a) shall not affect suits commenced before the date of enactment of this Act.

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TITLE II—UNITED STATES INFORMATION AGENCY[13]

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TITLE IV—FOREIGN SERVICE AND OTHER PERSONNEL

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SPECIAL ANNUITY FOR CERTAIN OFFICERS SELECTED-OUT FROM THE FOREIGN SERVICE

Sec. 411.[14] (a) Subject to the conditions established in subsection (b), any Foreign Service officer—

(1) who was retired under section 633(a)(1) of the Foreign Service Act of 1946 before the date of enactment of this section;

(2) who was not in class 1, 2, or 3 at the time of retirement;

(3) who was 40 years of age or older at the time of retirement; and

(4) who had at least 20 years of service, exclusive of credit for unused sick leave, creditable for purposes of section 821 of such Act at the time of retirement;

shall be entitled to receive retirement benefits in accordance with the provisions of such section 824 in lieu of any retirement benefits which the officer may be entitled to elect under section 634(b)(2) of such Act. Such retirement benefits shall be paid from the Foreign Service Retirement and Disability Fund and shall be effective on the date the officer reaches age 50, the date of enactment of this section, or October 1, 1977, whichever date is latest.

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[12] These sections authorized suits against U.S. consular officers for damages due to willful neglect or failure to perform any duty imposed by law.

[13] For text of this title, see sec. F, "Information and Educational and Cultural Exchange Programs."

[14] 22 U.S.C. 1004 note.

(b) Retirement benefits may not be paid under this section unless (1) any refund of contributions paid to the officer under section 634(b)(2) of the Foreign Service Act of 1946 is repaid to the Foreign Service Retirement and Disability Fund, with interest, in accordance with sections 811 (d) and (f) of such Act; and (2) the service forming the basis for such retirement benefits is not used as the basis for any other retirement benefits under any retirement system.

(c) In the event that an officer who is entitled to retirement benefits under this section dies before reaching the age of fifty, but after the date of enactment of this section, his or her death shall be considered a death in service within the meaning of section 832 of the Foreign Service Act of 1946,[15] except that no survivor's annuity (other than a survivor's annuity which would be payable under the first complete sentence in section 634(b)(2) of such Act but for the enactment of this section) shall become effective before October 1, 1977.

(d) An officer entitled to retirement benefits under this section may make the election described in section 821 (b) or (f), as appropriate, of the Foreign Service Act of 1946 [16] at any time before reaching the age of fifty or before the end of the sixty-day period beginning on the date of enactment of this section, whichever is later.

COMPENSATION FOR JUNIOR FOREIGN SERVICE OFFICERS

Sec. 412. (a)(1) Paragraph (2) of section 5541 of title 5, United States Code, is amended—[17]

(A) by striking out "or" at the end of clause (xii);

(B) by striking out the period at the end of clause (xiii) and inserting in lieu thereof a semicolon; and

(C) by adding at the end thereof the following clauses:

"(xiv) a 'Foreign Service officer' within the meaning of section 401 of the Foreign Service Act of 1946; or

"(xv) a 'Foreign Service information officer' as provided for by the first section of the Act entitled 'An Act to promote the foreign policy of the United States by strengthening and improving the Foreign Service personnel system of the International Communication Agency [18] through establishment of a Foreign Service Information Officer Corps,' approved August 20, 1968".

(2) The amendments made by paragraph (1) shall take effect on October 1, 1978.

(b) * * * [Repealed—1978] [19]

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[15] Such act was repealed by the Foreign Service Act of 1980.

[16] Ibid.

[17] This amendment to section 5541 of title 5 excludes Foreign Service officers from civil service law which requires overtime pay for certain Federal employees of GS-10 or lesser rank.

[18] The reference to the International Communication Agency was substituted in lieu of a reference to the United States Information Agency by sec. 204(b)(5) of Public Law 95-426 (92 Stat. 974). However, sec. 303 of Public Law 97-241 (96 Stat. 291) redesignated the Agency as the United States Information Agency and directed that any reference to the International Communication Agency shall be deemed to refer to the United States Information Agency.

[19] Subsec. (b), which had provided for a $250 per annum salary increase for Foreign Service officers in classes 5 through 8, was repealed by sec. 410 of Public Law 95-426 (92 Stat. 980). Such salary increase became effective with pay periods beginning on or after Oct. 1, 1978.

EMPLOYMENT OF FOREIGN SERVICE SPOUSES

Sec. 413.[20] * * * [Repealed—1981]

LANGUAGE TRAINING FOR FOREIGN SERVICE SPOUSES

Sec. 414.[21] It is the sense of Congress that, in order to increase the effectiveness of United States diplomatic representation abroad, the Secretary of State should make greater use of his authority under section 701 of the Foreign Service Act of 1946 in order to increase the language training opportunities available to the family members of Foreign Service personnel.

TITLE V—MISCELLANEOUS PROVISIONS

STRENGTHENING INTERNATIONAL INFORMATION, EDUCATION, CULTURAL AND BROADCASTING ACTIVITIES

Sec. 501.[22] [Repealed—1982]

BELGRADE CONFERENCE

Sec. 502. The Congress finds that the Belgrade Conference to review compliance with the Helsinki Accords provides the United States an important forum to press its case for greater respect for human rights. Furthermore, the Congress is convinced that the emphasis given human rights in general by the United States should be translated into concern for specific individuals. In this regard, the Congress is particularly concerned about the fate of Anatoly Shcharansky and urges the United States representatives to the Belgrade Conference to express the official concern of the United States over the Shcharansky case.

UNITED NATIONS REFORM

Sec. 503.[23] The United States should make a major effort toward reforming and restructuring the United Nations system so that it might become more effective in resolving global problems. Toward that end, the United States should present a program for United Nations reform to the Special United Nations Committee on the Charter of the United Nations and on Strengthening of the Role of the Organization. In developing such a program the United States should give appropriate consideration to various possible proposals for reforming the United Nations, including but not limited to proposals which would—

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[20] Sec. 413 was repealed by sec. 2205(3) of the Foreign Service Act of 1980 (Public Law 96-465; 94 Stat. 2160). For current text concerning the employment of family members of Foreign Service personnel, see sec. 311 of the Foreign Service Act of 1980.

[21] U.S.C. 1041 note. Sec. 505(a)(3) of Public Law 97-241 (96 Stat. 299) repealed subsec. (b) of this section which had required a report from the Secretary of State on increased language training opportunity for the families of Foreign Service personnel. The Secretary submitted this report on Dec. 20, 1977.

[22] Sec. 501, which had required a report from the President containing recommendations for reorganizing the international information, education, cultural, and broadcasting activities of the United States, was repealed by sec. 505(a)(3) of Public Law 97-241 (96 Stat. 299). The President submitted this report on Oct. 31, 1977.

[23] Sec. 505(a)(3) of Public Law 97-241 (96 Stat. 299) repealed subsec. (b) of this section which had required a report from the President on recommendations for reform in the United Nations. The President submitted this report on Mar. 7, 1978.

(1) adjust decisionmaking processes in the United Nations by providing voting in the General Assembly weighted according to population and contributions and by modifying veto powers on certain categories of questions, such as membership recommendations, in the Security Council;

(2) foster greater use of the International Court of Justice by the United States and other members of the United Nations;

(3) supplement United Nations finances through contributions from commerce, services, and resources regulated by the United Nations;

(4) improve coordination of and expand United Nations activities on behalf of human rights;

(5) establish more effective United Nations machinery for the peaceful settlement of disputes, including means for the submission of differences to mediation or arbitration;

(6) adjust assessment scale calculations to reflect more accurately the actual ability of member nations to contribute to the United Nations and its specialized agencies; and

(7) provide greater coordination of United Nations technical assistance activities by the United Nations Development program.

INFORMATION OFFICES IN THE UNITED STATES

Sec. 504. It is the sense of the Congress that any foreign country should be allowed to maintain an information office in the United States if maintenance of such office is consistent with United States law.

REPARATIONS FOR VIETNAM

Sec. 505.[24] (b) The President shall continue to take all possible steps to obtain a final accounting of all Americans missing in action in Vietnam.

PANAMA CANAL

Sec. 506. Any new Panama Canal treaty or agreement negotiated with funds appropriated under this Act must protect the vital interests of the United States in the Canal Zone and in the operation, maintenance, property, and defense of the Panama Canal.

UNITED NATIONS CONFERENCE ON SCIENCE AND TECHNOLOGY FOR DEVELOPMENT

Sec. 507. (a) The President shall take appropriate steps to ensure that, at all stages of the United Nations Conference on Science and Technology for Development, representatives of the United States place important emphasis, in both official statements and informal discussions, on the development and use of light capital technologies in agriculture, in industry, and in the production and conservation of energy.

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[24] 22 U.S.C. 2151 note. Sec. 505(a)(3) of Public Law 97-241 (96 Stat. 299) repealed subsec. (a) of this section which had prohibited the use of any funds authorized to be appropriated by this Act for reparations, aid, or any other form of payment to Vietnam.

(b) As used in this section, the term "light capital technologies" means those means of production which economize on capital wherever capital is scarce and expensive and labor abundant and cheap, the purposes being to insure that the increasingly scarce capital in the world can be stretched to help all, rather than a small minority, of the world's poor; that workers will not be displaced by sophisticated labor-saving devices where there is already much unemployment; and further, that, poor nations can be encouraged eventually to produce their own capital from surplus labor time, thus enhancing their chances of developing independently of outside help.

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FOREIGN EMPLOYMENT

Sec. 509. (a)-(c) [25] * * * [Repealed—1982]

(d)(1) Section 1032 of title 10, United States Code, is repealed.[26]

(2) The section analysis for chapter 53 of such title is amended by striking out the item relating to section 1032.

(3) Section 280 of such title is amended by striking out "1032,".

INTERNATIONAL FOOD RESERVE

Sec. 510.[27] (a) The Congress finds and declares that—

(1) half a billion people suffer from malnutrition or undernutrition;

(2) very modest shortfalls in crop production can result in widespread human suffering;

(3) increasing variability in world food production and trade remains an ever-present threat to producers and consumers;

(4) the World Food Conference recognized the urgent need for an international undertaking on world food security based largely upon strategic food reserves;

(5) the nations of the world have agreed to begin discussions on a system of grain reserves to regulate food availability;

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[25] Public Law 97-295 (96 Stat. 1304) made technical amendments to the text of secs. 509(a)-(c), codified it at 37 U.S.C. 908, and repealed the existing language of secs. 509(a)-(c). 37 U.S.C. 908 reads as follows:

"**§ 908. Employment of reserves and retired members by foreign governments**

"(a) Subject to subsection (b) of this section, Congress consents to the following persons accepting civil employment (and compensation for that employment) for which the consent of Congress is required by the last paragraph of section 9 of article I of the Constitution, related to acceptance of emoluments, offices, or titles from a foreign government:

"(1) Retired members of the uniformed services.

"(2) Members of a reserve component of the armed forces.

"(3) Members of the Commissioned Reserve Corps of the Public Health Service.

"(b) A person described in subsection (a) of this section may accept employment or compensation described in that subsection only if the Secretary concerned and the Secretary of State approve the employment.".

[26] Sec. 1032, title 10, granted congressional consent of foreign employment to reserve officers of the Armed Forces only.

[27] 22 U.S.C. 2220 note.

(6) the Congress through legislation has repeatedly urged the President to enter negotiations with other nations to establish such a network of grain reserves;

(7) little progress has resulted from the initial multilateral discussions toward the negotiation of an international grain reserve system;

(8) this lack of progress caused, in part, by lack of leadership in such discussions; and

(9) the United States is in a unique position as the world's most important producer of foodstuffs to provide such leadership.

(b) It is therefore the sense of the Congress that the President should initiate a major diplomatic initiative toward the creation of an international system of nationally held grain reserves which provides for supply assurance to consumers and income security to producers.

NEGOTIATIONS WITH CUBA

Sec. 511. (a) It is the sense of the Congress that any negotiations toward the normalization of relations with Cuba be conducted in a deliberate manner and on a reciprocal basis, and that the vital concerns of the United States with respect to the basic rights and interests of United States citizens whose persons or property are the subject of such negotiations be protected.

(b) Furthermore, it is the sense of Congress that the Cuban policies and actions regarding the use of its military and paramilitary personnel beyond its borders and its disrespect for the human rights of individuals are among the elements which must be taken into account in any such negotiations.

UNITED STATES POLICY TOWARD KOREA

Sec. 512.[28] (a) The Congress declares that—

(1) United States policy toward Korea should continue to be arrived at by joint decision of the President and the Congress;

(2) in any implementation of the President's policy of gradual and phased reduction of United States ground forces from the Republic of Korea, the United States should seek to accomplish such reduction in stages consistent with United States interests in Asia, notably Japan, and with the security interests of the Republic of Korea;

(3) any implementation of this policy should be carried out with a careful regard to the interest of the United States in continuing its close relationship with the people and government of Japan, in fostering democratic practices in the Republic of Korea, and in maintaining stable relations among the countries of East Asia; and

(4) these interests can be served most effectively by a policy which involves consultations by the United States Government, as appropriate, with the governments of the region, particularly those directly involved.

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[28] 22 U.S.C. 2428a.

(b)(1) Any implementation of the foregoing policy shall be carried out in regular consultation with the Congress.

(2) Not later than February 15, 1978, and not later than February 15 of each year thereafter until any such withdrawal is completed, the President shall transmit a report in writing to the Speaker of the House of Representatives and the Committees on Foreign Relations, Armed Services, and Intelligence of the Senate assessing the implementation of the foregoing policy.

UNITED NATIONS SPECIAL SESSION ON DISARMAMENT

Sec. 513.[29] * * * [Repealed—1982]

INTERNATIONAL BOUNDARY AND WATER COMMISSION

Sec. 514. (a) Section 2(2) of the Act entitled "An Act to authorize conclusion of an agreement with Mexico for joint measures for solution of the Lower Rio Grande salinity problem," approved September 19, 1966 (22 U.S.C. 277d–31), is amended by inserting immediately after "$25,000" the following: "based on estimated calendar year 1976 costs, plus or minus such amounts as may be justified by reason of ordinary fluctuations in operation and maintenance costs involved therein,".

(b) Section 3 of the Act entitled "An Act to authorize the conclusion of agreements with Mexico for joint construction, operation, and maintenance of emergency flood control works on the lower Colorado River, in accordance with the provisions of article 13 of the 1944 Water Treaty with Mexico, and for other purposes", approved August 10, 1964 (22 U.S.C. 277d–28), is amended by inserting immediately after "$30,000" the following: "based on December 1975 prices, plus or minus such amounts as may be justified by reason of ordinary fluctuations in operation and maintenance costs involved therein,".

(c) Section 103 of the American-Mexican Treaty Act of 1950 (22 U.S.C. 277d–3) is amended by striking out "$100 per diem" in the second sentence and inserting in lieu thereof "the maximum daily rate for grade GS–15 of the General Schedule".

(d) The amendments made by this section shall take effect on October 1, 1977.

FOREIGN GIFTS AND DECORATIONS

Sec. 515. (a)[30] * * *

(b)(1) After September 30, 1977, no appropriated funds, other than funds from the "Emergencies in the Diplomatic and Consular Service" account of the Department of State, may be used to purchase any tangible gift of more than minimal value (as defined in section 7342(a)(5) of title 5, United States Code) for any foreign individual unless such gift has been approved by the Congress.

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[29] Sec. 513, which had requested the Secretary of State to report at an appropriate date to Congress on procedures followed by the executive branch in preparation for the U.S. special session on disarmament and on U.S. objectives for that special session, was repealed by Sec. 505(a)(3) of Public Law 97-241 (96 Stat. 299).

[30] Subsec. (a) comprehensively amended sec. 7342 of title 5, U.S.C., entitled, "Receipt and disposition of foreign gifts and decorations." For text, see page 1401.

(2) Beginning October 1, 1977, the Secretary of State shall annually transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report containing details on (1) any gifts of more than minimal value purchased with appropriated funds which were given to a foreign individual during the previous fiscal year, and (2) any other gifts of more than minimal value given by the United States Government to a foreign individual which were not obtained using appropriated funds.

g. Foreign Relations Authorization Act, Fiscal Year 1977

Partial text of Public Law 94-350 [S. 3168], 90 Stat. 823, approved July 12, 1976, as amended by Public Law 95-45 [H.R. 5040], 91 Stat. 221, approved June 15, 1977; Public Law 96-465 [Foreign Service Act of 1980; H.R. 6790], 94 Stat. 2071 at 2160, approved October 17, 1980; and by Public Law 97-241 [S. 1193], 96 Stat. 273 at 299, approved August 24, 1982

AN ACT To authorize fiscal year 1977 appropriations for the Department of State, the United States Information Agency, and the Board for International Broadcasting, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Foreign Relations Authorization Act, Fiscal Year 1977".

> NOTE.—Deleted sections amend other State Department or foreign relations legislation and are incorporated elsewhere in this volume. In addition, Title V of this Act which relates to Foreign Service retirement may be found under the "Organization and Administration" section [E.2] of this volume.

TITLE I—STATE DEPARTMENT

AUTHORIZATION OF APPROPRIATIONS

Sec. 101. (a) There are authorized to be appropriated for the Department of State for fiscal year 1977, to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States, including trade negotiations, and other purposes authorized by law, the following amounts:

(1) For the "Administration of Foreign Affairs", $552,455,000.

(2) For "International Organizations and Conferences", $402,460,453.[1]

(3) For "International Commissions", $17,069,000.

(4) For "Educational Exchange", $68,500,000.

(5) For "Migration and Refugee Assistance", $28,725,000.[2]

(6) For increases in salary, pay, retirement, and other employee benefits authorized by law, and for other nondiscretionary costs, such amounts as may be necessary.

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[1] Sec. 1 of Public Law 95-45 substituted "$402,460,453" and "$28,725,000" in lieu of "$342,460,453" and "$10,000,000," respectively.

[2] Public Law 95-26 (Supplemental Appropriations Act, 1977) provides: "For an additional amount for 'Migration and refugee assistance', $18,725,000, to remain available until December 31, 1977: *Provided,* That of the funds appropriated under this paragraph, $3,000,000 shall be allocated for reception and placement of refugees in the United States: *Provided further,* That this appropriation shall be made available only upon enactment into law of authorizing legislation."

(b) Amounts appropriated under this section are authorized to remain available until expended.

TRANSFER AUTHORITY

Sec. 102. Funds authorized to be appropriated for fiscal year 1977 by any paragraph of section 101(a) (other than paragraph (6)) may be appropriated for such fiscal year for a purpose for which appropriations are authorized by any other paragraph of such section (other than paragraph (6)), except that the total amount appropriated for a purpose described in any paragraph of section 101(a) (other than paragraph (6)) may not exceed the amount specifically authorized for such purpose by section 101(a) by more than 10 per centum.

CONTRIBUTION TO THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION

Sec. 103. Notwithstanding the limitation contained in the proviso in the paragraph under the subheading "Contributions to International Organizations" in title I of the Act of October 25, 1972 (86 Stat. 1110), and notwithstanding the requirements of section 302(h) of the Foreign Assistance Act of 1961, $3,545,453 of the amount authorized to be appropriated by section 101(a)(2) of this Act may be used to complete the fiscal year 1975 United States contribution to the United Nations Educational, Scientific, and Cultural Organization.

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RUSSIAN REFUGEE ASSISTANCE

Sec. 105. In addition to amounts otherwise available, there are authorized to be appropriated to the Secretary of State for fiscal year 1977 not to exceed $20,000,000 [3] to carry out the provisions of section 101(b) of the Foreign Relations Authorizations Act of 1972 [4] (relating to Russian refugee assistance) and to furnish similar assistance to refugees from Communist countries in Eastern Europe. None of the funds appropriated under this section may be used to resettle refugees in any country other than Israel. Amounts appropriated under this section are authorized to remain available until expended.

UNITED STATES PASSPORT OFFICE

Sec. 106. In addition to amounts otherwise available for such purposes, there is authorized to be appropriated for fiscal year 1977, $1,000,000, to be used for miniaturization of the files of the

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[3] FA Appropriations Act, 1977: "For necessary expenses to carry out the provisions of section 101(b) of the Foreign Relations Authorization Act of 1972 and the provisions of section 105 of the Foreign Relations Authorization Act, Fiscal Year 1977, $15,000,000."

[4] Sec. 101(b) reads as follows: "The Secretary of State is authorized to furnish, on terms and conditions he considers appropriate, assistance to Israel or another suitable country, including assistance for the resettlement in Israel or such country of Jewish or other similar refugees from the Union of Soviet Socialist Republics. There are authorized to be appropriated to the Secretary not to exceed $85,000,000 to carry out the provisions of this subsection."

United States Passport Office. Amounts appropriated under this section are authorized to remain available until expended.

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PAYMENT TO LADY CATHERINE HELEN SHAW

Sec. 108. Of the amount appropriated under paragraph (1) of section 101(a) of this Act for salaries and expenses, $10,000 shall be available for payment ex gratia to Lady Catherine Helen Shaw, wife of the former Australian Ambassador to the United States, as an expression of the concern of the United States Government for the injuries which she sustained as a result of an attack on her in the District of Columbia.

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PAN AMERICAN GAMES

Sec. 110. (a) The Congress finds that—

(1) the Eighth Pan American Games to be held in San Juan, Puerto Rico, in 1979 will provide an opportunity for more than six thousand young men and women, representing thirty-three countries in the Western Hemisphere, to participate in friendly athletic competition;

(2) international sporting events such as the Eighth Pan American Games make a unique contribution in promoting common understanding and mutual respect among people of different cultural backgrounds; and

(3) the President has the authority under the Mutual Educational and Cultural Exchange Act of 1961 to provide financing, when he considers that it would strengthen international cooperative relations, for (A) tours abroad by American athletes, (B) United States representation in international sports competitions, and (C) participation by groups and individuals from other countries in tours and in sports competitions in the United States.

(b) In order to strengthen international cooperative relations and promote the purposes of the Mutual Educational and Cultural Exchange Act of 1961,[5] the Secretary of State shall use funds appropriated to carry out this section to provide financial assistance for the Eighth Pan American Games to be held in Puerto Rico in 1979. Such funds shall be transferred by the Secretary to the Recreation Development Company of Puerto Rico (a government corporation of the Commonwealth of Puerto Rico) for expenses directly related to the Eighth Pan American Games, including expenses for—

(1) promoting, organizing, and conducting such games;

(2) constructing new and repairing existing athletic and recreational facilities;

(3) providing lodging, food, and transportation for participants in such games and for related personnel; and

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[5] Public Law 95-26 (Supplemental Appropriations Act, 1977; 91 Stat. 89) appropriated $10,000,000, "to remain available until expended."

(4) acquiring necessary material and equipment for such games. Such expenditures shall be subject to such controls and audits as the Comptroller General may prescribe.

(c) To carry out this section, there is authorized to be appropriated to the Secretary of State $12,000,000.[5]

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MEMBERSHIP AUTHORITY FOR INTERNATIONAL ORGANIZATIONS

Sec. 113. The President is authorized to maintain United States membership in the International Cotton Advisory Committee, the International Lead and Zinc Study Group, the International Rubber Study Group, and the International Seed Testing Association.

PANAMA CANAL

Sec. 114. Any new Panama Canal treaty or agreement negotiated with funds appropriated under this title must protect the vital interests of the United States in the Canal Zone and in the operation, maintenance, property, and defense of the Panama Canal.

INTERNATIONAL JOINT COMMISSION

Sec. 115. After the date of enactment of this Act, any commissioner of the International Joint Commission appointed on the part of the United States, pursuant to article VII of the treaty between the United States and Great Britain relating to boundary waters between the United States and Canada, signed at Washington on January 11, 1909 (36 Stat. 2448; TS 548; III Redmond 2607), shall be appointed by the President by and with the advice and consent of the Senate.

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STATE DEPARTMENT/UNITED STATES INFORMATION AGENCY PERSONNEL SYSTEM

Sec. 117.[6] * * * [Repealed—1981]

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APPOINTMENT OF AMBASSADORS

Sec. 120.[7] * * * [Repealed—1981]

DISCRIMINATION

Sec. 121.[8] Information should not be disseminated about opportunities for, and there should be no participation or other assistance by any officer or employee of the Department of State (including the Agency for International Development) in, the negotiation of any contract or arrangement with a foreign country, individual, or entity, if—

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[6] Sec. 117 was repealed by sec. 2205(4) of the Foreign Service Act of 1980 (Public Law 96-465; 94 Stat. 2160).

[7] Sec. 120 was repealed by sec. 2205(4) of the Foreign Service Act of 1980 (Public Law 96-465; 94 Stat. 2160).

[8] 22 U.S.C. 2661a.

(1) any United States person (as defined in section 7701(a)(30) of the Internal Revenue Code of 1954) is prohibited from entering into such contract or arrangement, or

(2) such contract or arrangement requires that any such person be excluded from participating in the implementation of such contract or arrangement,

on account of the race, religion, national origin, or sex of such person in the case of an individual or, in the case of a partnership, corporation, association, or other entity, any officer, employee, agent, director, or owner thereof.

TITLE II—UNITED STATES INFORMATION AGENCY

AUTHORIZATION OF APPROPRIATIONS

Sec. 201. (a) There are authorized to be appropriated for the United States Information Agency for fiscal year 1977, to carry out international informational activities and programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961 and Reorganization Plan Numbered 8 of 1953, and other purposes authorized by law, the following amounts:

(1) For "Salaries and Expenses" and "Salary and Expenses (special foreign currency program)", $255,925,000.

(2) For "Special International Exhibitions", $4,841,000.

(3) For "Acquisition and Construction of Radio Facilities", $2,142,000.

(4) Such additional amounts as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, or other nondiscretionary costs.

(b) Amounts appropriated under this section are authorized to remain available until expended.

TRANSFER AUTHORITY

Sec. 202. Funds authorized to be appropriated for fiscal year 1977 by any paragraph of section 201(a) (other than paragraph (4)) may be appropriated for such fiscal year for a purpose for which appropriations are authorized by any other paragraph of such section (other than paragraph (4)), except that the total amount appropriated for a purpose described in any paragraph of section 201(a) (other than paragraph (4)) may not exceed the amount specifically authorized for such purpose by section 201(a) by more than 10 per centum.

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BICENTENNIAL DISTRIBUTION OF CERTAIN ITEMS PREPARED BY THE UNITED STATES INFORMATION AGENCY

Sec. 205. (a) Notwithstanding the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948,[9] the Director of the United States Information Agency shall make available to the Administrator of General Services, for deposit in the National Archives of the United States, a master copy of each of the films described in subsection (b) and 150 copies of the exhibit described in subsection (c) and the Administrator shall provide for the distribution of copies of such films and such exhibit for public viewing within the United States in conjunction with the commemoration of the American Revolution Bicentennial.

(b) The films referred to in subsection (a) are the following films which were prepared by the United States Information Agency:

(1) "Echoes", a film sketching the aspirations of American democracy as evoked by heroes and leaders of the past.

(2) "Santa Fe", a film dealing with the historical and social development of Santa Fe, New Mexico, and the surrounding countryside, and with the influence of Spanish, Indian, and Mexican culture on life in the United States Southwest.

(3) "The Numbers Start With the River", a film depicting the quality of life in a small midwestern American town as seen through the eyes of two elderly, lifelong residents of the town.

(4) "The Copland Portrait", a film depicting the life, work, and music of American composer Aaron Copland, including his early student years and early interest in music, his current work with young composers, and his still energetic public performance schedule.

(5) "200", an impressionistic animated cartoon tracing the past two centuries of the development of America.

(6) "Rendezvous", a film portraying the frontier life of American fur trappers.

(7) "Century III—The Gift of Life", a film describing the advances that have been made in the United States, and the prospects for future such advances, in medical techniques such as organ transplants, prosthesis, and immunology.

(c) The exhibit referred to in subsection (a) is the exhibit, prepared by the United States Information Agency, entitled "Life, Liberty, and the Pursuit of Happiness". Such exhibit is a collection of pictures and captions, derived primarily from documents contemporaneous with the events represented, depicting early cultural life in the United States and tracing the early economic growth of the United States, the expansion westward, the development of the democratic spirit, and the establishment of American government and legal institutions.

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TITLE IV—MISCELLANEOUS

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[9] For text, see Sec. F.1 of this Volume.

REPORT ON INTERNATIONAL BROADCASTING

Sec. 403.[10] * * * [Repealed—1982]

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[10] Sec. 403, which had required a report from the President concerning international broadcasting, was repealed by sec. 505(a)(4) of Public Law 97-241 (96 Stat. 299). The President submitted this report on Mar. 22, 1977.

h. Foreign Relations Authorization Act, Fiscal Year 1976

Partial text of Public Law 94-141 [S. 1517], 89 Stat. 756, approved November 29, 1975, as amended by Public Law 97-241 [S. 1193], 96 Stat. 273 at 299, approved August 24, 1982

AN ACT To authorize appropriations for the administration of foreign affairs; international organizations, conferences, and commissions; information and cultural exchange; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Foreign Relations Authorization Act, Fiscal Year 1976".

TITLE I—ADMINISTRATION OF FOREIGN AFFAIRS

PART 1—DEPARTMENT OF STATE

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TRAVEL DOCUMENT AND ISSUANCE SYSTEM

Sec. 102.[1] No part of any funds authorized to be appropriated by this title may be used for the development or implementation of the Travel Document and Issuance System which has been proposed by the United States Passport Office (and which involves a restructuring of the passport issuance function and the issuance of machine readable passport books), or of any other new passport system.

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REOPENING OF UNITED STATES CONSULATE AT GOTHENBURG, SWEDEN

Sec. 105. (a) It is the sense of the Congress that the United States Consulate at Gothenburg, Sweden, should be reopened as soon as possible after the date of enactment of this Act.

(b)(1) There are authorized to be appropriated for the Department of State for fiscal year 1976, in addition to amounts authorized under section 101 of this Act, such sums as may be necessary for the operation of such consulate.

(2) Amounts appropriated under this subsection are authorized to remain available until expended.

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[1] Sec. 505(a)(5) of Public Law 97-241 (96 Stat. 299) repealed subsec. (b) of this section which had authorized $100,000 to conduct a study on the desirability and cost implications of the Travel Document and Issuance System. Congress received this study on Feb. 5, 1976.

AGRICULTURAL ATTACHÉ IN CHINA

Sec. 106. It is the sense of the Congress that the President should establish an agricultural attaché in the People's Republic of China.

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TITLE II—INTERNATIONAL ORGANIZATIONS, CONFERENCES, AND COMMISSIONS

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UNITED STATES CONTRIBUTION TO THE UNITED NATIONS UNIVERSITY ENDOWMENT FUND

Sec. 205. There is authorized to be appropriated, upon request of the President, to the President for fiscal year 1977, $10,000,000 to be used for a contribution of the United States to the United Nations University Endowment Fund, such contribution to be made on such terms as the President finds will promote the purposes of the University as stated in University Charter approved by the General Assembly of the United Nations in December 1973; except that the contribution of the United States to the United Nations University Endowment Fund may not exceed 25 per centum of the total amount actually contributed to such fund by other members of the United Nations. Amounts appropriated under this section are authorized to remain available until expended.

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TITLE IV—FOREIGN SERVICE

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AUTHORITY OF CERTAIN OFFICERS AND EMPLOYEES TO CARRY FIREARMS

Sec. 406. The Act of June 28, 1955 (22 U.S.C. 2666) is amended by striking out all after the enacting clause and inserting in lieu thereof the following: "That, under such regulations as the Secretary of State may prescribe, security officers of the Department of State and the Foreign Service who have been designated by the Secretary of State and who have qualified for the use of firearms, are authorized to carry firearms for the purpose of protecting heads of foreign states, official representatives of foreign governments, and other distinguished visitors to the United States, the Secretary of State, the Deputy Secretary of State, official representatives of the United States Government, and members of the immediate families of any such persons, both in the United States and abroad. The Secretary shall transmit such regulations to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate not more than twenty days before the date on which such regulations take effect.".

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UNITED NATIONS COOPERATION REGARDING MEMBERS OF UNITED STATES ARMED FORCES MISSING IN ACTION IN SOUTHEAST ASIA

Sec. 503.[2] The President shall direct the United States Ambassador to the United Nations to insist that the United Nations take all necessary and appropriate steps to obtain an accounting of members of the United States Armed Forces and United States civilians missing in action in Southeast Asia.

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[2] Sec. 505(a)(5) of Public Law 97-241 (96 Stat. 299) repealed subsec. (b) of this section which had required a report from the President on actions taken by the United Nations to account for U.S. servicemen and civilians missing in action in Southeast Asia. The President submitted this report on June 1, 1976.

i. State Department/USIA Authorization Act, Fiscal Year 1975

Partial text of Public Law 93-475 [S. 3473], 88 Stat. 1439, approved October 26, 1974, as amended by Public Law 97-241 [S. 1193], 96 Stat. 273 at 299, approved August 24, 1982

AN ACT To authorize appropriations for the Department of State and the United States Information Agency, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "State Department/USIA Authorization Act, Fiscal Year 1975".

* * * * * * *

REPEAL OF THE FORMOSA RESOLUTION

Sec. 3. The joint resolution entitled "Joint resolution authorizing the President to employ the Armed Forces of the United States for protecting the security of Formosa, the Pescadores and related possessions and territories of that area", approved January 29, 1955 (69 Stat. 7; Public Law 84-4), and known as the Formosa Resolution, is repealed.

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LIMITATION ON PAYMENTS

Sec. 8. There are authorized to be appropriated funds for payment prior to January 1, 1975, of United States expenses of membership in the United Nations Educational, Scientific, and Cultural Organization, the International Civil Aviation Organization, and the World Health Organization notwithstanding that such payments are in excess of 25 percent of the total annual assessment of such organizations.

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INTERNATIONAL MATERIALS

Sec. 14. It is the sense of the Congress that the Secretary of State should, and he is authorized to, establish within the Department of State a bureau which shall be responsible for continuously reviewing (1) the supply, demand, and price, throughout the world, of basic raw and processed materials (including agricultural commodities), and (2) the effect of United States Government programs and policies (including tax policy) in creating or alleviating, or assisting in creating or alleviating, shortages of such materials. In conducting such review, the bureau should obtain information with respect to—

(A) the supply, demand, and price of each such material in each major importing, exporting, and producing country and region of the world in order to understand long-term and short-term trends in the supply, demand, and price of such materials;

(B) projected imports and exports of such materials on a country-by-country basis;

(C) unusual patterns or changes in connection with the purchase or sale of such materials;

(D) a list of such materials in short supply and an estimate of the amount of shortage;

(E) international geological, geophysical, and political conditions which may affect the supply of such materials; and

(F) other matters that the Secretary considers appropriate in carrying out this section.

FUTURE OF UNITED STATES ASSISTANCE TO SOUTH VIETNAM; REDUCTION OF CERTAIN PERSONNEL ABROAD

Sec. 15.[1] * * * [Repealed—1982]

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[1] Sec. 15, which had expressed the sense of the Congress that the Secretary of State should prepare a plan to reduce aid to South Vietnam, that the number of executive branch personnel (except members of certain agencies) located overseas should be reduced, and that the number of Defense Department officials assigned to military aid missions abroad should be reduced, was repealed by sec. 505(a)(6) of Public Law 97-241 (96 Stat. 299). Pursuant to sec. 15, the Secretary of State submitted a report on Apr. 28, 1975 describing steps taken to carry out these provisions.

j. Department of State Appropriations Authorization Act of 1973

Partial text of Public Law 93-126 [H.R. 7645], 87 Stat. 451, approved October 18, 1973, as amended by Public Law 93-312 [H.R. 12466], 88 Stat. 237, approved June 8, 1974; Public Law 93-475 [S. 3473], 88 Stat. 1439 approved October 26, 1974; Public Law 95-426 [Foreign Relations Authorization Act, Fiscal Year 1979; H.R. 12598], 92 Stat. 963 at 969, approved October 7, 1978; by Public Law 96-465 [Foreign Service Act of 1980; H.R. 6790], 94 Stat. 2071 at 2160, approved October 17, 1980 and by Public Law 99-93 [H.R. 2068], 99 Stat. 405, approved August 16, 1985

AN ACT To authorize appropriations for the Department of State, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of State Appropriations Authorization Act of 1973".

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AMBASSADORS AND MINISTERS

Sec. 6.[1] * * * [Repealed—1981]

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BUREAU OF OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS

Sec. 9. (a) There is established within the Department of State a Bureau of Oceans and International Environmental and Scientific Affairs. In addition to the positions provided under the first section of the Act of May 26, 1949, as amended (22 U.S.C. 2652), there shall be an Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs, appointed by the President, by and with the advice and consent of the Senate, who shall be the head of the Bureau and who shall have responsibility for matters relating to oceans, environmental, scientific, fisheries, wildlife, and conservation affairs.

(b)[2] Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

(99) Assistant Secretary for Oceans and International Environmental and Scientific Affairs, Department of State.

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[1] Sec. 6, as amended by Public Law 93-475, was repealed by sec. 2205(5) of the Foreign Service Act of 1980 (Public Law 96-465; 94 Stat. 2160). Sec. 6 had required the submission of a report to Congress detailing the political campaign contributions made by ambassadors and ministers (and their families) nominated by the President. This requirement now applies to all individuals nominated to be chiefs of mission, ambassadors at large, and ministers, and can be found at sec. 304(b)(2) of the Foreign Service Act of 1980.

[2] Subsecs. (b) and (c) were added by Public Law 93-312, 88 Stat. 238, approved June 8, 1974.

(c)[2] Paragraph (109) of section 5316 of title 5, United States Code, relating to the Director of International Scientific Affairs, Department of State, is repealed.

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REIMBURSEMENT FOR DETAILED STATE DEPARTMENT PERSONNEL

Sec. 11. (a) An Executive agency to which any officer or employee of the Department of State is detailed, assigned, or otherwise made available, shall reimburse the Department for the salary and allowances of each such officer or employee for the period the officer or employee is so detailed, assigned, or otherwise made available. However, if the Department of State has an agreement with an Executive agency or agencies providing for the detailing, assigning, or otherwise making available, of substantially the same numbers of officers and employees between the Department and the Executive agency or agencies, and such numbers with respect to a fiscal year are so detailed, assigned, or otherwise made available, or if the period for which the officer or employee is so detailed, assigned, or otherwise made available does not exceed one year,[3] or if the number of officers and employees so detailed, assigned, or otherwise made available at any one time does not exceed fifteen and the period of any such detail, assignment, or availability of an officer or employee does not exceed two years,[4] no reimbursement shall be required to be made under this section. Officers and employees of the Department of State who are detailed, assigned, or otherwise made available to another Executive agency for a period of not to exceed one year shall not be counted toward any personnel ceiling for the Department of State established by the Director of the Office of Management and Budget.[3]

(b) For purposes of this section, "Executive agency" has the same meaning given that term by section 105 of title 5, United States Code.

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REQUIREMENT FOR CONGRESSIONAL AUTHORIZATION FOR THE INVOLVEMENT OF AMERICAN FORCES IN FURTHER HOSTILITIES IN INDOCHINA, AND FOR EXTENDING ASSISTANCE TO NORTH VIETNAM

Sec. 13. Notwithstanding any other provision of law, on or after August 15, 1973, no funds heretofore or hereafter appropriated may be obligated or expended to finance the involvement of United States military forces in hostilities in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia, unless specifically authorized hereafter by the Congress. Notwithstanding any other provision of law, upon enactment of this Act, no funds heretofore or hereafter appropriated may be obligated or expended for the purpose of providing assistance of any kind directly or indirectly, to or on behalf of North Vietnam, unless specifically authorized hereafter by the Congress.

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[3] Sec. 118 of Public Law 95-426 (92 Stat. 969) extended this time period from ninety days to one year and added the final sentence of subsec. (a).

[4] Sec. 117 of Public Law 99-93 (99 Stat. 405), The Foreign Relations Authorization Act, Fiscal Years 1986 and 1987, added the left often "does not exceed one year" to this point.

LIMITATION ON PUBLICITY AND PROPAGANDA PURPOSES

Sec. 14. No appropriation made available under this Act shall be used—

(1) for publicity or propaganda purposes designed to support or defeat legislation pending before Congress; or

(2) to influence in any way the outcome of a political election.

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MUTUAL RESTRAINT ON MILITARY EXPENDITURES

Sec. 16. It is the sense of the Congress that the United States and the Union of Soviet Socialist Republics should, on an urgent basis and in their mutual interests, seek agreement on specific mutual reductions in their respective expenditures for military purposes so that both nations can devote a greater proportion of their available resources to the domestic needs of their respective peoples; and, the President of the United States is requested to seek such agreements for the mutual reduction of armament and other military expenditures in the course of all discussions and negotiations in extending guaranties, credits, or other forms of direct or indirect assistance to the Soviet Union.

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k. Foreign Relations Authorization Act of 1972, as amended

Partial text of Public Law 92-352 [H.R. 14734], 86 Stat. 489, approved July 13, 1972, as amended by Public Law 93-126 [H.R. 7645], 87 Stat. 451, approved October 18, 1973

AN ACT To provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Foreign Relations Authorization Act of 1972".

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TITLE V—GENERAL AND MISCELLANEOUS PROVISIONS

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EXPRESSION OF INDIVIDUAL VIEWS TO CONGRESS

Sec. 502. Upon the request of a committee of either House of Congress, a joint committee of Congress, or a member of such committee, any officer or employee of [1] the Department of State, the United States Information Agency, the Agency for International Development, the United States Arms Control and Disarmament Agency, or any other department, agency, or independent establishment of the United States Government primarily concerned with matters relating to foreign countries or multilateral organizations, may express his views and opinions, and make recommendations he considers appropriate, if the request of the committee or member of the committee relates to a subject which is within the jurisdiction of that committee.

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TITLE VI—STUDY COMMISSION RELATING TO FOREIGN POLICY

FINDINGS AND PURPOSE

Sec. 601. It is the purpose of this title to establish a study commission which will submit findings and recommendations to provide a more effective system for the formulation and implementation of the Nation's foreign policy.

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[1] Sec. 17 of Public Law 93-126 (87 Stat. 452), inserted the words "or employees of" in lieu of "appointed by the President, by and with the advice and consent of the Senate, in a position in".

COMMISSION ON THE ORGANIZATION OF THE GOVERNMENT FOR THE CONDUCT OF FOREIGN POLICY

Sec. 602. (a) To carry out the purpose of section 601 of this Act, there is established a Commission on the Organization of the Government for the Conduct of Foreign Policy (hereafter referred to in this title as the "Commission").

(b) The Commission shall be composed of the following twelve members:

(1) four members appointed by the President, two from the executive branch of the Government and two from private life;

(2) four members appointed by the President of the Senate, two from the Senate (one from each of the two major political parties) and two from private life; and

(3) four members appointed by the Speaker of the House of Representatives, two from the House of Representatives (one from each of the two major political parties) and two from private life.

(c) The Commission shall elect a Chairman and a Vice Chairman from among its members.

(d) Seven members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(e) Each member of the Commission who is not otherwise employed by the United States Government shall receive $145 a day (including traveltime) during which he is engaged in the actual performance of his duties as a member of the Commission. A member of the Commission who is an officer or employee of the United States Government shall serve without additional compensation. All members of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

DUTIES OF THE COMMISSION

Sec. 603. (a) The Commission shall study and investigate the organization, methods of operation, and powers of all departments, agencies, independent establishments, and instrumentalities of the United States Government participating in the formulation and implementation of United States foreign policy and shall make recommendations which the Commission considers appropriate to provide improved governmental processes and programs in the formulation and implementation of such policy, including, but not limited to, recommendations with respect to—

(1) the reorganization of the departments, agencies, independent establishments, and instrumentalities of the executive branch participating in foreign policy matters;

(2) more effective arrangements between the executive branch and Congress, which will better enable each to carry out its constitutional responsibilities;

(3) improved procedures among departments, agencies, independent establishments, and instrumentalities of the United States Government to provide improved coordination and control with respect to the conduct of foreign policy;

(4) the abolition of services, activities, and functions not necessary to the efficient conduct of foreign policy; and

(5) other measures to promote peace, economy, efficiency, and improved administration of foreign policy.

(b) The Commission shall submit a comprehensive report to the President and Congress, not later than June 30, 1975,[2] containing the findings and recommendations of the Commission with respect to its study and investigation. Such recommendations may include proposed constitutional amendments, legislation, and administrative actions the Commission considers appropriate in carrying out its duties. The Commission shall cease to exist on the thirtieth day after the date on which it files the comprehensive report under this subsection.

POWERS OF THE COMMISSION

Sec. 604. (a) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this title, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or such subcommittee or member may deem advisable. Subpenas may be issued under the signature of the Chairman of the Commission, of any such subcommittee, or any designated member, and may be served by any person designated by such Chairman or member. The provisions of sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192–194) shall apply in the case of any failure of any witness to comply with any subpena or to testify when summoned under authority of this section.

(b) The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality information, suggestions, estimates and statistics for the purposes of this title. Each such department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized and directed, to the extent authorized by law, to furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman or Vice Chairman.

STAFF OF THE COMMISSION

Sec. 605. (a) The Commission shall have power to appoint and fix the compensation of such personnel as it deems advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

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[2] Sec. 4 of Public Law 93-126 (87 Stat. 452), changed the date to June 30, 1975 from June 30, 1974.

(b) The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at GS–18.

EXPENSES OF THE COMMISSION

Sec. 606. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

l. Department of State Appropriations

(1) Department of State Appropriations Act, 1987

Partial text of Public Law 99-591 [H.J. Res. 738], 100 Stat 3341, approved October 30, 1986

JOINT RESOLUTION Making continuing appropriations for the fiscal year 1987, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1987, and for other purposes, namely:

SEC. 101. (a) * * *

(b) Such amounts as may be necessary for programs, projects or activities provided for in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1987, at a rate of operations and to the extent and in the manner provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

AN ACT Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1987, and for other purposes.

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TITLE III—DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

For necessary expenses of the Department of State and the Foreign Service, not otherwise provided for, including obligations of the United States abroad pursuant to treaties, international agreements, and binational contracts (including obligations assumed in Germany on or after June 5, 1945), expenses authorized by section 9 of the Act of August 31, 1964, as amended (31 U.S.C. 3721), and section 2 of the State Department Basic Authorities Act of 1956, as amended (22 U.S.C. 2669); telecommunications; not to exceed $4,000,000 for expenses necessary for the Inspector General of the Department of State, pursuant to the Inspector General act of 1978; expenses necessary to provide maximum physical security in Government-owned and leased properties and vehicles abroad; permanent representation to certain international organizations in which the United States participates pursuant to treaties, conventions, or specific Acts of Congress; acquisition by exchange or purchase of vehicles as authorized by law, except that special requirement vehicles may be purchased without regard to any price limitation otherwise established by law; $1,527,000,000.

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), and for representation by United States missions to the United Nations and the Organization of American States, $4,460,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services in accordance with the provisions of section 214 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314), and to provide for the protection of foreign missions in accordance with the provisions of 3 U.S.C. 208, $9,100,000.

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292-300), $440,000,000, of which $15,000,000 shall become available for expenditure on October 1, 1987, to remain available until expended: *Provided,* That the funds appropriated in this paragraph shall be available subject to the approval of the House and Senate Committees on Appropriations under said Committees' policies concerning the reprogramming of funds contained in House Report 99-669: *Provided further,* That balances of previous appropriations for "Acquisition, operation, and maintenance of buildings abroad" shall be transferred to and merged with this appropriation: *Provided further,* That up to $1,000,000 shall be available for transfer under the Economy Act to the Director of the National Bureau of Standards for the purposes of conducting an independent analysis of the new United States embassy office building being constructed in Moscow: *Provided further,* That a report including this analysis, an assessment of the current structure and recommendations and cost estimates for correcting any structural flaws or construction defects shall be transmitted by the Director of the National Bureau of Standards to the Speaker of the House of Representatives and the President of the Senate no later than April 15, 1987: *Provided further,* That beginning on February 1, 1987, the Secretary of State shall report every six months to the Speaker of the House of Representatives and the President of the Senate on any failures during the past six months by Soviet agencies to perform obligations to United States diplomats or United States missions to the Soviet Union and the actions undertaken by the Department of State to redress these failures.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service to be expended pursuant to the requirement of 31 U.S.C. 3526(e), $4,000,000.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96-8 (93 Stat. 14), $9,379,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $127,398,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties, conventions, or specific Acts of Congress, $385,000,000, of which $130,000,000, to remain available until expended, shall become available for expenditure on October 1, 1987: *Provided,* That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For payments, not otherwise provided for, by the United States for expenses of the United Nations peacekeeping forces, $29,400,000.

INTERNATIONAL CONFERENCES AND CONTINGENCIES

For necessary expenses authorized by section 5 of the State Department Basic Authorities Act of 1956, contributions for the United States share of general expenses of international organizations and representation to such organizations, and personal services without regard to civil service and classification laws, $5,460,000, to remain available until expended, of which not to exceed $200,000 may be expended for representation as authorized by law.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, conventions, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the United States and Mexico International Boundary and Water Commission, and to comply with laws applicable to the United States Section; and leasing of private property to remove therefrom sand, gravel, stone, and other materials, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5); as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, including preliminary surveys, $10,800,00: *Provided,* That expenditures for the Rio Grande bank protection project shall be subject to the provisions and conditions contained in the appropriation for said project as provided by the Act approved April 25, 1945 (59 Stat. 89): *Provided further,* That the Anzalduas diversion dam shall not be operated for irrigation or water supply purposes in the United States unless suitable arrangements have been made with the prospective water users for repayment to the Genernment of such portions of the cost of said dam as shall have been allocated to such purposes by the Secretary of State: *Provided further,* That not to exceed $500,000 of the amount appropriated in this paragraph shall be available to reimburse the city of San Diego, in the State of California, for expenses incurred in treating domestic sewage received from the city of Tijuana, in the State of Baja California, Mexico.

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For detailed plan preparation and construction of authorized projects, to remain available until expended, $3,900,000: *Provided,* That activities for the New River Project may be financed from these funds or from carry over balances under the heading, "International Boundary and Water Commission, United States and Mexico, Construction".

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, including not to exceed $6,000 for representation, $3,700,000; for the International Joint Commission, including salaries and expenses of the Commissioners on the part of the United States who shall serve at the pleasure of the President; salaries of employees appointed by the Commissioners on the part of the United States with the approval solely of the Secretary of State; travel expenses and compensation of witnesses; and the International Boundary Commission, for necessary expenses, not otherwise provided for, including expenses required by awards to the Alaskan Boundary Tribunal and existing treaties between the United States and Canada or Great Britain.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, $10,800,000: *Provided,* That the United States share of such expenses may be advanced to the respective commissions.

OTHER

UNITED STATES BILATERAL SCIENCE AND TECHNOLOGY AGREEMENTS

For expenses, not otherwise provided for, to enable the United States to participate in programs of scientific and technological cooperation with Yugoslavia, $1,900,000, to remain available until expended.

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, $8,800,000, to remain available until expended.

SOVIET-EAST EUROPEAN RESEARCH AND TRAINING

For expenses not otherwise provided to enable the Secretary of State to reimburse private firms and American institutions of higher education for research contracts and graduate training for development and maintenance of knowledge about the Soviet Union and Eastern European countries, $4,600,000.

GENERAL PROVISIONS—DEPARTMENT OF STATE

SEC. 301. Funds appropriated under this title shall be available, except as othewise provided, for allowances and differentials as authorized by subchapter 59 of 5 U.S.C.; for services as authorized by 5 U.S.C. 3109; and hire of passenger or freight transportation.

SEC. 302. The Secretary of State shall report to the appropriate Committees of the Congress on the obligation of funds provided for diplomatic security and related expenses every thirty days from the date of enactment of this Act.

This title may be cited as the "Department of State Appropriation Act, 1987".

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TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. None of the funds appropriated in title II and V of this Act may be used for any activity to alter the per se prohibition on resale price maintenance in effect under Federal antitrust laws: *Provided*, That nothing in this provision shall prohibit any employee of a department or agency for which funds are provided in titles II and V of this Act from presenting testimony on this matter before appropriate committees of the House and Senate.

SEC. 606. None of the funds appropriated by this Act to the Legal Services Corporation may be used by the Corporation or any recipient to participate in any litigation with respect to abortion, except where the life of the mother would be endangered if the fetus were carried to term.

SEC. 607. (a) None of the funds provided under this Act shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out any functions or activities presently performed by Federal employees; unless the Appropriations Committee of both Houses of Congress are notified fifteen days in advance of such programming of funds.

(b) None of the funds provided under this Act shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $250,000 or 10 per centum, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 per centum funding for any existing program, project, or activity, or numbers of personnel by 10 per centum as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress, unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

SEC. 608. (a) Notwithstanding any provision of chapter 11 of title 11, United States Code, the trustee shall pay benefits until May 15, 1987 to retired former employees under a plan, fund, or program maintained or established by the debtor prior to filing a petition (through the purchase of insurance or otherwise) for the purpose of providing medical, surgical, or hospital care benefits, or benefits in the event of sickness, accident, disability, or death.

(b) This section is effective with respect to cases commenced under chapter 11, of title 11, United States Code, in which a plan for reorganization has not been confirmed by the court and in which any such benefit is still being paid on October 2, 1986, and in cases that become subject to chapter 11, United States Code, after October 2, 1986.

(c) This section shall not apply during any period in which a case is subject to chapter 7, title 11, United States Code.

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NOTE.—Additional appropriations for the Department of State were included in the Omnibus Drug Supplemental Appropriations Act of 1987, sec. 101(n), title II, chapter II, of the Continuing Appropriations Act, 1987, (Public Law 99-591; 100 Stat. 3341).

(2) Urgent Supplemental Appropriations Act, 1986

Partial text of Public Law 99-349 [H.R. 4515], 100 Stat. 716, approved July 2, 1986

AN ACT Making urgent supplemental appropriations for the fiscal year ending September 30, 1986, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1986, and for other purposes, namely:

TITLE I

GENERAL SUPPLEMENTALS

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CHAPTER II

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DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

Notwithstanding section 15(a) of the State Department Basic Authorities Act of 1956, for an additional amount for "Salaries and expenses", $283,104,000, to remain available until expended: *Provided,* The $222,104,000 of this amount shall become available for obligation on September 30, 1986.

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

Notwithstanding section 15(a) of the State Department Basic Authorities Act of 1956, for an additional amount for "Acquisition and Maintenance of Buildings Abroad", to be available subject to the approval of the House and Senate Committees on Appropriations under said Committees' policies concerning the reprogramming of funds contained in Public Law 99-180, $409,000,000, to remain available until expended: *Provided,* That such funds shall become available for obligation on September 30, 1986.

COUNTERTERRORISM RESEARCH AND DEVELOPMENT

Notwithstanding section 15(a) of the State Department Basic Authorities Act of 1956, for necessary expenses for "Counter terrorism Research and Development", $10,000,000 to remain available until September 30, 1987.

OTHER

THE AISA FOUNDATION

Notwithstanding section 15(a) of the State Department Basic Authorities Act of 1956, for an additional amount for "The Asia Foundation", $2,000,000, to remain available until expended.

GENERAL PROVISION—DIPLOMATIC SECURITY PROGRAM

The funds made available by this chapter to the Department of State under the headings "Salaries and Expenses", "Acquisition and Maintenance of Buildings Abroad", and "Counterterrorism Research and Development" shall not be used for any purpose inconsistent with or contrary to authorizing legislation for the Diplomatic Security Program as enacted into law.

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m. State Department Basic Authorities Act of 1956

NOTE.—Legislation setting forth original authority for the Department of State (July 27, 1789, c. 4, Sec. 1, 1 Stat. 28; Sept. 15, 1789, c. 14, Sec. 1, 1 Stat. 68) states, "The Secretary of State shall perform such duties as shall from time to time be enjoined on or entrusted to him by the President relative to correspondences, commissions, or instructions to or with public ministers or consuls from the United States, or to negotiations with public ministers from foreign states or princes, or to memorials or other applications from foreign public ministers or other foreigners, or to such other matters respecting foreign affairs as the President of the United States shall assign to the department and he shall conduct the business of the department in such manner as the President shall direct." (22 U.S.C. 2656)

Public Law 84-885 [S. 2569], 70 Stat. 890, approved August 1, 1956, as amended by Public Law 86-707 [H.R. 7758], 74 Stat. 800, approved September 6, 1960; Public Law 86-624 [H.R. 11602], 74 Stat. 411, approved July 12, 1960; Public Law 86-723 [S. 2633], 74 Stat. 847, approved September 8, 1960; Public Law 87-565 [S. 2996], 76 Stat. 263, approved August 1, 1962; Public Law 88-205 [H.R. 7885], 77 Stat. 391, approved December 16, 1963; Public Law 92-226 [S. 2819], 86 Stat. 20, approved February 7, 1972; Public Law 92-352 [H.R. 14734], 86 Stat. 489, approved July 13, 1972; Public Law 93-475 [S. 3473], 88 Stat. 1439, approved October 26, 1974; Public Law 94-141 [S. 1517], 89 Stat. 756, approved November 29, 1975; Public Law 94-350 [S. 3168], 90 Stat. 823, approved July 12, 1976; Public Law 95-45 [H.R. 5040], 91 Stat. 221, approved June 15, 1977; Public Law 95-105 [H.R. 6689], 91 Stat. 844, approved August 17, 1977; Public Law 95-426 [H.R. 12598], 92 Stat. 963, approved October 7, 1978; Public Law 96-60 [H.R. 3363], 93 Stat. 395, approved August 15, 1979; Public Law 96-465 [Foreign Service Act of 1980; H.R. 6790], 94 Stat. 2071 at 2153 and 2160, approved October 17, 1980; Public Law 97-241 [S. 1193], 96 Stat. 273, approved August 24, 1982; Public Law 98-164 [Department of State Authorization Act, Fiscal Years 1984 and 1985; H.R. 2195], 97 Stat. 1017, approved November 22, 1983; Public Law 98-533 [1984 Act to Combat International Terrorism; H.R. 6311], 98 Stat. 2706, approved October 19, 1984; by Public Law 99-93 [H.R. 2068], 99 Stat. 405, approved August 16, 1985, as amended by Public Law 99-399 [Omnibus Diplomatic Security and Antiterrorism Act; H.R. 4151], 100 Stat. 871 approved August 27, 1986 by Public Law 99-550 [H.R. 3614], 100 Stat. 3067, approved October 27, 1986, and by Public Law 99-569 [Intelligence Authorization Act for Fiscal Year 1987, H.R. 4759]; 100 Stat. 3190, approved October, 27, 1986

AN ACT To provide certain basic authority for the Department of State.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—BASIC AUTHORITIES GENERALLY

Section 1. The Secretary of State is authorized to establish, maintain, and operate passport and despatch agencies.

Sec. 2.[1] The Secretary of State, may use funds appropriated or otherwise available to the Secretary to [2]

(a) provide for printing and binding outside the States of the United States [3] and the District of Columbia without regard to section 11 of the Act of March 1, 1919 (44 U.S.C. 111);

(b) [4] for the purpose of promoting and maintaining friendly relations with foreign countries through the prompt settlement of certain claims, settle and pay any meritorious claim against the United States which is presented by a government of a foreign country for damage to or loss of real or personal property of, or personal injury to or death of, any national of such foreign country: *Provided*, That such claim is not cognizable under any other statute or international agreement of the United States and can be settled for not more than $15,000 or the foreign currency equivalent thereof.

(c) [5] employ individuals or organizations, by contract, for services abroad and individuals employed by contract to perform such services shall not be virtue of such employment be considered to be employees of the United States Government; for purposes of any law administered by the Office of Personnel Management (except that the Secretary may determine the applicability to such individuals of subsection (f) and of any other law administered by the Secretary concerning the employment of such individuals abroad).

(d) provide for official functions and courtesies;

(e) purchase uniforms;

(f) pay tort claims, in the manner authorized in the first paragraph of section 2672, as amended, of title 28 of the United States Code when such claims arise in foreign countries in connection with Department of State operations abroad;

(g) [6] obtain services as authorized by section 3109 of title 5, United States Code, at a rate not to exceed the maximum rate payable for GS-18 under section 5332 of such title 5; and

(h) [1] directly procure goods and services in the United States or abroad, solely for use by United States Foreign Service posts abroad when the Secretary of State, in accordance with guidelines established in consultation with the Administrator of General Services, determines that use of the Federal Supply Service or otherwise applicable Federal goods and services acquisition authority would not meet emergency overseas security requirements determined necessary by the Secretary, taking into account overseas delivery, installation, maintenance, or replacement requirements, except that the authority granted by this paragraph shall cease to be effective when the amendment made by section 2711 of the Competition in Contracting Act of 1984 takes effect and thereafter procurement by the Secretary of State for the purposes described in this paragraph shall be in accordance with section 303(c)(2) of the Federal Property and Administrative Services Act of 1949.

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[1] 22 U.S.C. 2669.

[2] Sec. 114 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99-93; 99 Stat. 405) substituted the words "may use funds appropriated or otherwise available to the Secretary to". for the words "when funds are appropriated therefor, may—".

[3] This reference to the "States of the United States" was substituted in lieu of a reference to the "continental United States" by sec. 2 of Public Law 86-624 (74 Stat. 411).

[4] Subsec. (b) was added by sec. 402 of Public Law 87-565 (76 Stat. 263; 22 U.S.C. 2669), the Foreign Assistance Act of 1962. Former sec. 2(b) was repealed by sec. 511(a)(2) of Public Law 86-707 (74 Stat. 800), the Overseas Differentials and Allowances Act.

[5] Sec. 303(a)(1) of Public Law 98-533 (98 Stat. 2710) amended and restated para. (c) up to the semicolon. Subsequently, see. 118 of Public Law 99-93 (99 Stat. 405) added the text of para. (c) which follows the semicolon. It formerly read as follows: "(c) employ aliens, by contract, for services abroad;".

[6] Sec. 303(a)(2) of Public Law 98-533 (98 Stat.) added paras. (g) and (h).

Sec. 3.[7] [8] The Secretary of State is authorized to—

(a) obtain insurance on official motor vehicles operated by the Department of State in foreign countries, and pay the expenses incident thereto;

(b) rent tie lines and teletype equipment;

(c) provide ice and drinking water for United States Embassies and Consulates abroad;

(d) pay excise taxes on negotiable instruments which are negotiated by the Department of State abroad;

(e) [9] pay the actual expenses of preparing and transporting to their former homes the remains of persons, not United States Government employees, who may die away from their homes while participating in international educational exchange activities under the jurisdiction of the Department of State;

(f) pay expenses incident to the relief, protection, and burial of American seamen, and alien seamen from United States vessels in foreign countries and in the United States, Territories and possessions;

(g) pay the expenses incurred in the acknowledgment of the services of officers and crews of foreign vessels and aircraft in rescuing American seamen, airmen, or citizens from shipwreck or other catastrophe abroad or at sea;

(h) rent or lease, for periods of less than ten years, such offices, buildings, grounds, and living quarters for the use of the Foreign Service abroad as he may deem necessary, and make payments therefor in advance;

(i) maintain, improve, and repair properties rented or leased pursuant to authority contained in subsection (h) of this section and furnish fuel, water, and utilities for such properties; and

(j) [10] provide emergency medical attention and dietary supplements, and other emergency assistance, for United States citizens incarcerated abroad or destitute United States citizens abroad [11] who are unable to obtain such services otherwise, such assistance to be provided on a reimbursable basis to the extent feasible.

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[7] 22 U.S.C. 2670.

[8] See footnote 9.

[9] However, the authority granted to the Secretary of State under subsec. (e) was abolished by sec. 9(a)(7) of Reorganization Plan No. 2 of 1977 (establishing the ICA).

[10] Subsec. (j) was added by sec. 2 of Public Law 95–45 (91 Stat. 221).

[11] The words "or destitute United States citizens abroad" were added by sec. 108(a) of Public Law 95–426 (92 Stat. 966). Sec. 108(b) of the same Act provided that this amendment would take effect on Oct. 1, 1978.

Sec. 4.[12] (a) [13] The Secretary of State is authorized to—

(1) subject to subsection (b), make expenditures, from such amounts as may be specifically appropriated therefor, for unforeseen emergencies arising in the diplomatic and consular service and, to the extent authorized in appropriation Acts, funds expended for such purposes may be accounted for in accordance with section 291 of the Revised Statutes (31 U.S.C. 107); and

(2) delegate to subordinate officials the authority vested in him by section 291 of the Revised Statutes pertaining to certification of expenditures.

(b) [11] (1) Expenditures described under subsection (a) shall be made only for such activities as—

(A) serve to further the realization of foreign policy objectives;

(B) are a matter of urgency to implement;

(C) with respect to activities the expenditures for which are required to be certified under subsection (a), require confidentiality in the best interests of the conduct of foreign policy by the United States; and

(D) are not otherwise prohibited by law.

(2) Activities described in paragraph (1) include—

(A) the evacuation of United States Government employees and their dependents and private United States citizens when their lives are endangered by war, civil unrest, or natural disaster;

(B) loans made to destitute citizens of the United States who are outside the United States and made to provide for the return to the United states of its citizens;

(C) visits by foreign chiefs of state or heads of government to the United States;

(D) travel of delegations representing the President at any inauguration or funeral of a foreign dignitary;

(E) travel of the President, the Vice President, or a Member of Congress to a foreign country, including advance arrangements, escort, and official entertainment;

(F) travel of the Secretary of State within the United States and outside the United States, including official entertainment;

(G) official representational functions of the Secretary of State and other principal officers of the Department of State;

(H) official functions outside the United States the expenses for which are not otherwise covered by amounts appropriated for representation allowances;

(I) investigations and apprehension of groups or individuals involved in fraudulent issuance of United States passports and visas; and

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[12] 22 U.S.C. 2671.

[13] Sec. 122 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (Public Law 98-164; 97 Stat. 1023) redesignated existing subsecs. (a) and (b) as para. (1) and (2), redesignated the existing text as subsec. (a), added the reference to subsec. (b) in para. (1) of subsec. (a), and added new subsecs. (b), (c), and (d).

(J) gifts of nominal value given by the President, Vice President, or Secretary of State to a foreign dignitary.

(c) [11] The Inspector General of the Department of State and the Foreign Service shall conduct an annual confidential audit of the Department of State's emergency expenditures and prepare and transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate an annual report indicating whether such expenditures were made in accordance with subsections (a) and (b) of this section.

(d) [11] With regard to the repatriations loan program, the Secretary of State shall—

(1) require the borrower to provide a verifiable address and social security number at the time of application;

(2) require a written loan agreement which includes a repayment schedule;

(3) bar passports from being issued or renewed for those individuals who are in default;

(4) refer any loan more than one year past due to the Department of Justice for litigation;

(5) obtain addresses from the Internal Revenue Service for all delinquent accounts which have social security numbers;

(6) report defaults to commercial credit bureaus as provided in section 3711(f) of title 31, United States Code;

(7) be permitted to use any funds necessary to contract with commerical collection agencies, notwithstanding section 3718(c) of title 31, United States Code;

(8) charge interest on all loans as of May 1, 1983, with the rate of interest to be that set forth in section 3717(a) of title 31, United States Code;

(9) assess charges, in addition to the interest provided for in paragraph (8), to cover the costs of processing and handling delinquent claims, as of May 1, 1983;

(10) assess a penalty charge, in addition to the interest provided for in paragraphs (8) and (9), of 6 percent per year for failure to pay any portion of a debt more than ninety days past due; and

(11) implement the interest and penalty provisions in paragraphs (8), (9), and (10) for all current and future loans, regardless of whether the debts were incurred before or after May 1, 1983.

Sec. 5.[14] The Secretary of State is authorized to—

(a) provide for participation by the United States in international activities which arise from time to time in the conduct of foreign affairs for which provision has not been made by the terms of any treaty, convention, or special Act of Congress: *Provided,* That this subsection shall not be construed as granting authority to accept membership for the United States in any international organization, or to participate in the activities of any international organization for more than one year without approval by the Congress; and

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[14] 22 U.S.C. 2672.

(b) pay the expenses of participation in activities in which the United States participates by authority of subsection (a) of this section, including, but not limited to the following:

(1) Employment of aliens;

(2) Travel expenses without regard to the Standardized Government Travel Regulations and to the rates of per diem allowances in lieu of subsistence expenses under the Travel Expense Act of 1949, as amended (5 U.S.C. 5701-5708).[15]

(3) Travel expenses of persons serving without compensation in an advisory capacity while away from their homes or regular places of business not in excess of those authorized for regular officers and employees traveling in connection with said international activities; and

(4) Rental of quarters by contract or otherwise.

Sec. 6.[16] The provisions of section 8 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287e), and regulations thereunder, applicable to expenses incurred pursuant to that Act, may be applicable to the obligation and expenditure of funds in connection with United States participation in the International Civil Aviation Organization.

Sec. 7.[17] The exchange allowances or proceeds derived from the exchange or sale of passenger motor vehicles in possession of the Foreign Service abroad, in accordance with section 201(c) of the Act of June 30, 1949 (40 U.S.C. 481(c)), shall be available without fiscal year limitation for replacement of an equal number of such vehicles.

Sec. 8.[18] The Secretary of State may allocate or transfer to any department, agency, or independent establishment of the United States Government (with the consent of the head of such department, agency, or establishment) any funds appropriated to the Department of State, for direct expenditure by such department, agency, or independent establishment for the purposes for which the funds are appropriated in accordance with authority granted in this Act or under authority governing the activities of such department, agency, or independent establishment.

Sec. 9.[19] The Secretary of State is authorized to enter into contracts in foreign countries involving expenditures from funds appropriated or otherwise made available to the Department of State, without regard to the provisions of section 3741 of the Revised Statutes (41 U.S.C. 22): *Provided,* That nothing in this section shall be construed to waive the provisions of section 431 of title 18 of the United States Code.

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[15] Formerly 5 U.S.C. 835-842 until codified by Public Law 89-554, 80 Stat. 378, Sept. 6, 1966.

[16] 22 U.S.C. 2673.

[17] 22 U.S.C. 2674.

[18] 22 U.S.C. 2675. Sec. 121 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (Public Law 98-164; 97 Stat. 1023) amended and restated sec. 8. It formerly read as follows:

"Sec. 8. The Secretary of State may, when authorized in an appropriation or other law, transfer to any department, agency, or independent establishment of the Government, with the consent of the head thereof, any funds appropriated to the Department of State, for direct expenditure by such department, agency, or independent establishment for the purposes for which the funds are appropriated."

[19] 22 U.S.C. 2676.

Sec. 10.[20] Appropriated funds made available to the Department of State for expenses in connection with travel of personnel outside the continental United States, including travel of dependents and transportation of personal effects, household goods, or automobiles of such personnel shall be available for such expenses when any part of such travel or transportation begins in one fiscal year pursuant to travel orders issued in that year, notwithstanding the fact that such travel or transportation may not be completed during that same fiscal year.

Sec. 11.[21] * * * [Repealed—1986]

Sec. 12.[22] The Secretary of State, with the approval of the bureau of the Budget,[23] shall prescribe the maximum rates per diem in lieu of subsistence (or of similar allowances therefor) payable while away from their own countries to foreign participants in any exchange of persons program, or in any program of furnishing technical information and assistance, under the jurisdiction of any Government agency, and said rates may be fixed without regard to any provision of law in limitation thereof.

Sec. 13.[24] (a)[25] There is hereby established a working capital fund for the Department of State, which shall be available without fiscal year limitations, for expenses (including those authorized by the Foreign Service Act of 1980)[26] and equipment, necessary for maintenance and operation in the city of Washington and elsewhere of (1) central reproduction, editorial, data processing, audiovisual, library and administrative support services; (2) central services for supplies and equipment (including repairs) (3) such other administrative services as the Secretary, with the approval of the Bureau of the Budget,[23] determines may be performed more advantageously and more economically as central services; (4) medical and health care services;[27] and (5) services and supplies to carry out title II of this Act.[28] The capital of the fund shall consist of the amount of the fair and reasonable value of such supply inventories, equipment, and other assets and inventories on order, pertaining to the services to be carried on by the fund, as the Secretary may transfer to the fund, less the related liabilities and unpaid obligations, together with any appropriations made for the purpose of providing capital.[29] The fund shall be reimbursed, or credited with advance payments, from applicable appropriations and funds of the Department of State, other Federal agencies, and other sources authorized by law, for supplies and services at rates which will approximate the expense of operations, including accrual of annual leave and depreciation of plant and equipment of the fund. The fund shall also be credited with other receipts from sale or exchange of property or in payment for loss or damage to property held by the fund. There shall be transferred into the Treasury as miscellaneous receipts, as of the close of each fiscal year, earnings which the Secretary determines to be excess to the needs of the fund.

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[20] 22 U.S.C. 2677.

[21] Sec. 11 (formerly 22 U.S.C. 2678) was repealed by Public Law 99-550, 100 Stat. 3067. It formerly read: "Notwithstanding section 1344(a) of title 31, United States Code, the Deputy Secretary of State is authorized to use Government-owned vehicles for security purposes for travel between his or her residence and places where official functions are performed."

[22] 22 U.S.C. 2679.

[23] Reorganization Plan No. 2 of 1970 redesignated the Bureau of the Budget as the Office of Management and Budget.

[24] 22 U.S.C. 2684. Sec. 13 was added by sec. 405 of Public Law 88-205 (77 Stat. 391) and further amended by sec. 407(c) of Public Law 92-226 which deleted the last sentence of sec. 13(a) which formerly read as follows: "There is hereby authorized to be appropriated such amounts as may be necessary to provide capital for the fund. The original sec. 13, as repealed Sept. 6, 1960 by sec. 511(a)(2) of Public Law 86-707 (74 Stat. 800), read as follows: "Allowances granted under sec. 901(1) of the Foreign Service Act of 1946 (22 U.S.C. 1311(1)), may include water, in addition to the utilities specified."

[25] Subsection designation "(a)" and subsec. (b) were added by sec. 109(a) of Public Law 95-426 (92 Stat. 966). Such amendment became effective Oct. 1, 1978.

[26] The reference to the Foreign Service Act of 1980 was substituted in lieu of a reference to the Foreign Service Act of 1946 by sec. 2201(b) of Public Law 96-465; 94 Stat. 2157).

[27] Sec. 109(a) of Public Law 95-426 (92 Stat. 966) added clause (4), effective Oct. 1, 1978.

(b)[25] The current value of supplies returned to the working capital fund by a post, activity, or agency may be charged to the fund. The proceeds thereof shall, if otherwise authorized, be credited to current applicable appropriations and shall remain available for expenditures for the same purposes for which those appropriations are available. Credits may not be made to appropriations under this subsection as the result of capitalization of inventories.

Sec. 14.[30] (a) Any contract for the procurement of property or services, or both, for the Department of State or the Foreign Service which is funded on the basis of annual appropriations may nevertheless be made for periods not in excess of 5 years when—

(1) appropriations are available and adequate for payment for the first fiscal year and for all potential cancellation costs; and

(2) the Secretary of State determines that—

(A) the need of the Government for the property or service being acquired over the period of the contract is reasonably firm and continuing;

(B) such a contract will serve the best interests of the United States by encouraging effective competition or promoting economies in performance and operation; and

(C) such a method of contracting will not inhibit small business participation.

(b) In the event that funds are not made available for the continuation of such a contract into a subsequent fiscal year, the contract shall be cancelled and any cancellation costs incurred shall be paid from appropriations originally available for the performance of the contract, appropriations currently available for the acquisition of similiar property or services and not otherwise obligated, or appropriations made for such cancellation payments.

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[28] Sec. 203(a) of Public Law 97-241 (96 Stat. 290) added clause (5).

[29] Sec. 109(a) of Public Law 95-426 (92 Stat. 966) struck out a sentence which previously appeared at this point. It formerly read as follows: "Not to exceed $750,000 in net assets shall be transferred to the fund for purposes of providing capital." Such amendment became effective on Oct. 1, 1978.

[30] 22 U.S.C. 2679a. Sec. 14 was added by sec. 121 of Public Law 97-241 (96 Stat. 280). A prior sec. 14, part of the original Act, was repealed by Public Law 86-707 (74 Stat. 798). Subsequently, a new sec. 14 was added by sec. 10 of Public Law 93-475 (88 Stat. 1441) and amended by Public Law 93-475, Public Law 94-161, and Public Law 95-105. It was repealed by sec. 2205(10) of the Foreign Service Act of 1980 (Public Law 96-465; 94 Stat. 2160). Such section formerly concerned the payment of a gratuity to the surviving dependents of a Foreign Service employee who died as the result of injuries sustained in the performance of duty outside the United States. This gratuity is now covered at Sec. 413 of the Foreign Service Act of 1980.

Sec. 15.[31] (a)(1) Notwithstanding any provision of law enacted before the date of enactment of the State Department/USIA Authorization Act, Fiscal Year 1975,[32] no money appropriated to the Department of State under any law shall be available for obligation or expenditure with respect to any fiscal year commencing on or after July 1, 1972—

(A) unless the appropriation thereof has been authorized by law enacted on or after February 7, 1972; or

(B) in excess of an amount prescribed by law enacted on or after such date.

(2) To the extent that legislation enacted after the making of an appropriation to the Department of State authorizes the obligation or expenditure thereof, the limitation contained in paragraph (1) shall have no effect.

(3) The provisions of this section—

(A) shall not be superseded except by a provision of law enacted after February 7, 1972, which specifically repeals, modifies, or supersedes the provisions of this section; and

(B) shall not apply to, or affect in any manner, permanent appropriations, trust funds, and other similar accounts administered by the Department as authorized by law.

(b) The Department of State shall keep the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives fully and currently informed with respect to all activities and responsibilities within the jurisdiction of these committees. Any Federal department, agency, or independent establishment shall furnish any information requested by either such committee relating to any such activity or responsibility.

Sec. 16.[33] The first section of the Act of August 16, 1941 (42 U.S.C. 1651; commonly known as the "Defense Base Act") shall not apply with respect to such contracts as the Secretary of State may determine which are contracts with persons employed to perform work for the Department of State or the Foreign Service on an intermittent basis for not more than 90 days in a calendar year.

Sec. 17.[34] The Secretary of State is authorized to use appropriated funds for unusual expenses similar to those authorized by section 5913 of title 5, United States Code, incident to the operation and maintenance of the living quarters of the United States Representative to the Organization of American States.

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[31] 22 U.S.C. 2680. Sec. 15 was amended by sec. 407(b) of Public Law 92–226 (86 Stat. 35) and further amended by sec. 102 of Public Law 92–352 (86 Stat. 490). Subsec. (a) was further amended by sec. 11 of Public Law 93–475 (88 Stat. 1442). It formerly read as follows: "Notwithstanding any other provision of law, no appropriation shall be made to the Department of State under any law for any fiscal year commencing on or after July 1, 1972, unless previously authorized by legislation hereafter enacted by the Congress. The provisions of this subsection shall not apply to, or affect in any manner, permanent appropriations, trust funds, and other similar accounts administered by the Department as authorized by law."

[32] See page 1027 for partial text of Public Law 93–475 (88 Stat. 1439), approved Oct. 26, 1974.

[33] 22 U.S.C. 2680a. Sec. 16 was added by sec. 122 of Public Law 97–241 (96 Stat. 281). A prior sec. 16, as added by Public Law 93–475 and amended by Public Law 94–426, was repealed by sec. 2205(10) of the Foreign Service Act of 1980 (Public Law 96–465; 94 Stat. 2160). Sec. 16 formerly described the duties and responsibilities of a United States chief of mission. A similar provision is now included at Sec. 207 of the Foreign Service Act of 1980.

[34] 22 U.S.C. 2687. Sec. 17 was added by sec. 101(c) of Public Law 94–141.

Sec. 18.[35] It is the sense of the Congress that the position of United States ambassador to a foreign country should be accorded to men and women possessing clearly demonstrated competence to perform ambassadorial duties. No individual should be accorded the position of United States ambassador to a foreign country primarily because of financial contributions to political campaigns.

Sec. 19.[36] Each fiscal year (beginning with fiscal year 1977), the Secretary of State may use [37] funds appropriated for the American Sections, International Joint Commission, United States and Canada, for representation expenses and official entertainment within the United States for such American Sections.

Sec. 20.[38] Any expenditure for any gift for any person of any foreign country which involves any funds made available to meet unforeseen emergencies arising in the Diplomatic and Consular Service shall be audited by the Controller General and reports thereon made to the Congress to such extent and at such times as he may determine necessary. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and all other papers, things, or property pertaining to such expenditure and necessary to facilitate the audit.

Sec. 21.[39] (a) For purposes of achieving greater United States compliance with the provisions of the Final Act of the Conference on Security and Cooperation in Europe (signed at Helsinki on August 1, 1975) and for purposes of encouraging other signatory countries to comply with those provisions, the Secretary of State should, within 30 days of receiving an application for a nonimmigrant visa by any alien who is excludable from the United States by reason of membership in or affiliation with a proscribed organization but who is otherwise admissible to the United States, recommend that the Attorney General grant the approval necessary for the issuance of a visa to such alien, unless the Secretary determines that the admission of such alien would be contrary to the security interests of the United States and so certifies to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate. Nothing in this section may be construed as authorizing or requiring the admission to the United States of any alien who is excludable for reasons other than membership in or affiliation with a proscribed organization.[40]

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[35] 22 U.S.C. 2688. Sec. 18 was added by sec. 104 of Public Law 94-141.

[36] 22 U.S.C. 2689. Sec. 19 was added by sec. 104 of the Foreign Relations Authorization Act, Fiscal Year 1977 (Public Law 94-350).

[37] The words "not to exceed $1,500 of the" which previously appeared at this point, were struck by sec. 110(a) of Public Law 95-426 (92 Stat. 967). Such amendment became effective Oct. 1, 1978.

[38] 22 U.S.C. 2690. Sec. 20 was added by sec. 116 of the Foreign Relations Authorization Act, Fiscal Year 1977 (Public Law 94-350).

[39] 22 U.S.C. 2691. Sec. 21 was added by sec. 112 of the Foreign Relations Authorization Act, Fiscal Year 1978 (91 Stat. 848). Sec. 109 of the Department of State Authorization Act, Fiscal Years 1980 and 1981 (Public Law 96-60; 93 Stat. 397), added the subsection designation "(a)" and new subsecs. (b), (c), and (d).

[40] This sentence was added by sec. 119 of Public Law 95-426 (92 Stat. 970). See also sec. 126 of Public Law 95-426 (92 Stat. 971) which stated that it shall be the general policy of the United States to impose travel restrictions within the United States on foreign citizens only in cases where their government imposes restrictions on American citizens traveling in their country (see Sec. E.1 e. of the this volume for complete text).

(b) This section does not apply to representatives of purported labor organizations in countries where such organizations are in fact instruments of a totalitarian state.

(c) This section does not apply with respect to any alien who is a member, officer, official, representative, or spokesman of the Palestine Liberation Organization.

(d) The Secretary of State may refuse to recommend a waiver for aliens from signatory countries which are not in substantial compliance with the provisions of the Helsinki Final Act, particularly the human rights and humanitarian affairs provisions.

Sec. 22.[41] (a) The Secretary of State may compensate, pursuant to regulations which he shall prescribe, for the cost of participating in any proceeding or on any advisory committee or delegation of the Department of State, any organization or person—

(1) who is representing an interest which would not otherwise be adequately represented and whose participation is necessary for a fair determination of the issues taken as a whole; and

(2) who would otherwise be unable to participate in such proceeding or on such committee or delegation because such organization or person cannot afford to pay the costs of such participation.

(b) Of the funds appropriated for salaries and expenses for the Department of State, not to exceed $250,000 shall be available in any fiscal year for compensation under this section to such organizations and persons.

Sec. 23.[42] Whenever the head of any Federal agency performing any foreign affairs functions (including, but not limited to, the Department of State, the International Communication Agency, the Agency for International Development, and the Arms Control and Disarmament Agency) determines that administrative services performed in common by the Department of State and one or more other such agencies may be performed more advantageously and more economically on a consolidated basis, the Secretary of State and the heads of the other agencies concerned may, subject to the approval of the Director of the Office of Management and Budget, conclude an agreement which provides for the transfer to and consolidation within the Department or within one of the other agencies concerned of so much of the functions, personnel, property, records, and funds of the Department and of the other agencies concerned as may be necessary to enable the performance of those administrative services on a consolidated basis for the benefit of all agencies concerned. Agreements for consolidation of administrative services under this section shall provide for reimbursement or advances of funds from the agency receiving the service to the agency performing the service in amounts which will approximate the expense of providing administrative services for the serviced agency.

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[41] 22 U.S.C. 2692. Sec. 22 was added by sec. 113(a) of the Foreign Relations Authorization Act, Fiscal Year 1978 (91 Stat. 848). This section became effective on Oct. 1, 1977.

[42] 22 U.S.C. 2695. Sec. 23 was added by sec. 111(a) of Public Law 95–426 (92 Stat. 967). Sec. 23 became effective Oct. 1, 1978.

Sec. 24.[43] (a) There are authorized to be appropriated for the Department of State, in addition to amounts otherwise authorized to be appropriated for the Department, such sums as may be necessary for any fiscal year for increases in salary, pay, retirement, and other employee benefits authorized by law.

(b)(1)[44] In order to maintain the levels of program activity for the Department of State provided for each fiscal year by the annual authorizing legislation, there are authorized to be appropriated for the Department of State such sums as may be necessary to offset adverse fluctuations in foreign currency exchange rates, or overseas wage and price changes, which occur after November 30 of the earlier of—

(A) the calendar year which ended during the fiscal year preceding such fiscal year, or

(B) the calendar year which preceded the calendar year during which the authorization of appropriations for such fiscal year was enacted.

(2) In carrying out this subsection, there may be established a Buying Power Maintenance account.

(3) In order to eliminate substantial gains to the approved levels of overseas operations for the Department of State, the Secretary of State shall transfer to the Buying Power Maintenance account such amounts in any appropriation account under the heading "Administration of Foreign Affairs" as the Secretary determines are excessive to the needs of the approved level of operations under that appropriation account because of fluctuations in foreign currency exchange rates or changes in overseas wages and prices.

(4) In order to offset adverse fluctations in foreign currency exchange rates or overseas wage and price changes, the Secretary of State may transfer from the Buying Power Maintenance account to any appropriation account under the heading "Administration of Foreign Affairs" such amounts as the Secretary determines are necessary to maintain the approved level of operations under that appropriation account.

(5) Funds transferred by the Secretary of State from the Buying Power Maintenance account to another account shall be merged with and be available for the same purpose, and for the same time period, as the funds in that other account. Funds transferred by the Secretary from another account to the Buying Power Maintenance account shall be merged with the funds in the Buying Power Maintenance account and shall be available for the purposes of that account until expended.

(6) Any restriction contained in an appropriation Act or other provision of law limiting the amounts available for the Department of State that may be obligated or expended shall be deemed to be adjusted to the extent necessary to offset the net effect of fluctuations in foreign currency exchange rates or overseas wage and price changes in order to maintain approved levels.

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[43] 22 U.S.C. 2696. Sec. 24 was added by sec. 105 of the Department of State Authorization Act, Fiscal Years 1980 and 1981 (Public Law 96–60; 93 Stat. 396).

[44] Subsec. (b) was amended and restated by sec. 112(a) of Public Law 97–241 (96 Stat. 277).

(c) Amounts authorized to be appropriated for a fiscal year for the Department of State or to the Secretary of State are authorized to be made available until expended.

(d) Amounts authorized to be appropriated for the Department of State for a fiscal year for the "Administration of Foreign Affairs" account, the "International Organizations and Conferences" account, the "International Commissions" account, or the "Migration and Refugee Assistance" account may be appropriated for that fiscal year for any other such account, except that the total amount appropriated for a fiscal year for any such account may not exceed by more than 10 percent the amount specifically authorized to be appropriated for that account for that fiscal year.

Sec. 25.[45] (a) The Secretary of State may accept on behalf of the United States gifts made unconditionally by will or otherwise for the benefit of the Department of State (including the Foreign Service) or for the carrying out of any of its functions. Conditional gifts may be so accepted at the discretion of the Secretary, and the principal of and income from any such conditional gift shall be held, invested, reinvested, and used in accordance with its conditions, except that no gift shall be accepted which is conditioned upon any expenditure which will not be met by the gift or the income from the gift unless such expenditure has been approved by Act of Congress.

(b) Any unconditional gift of money accepted under section (a), the income from any gift property held under subsection (c) or (d) (except income made available for expenditure under subsection (d)(2)), the net proceeds from the liquidation of gift property under subsection (c) or (d), and the proceeds of insurance on any gift property which are not used for its restoration, shall be deposited in the Treasury of the United States. Such funds are hereby appropriated and shall be held in trust by the Secretary of the Treasury for the benefit of the Department of State (including the Foreign Service). The Secretary of the Treasury may invest and reinvest such funds in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. Such funds and the income from such investments shall be available for expenditure in the operation of the Department of State (including the Foreign Service) and the performance of its functions, subject to the same examination and audit as is provided for appropriations made for the Foreign Service by the Congress.

(c) The evidences of any unconditional gift of intangible personal property (other than money) accepted under subsection (a), shall be deposited with the Secretary of the Treasury who may hold or liquidate them, except that they shall be liquidated upon the request of the Secretary of State whenever necessary to meet payments required in the operation of the Department of State (including the Foreign Service) or the performance of its functions.

(d)(1) The Secretary of State shall hold any real property or any tangible personal property accepted unconditionally pursuant to subsection (a) and shall either use such property for the operation of the Department of State (including the Foreign Service) and the performance of its functions or lease or hire such property, except that any such property not required for the operation of the Department of State (including the Foreign Service) or the performance of its functions may be liquidated by the Secretary of State whenever in the judgment of the Secretary of State the purposes of the gift will be served thereby. The Secretary of State may insure any property held under this subsection. Except as provided in paragraph (2), the Secretary shall deposit the income from any property held under this subsection with the Secretary of the Treasury as provided in subsection (b).

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[45] 22 U.S.C. 2697. Sec. 25 was added by sec. 2201 of the Foreign Service Act of 1980 (Public Law 96-465; 94 Stat. 2153).

(2) The income from any real property or tangible personal property held under this subsection shall be available for expenditure at the discretion of the Secretary of State for the maintenance, preservation, or repair and insurance of such property and any proceeds from insurance may be used to restore the property insured.

(e) For the purpose of Federal income, estate, and gift taxes, any gift, devise, or bequest accepted under this section shall be deemed to be a gift, devise, or bequest to and for the use of the United States.

(f) The authorities available to the Secretary of State under this section with respect to the Department of State shall be available to the Director of the International Communication Agency and the Director of the United States International Development Cooperation Agency with respect to their respective agencies.

Sec. 26.[46] (a) The Secretary of State may, without regard to section 3106 of title 5, United States Code, authorize a principal officer of the Foreign Service to procure legal services whenever such services are required for the protection of the interests of the Government or to enable a member of the Service to carry on the member's work efficiently.

(b) The authority available to the Secretary of State under this section shall be available to the Director of the International Communication Agency and the Director of the United States International Development Cooperation Agency with respect to their respective agencies.

Sec. 27.[47] (a) In order to expand employment opportunities for family members of the United States Government personnel assigned abroad, the Secretary of State shall seek to conclude such bilateral and multilateral agreements as will facilitate the employment of such family members in foreign economies.

(b) Any member of a family of a member of the Foreign Service may accept gainful employment in a foreign country unless such employment—

(1) would violate any law of such country or of the United States; or

(2) could, as certified in writing by the United States chief of mission to such country, damage the interests of the United States.

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[46] 22 U.S.C. 2698. Sec. 26 was added by sec. 2201 of the Foreign Service Act of 1980 (Public Law 96–465; 94 Stat. 2153).

[47] 22 U.S.C. 2699. Sec. 27 was added by sec. 2201 of the Foreign Service Act of 1980 (Public Law 96–465; 94 Stat. 2153).

Sec. 28.[48] The Secretary of State may authorize the principal officer of a Foreign Service post to provide for the use of Government owned or leased vehicles located at that post for transportation of United States Government employees and their families when public transportation is unsafe or not available or when such use is advantageous to the Government.

Sec. 29.[49] Whenever the Secretary of State determines that educational facilities are not available, or that existing educational facilities are inadequate, to meet the needs of children of United States citizens stationed outside the United States who are engaged in carrying out Government activities, the Secretary may, in such manner as he deems appropriate and under such regulations as he may prescribe, establish, operate, and maintain primary schools, and school dormitories and related educational facilities for primary and secondary schools, outside the United States, make grants of funds for such purposes, or otherwise provide for such educational facilities. The authorities of the Foreign Service Buildings Act, 1926, and of paragraphs (h) and (i) of section 3 of this Act, may be utilized by the Secretary in providing assistance for educational facilities. Such assistance may include hiring, transporting, and payment of teachers and other necessary personnel.

Sec. 30.[50] (a) The remedy—

(1) against the United States provided by sections 1346(b) and 2672 of title 28, United States Code, or

(2) through proceedings for compensation or other benefits from the United States as provided by any other law, where the availability of such benefits precludes a remedy under such sections,

for damages for personal injury, including death, allegedly arising from malpractice or negligence of a physician, dentist, nurse, pharmacist or paramedical (including medical and dental assistants and technicians, nursing assistants, and therapists) or other supporting personnel of the Department of State in furnishing medical care or related services, including the conducting of clinical studies or investigations, while in the exercise of his or her duties in or for the Department of State or any other Federal department, agency, or instrumentality shall be exclusive of any other civil action or proceeding by reason of the same subject matter against such physician, dentist, nurse, pharmacist, or paramedical or other supporting personnel (or his or her estate) whose act or omission gave rise to such claim.

(b) The United States Government shall defend any civil action or proceeding brought in any court against any person referred to in subsection (a) of this section (or his or her estate) for any such damage or injury. Any such person against whom such civil action or proceeding is brought shall deliver, within such time after date of service or knowledge of service as may be determined by the Attorney General, all process served upon him or her or an attested true copy thereof to whomever was designated by the Secretary to receive such papers. Such person shall promptly furnish copies of the pleading and process therein to the United States attorney for the district embracing the place wherein the proceeding is brought, to the Attorney General, and to the Secretary.

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[48] 22 U.S.C. 2700. Sec. 28 was added by sec. 2201 of the Foreign Service Act of 1980 (Public Law 96–465; 94 Stat. 2153).

[49] 22 U.S.C. 2701. Sec. 29 was added by sec. 2201 of the Foreign Service Act of 1980 (Public Law 96–465; 94 Stat. 2154).

[50] 22 U.S.C. 2702. Sec. 30 was added by sec. 2201 of the Foreign Service Act of 1980 (Public Law 96–465; 94 Stat. 2155).

(c) Upon a certification by the Attorney General that the defendant was acting within the scope of his or her employment in or for the Department of State or any other Federal department, agency, or instrumentality at the time of the incident out of which the suit arose, any such civil action or proceeding commenced in a State court shall be removed without bond at any time before trial by the Attorney General to the district court of the United States of the district and division embracing the place wherein it is pending and the proceeding deemed a tort action brought against the United States under the provisions of title 28, United States Code, and all references thereto. Should a United States district court determine on a hearing on a motion to remand held before a trial on the merits that the case so removed is one in which a remedy by suit within the meaning of subsection (a) of this section is not available against the United States, the case shall be remanded to the State court except that where such remedy is precluded because of the availability of a remedy through proceedings for compensation or other benefits from the United States as provided by any other law, the case shall be dismissed, but in that event, the running of any limitation of time for commencing, or filing an application or claim in, such proceedings for compensation or other benefits shall be deemed to have been suspended during the pendency of the civil action or proceeding under this section.

(d) The Attorney General may compromise or settle any claim asserted in such civil action or proceeding in the manner provided in section 2677 of title 28, the United States Code, and with the same effect.

(e) For purposes of this section, the provisions of section 2680(h) of title 28, United States Code, shall not apply to any tort enumerated therein arising out of negligence in the furnishing of medical care or related services, including the conducting of clinical studies or investigations.

(f) The Secretary may, to the extent he deems appropriate, hold harmless or provide liability insurance for any person to whom the immunity provisions of subsection (a) of this section apply, for damages for personal injury, including death, negligently caused by any such person while acting within the scope of his or her office of employment and as a result of the furnishing of medical care or related services, including the conducting of clinical studies or investigations, if such person is assigned to a foreign area or detailed for service with other than a Federal agency or institution, or if the circumstances are such as are likely to preclude the remedies of third persons against the United States provided by sections 1346(b) and 2672 of title 28, United States Code, for such damage or injury.

(g) For purposes of this section, any medical care or related service covered by this section and performed abroad by a covered person at the direction or with the approval of the United States chief of mission or other principal representative of the United

States in the area shall be deemed to be within the scope of employment of the individual performing the service.

Sec. 31.[51] (a) The Secretary of State may authorize and assist in the establishment, maintenance, and operation by civilian officers and employees of the Government of non-Government-operated services and facilities at posts abroad, including the furnishing of space, utilities, and properties owned or leased by the Government for use by its diplomatic, consular, and other missions and posts abroad. The provisions of the Foreign Service Buildings Act, 1926 (22 U.S.C. 292–300) and section 13 of this Act may be utilized by the Secretary in providing such assistance.

(b) The Secretary may establish and maintain emergency commissary or mess services in places abroad where, in the judgment of the Secretary, such services are necessary temporarily to insure the effective and efficient performance of official duties and responsibilities. Reimbursements incident to the maintenance and operation of commissary or mess service under this subsection shall be at not less than cost as determined by the Secretary and shall be used as working funds, except that an amount equal to the amount expended for such services shall be covered into the Treasury as miscellaneous receipts.

(c) Services and facilities established under this section shall be made available, insofar as practicable, to officers and employees of all agencies and their dependents who are stationed in the locality abroad. Such services and facilities shall not be established in localities where another agency operates similar services or facilities unless the Secretary determines that additional services or facilities are necessary. Other agencies shall to the extent practicable avoid duplicating the facilities and services provided or assisted by the Secretary under this section.

(d) Charges at any post abroad for a service or facility provided, authorized or assisted under this section shall be at the same rate for all civilian personnel of the Government serviced thereby, and all charges for supplies furnished to such a service or facility abroad by any agency shall be at the same rate as that charged by the furnishing agency to its comparable civilian services and facilities.

Sec. 32.[52] The Secretary of State may pay, without regard to section 5702 of title 5, United States Code, subsistence expenses of (1) special agents [53] of the Department of State who are on authorized protective missions, and (2) members of the Foreign Service and employees of the Department who are required to spend extraordinary amounts of time in travel status. The authorities available to the Secretary of State under this section with respect to the Department of State shall be available to the Director of the United

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[51] 22 U.S.C. 2684. Sec. 31 was added by sec. 2201 of the Foreign Service Act of 1980 (Public Law 96–465; 94 Stat. 2156).

[52] 22 U.S.C. 2704. Sec. 32 was added by sec. 2201 of the Foreign Service Act of 1980 (Public Law 96–465; 94 Stat. 2157).

[53] Sec. 125(b) of Public Law 99–93 (99 Stat. 405) adds the words "special agents" in lieu of "security officers". Sec. 125(c) Of the same law repealed Section 4 of the Act entitled "An Act to provide authority to protect heads of foreign states and other officials" approved August 27, 1964 (2 U.S.C. 2667), and the Act entitled "An Act to authorize certain officers and employees of the Department of State and the Foreign Service to carry firearms" approved June 28, 1955 (22 U.S.C. 2666).

States Information Agency and the Director of the United States International Development Cooperation Agency with respect to their respective agencies, except that the authority of clause (2) shall be available with respect to those agencies only in the case of members of the Foreign Service and employees of the agency who are performing security-related functions abroad.[54]

Sec. 33.[55] The following documents shall have the same force and effect as proof of United States citizenship as certificates of naturalization or of citizenship issued by the Attorney General or by a court having naturalization jurisdiction:

(1) A passport, during its period of validity (if such period is the maximum period authorized by law), issued by the Secretary of State to a citizen of the United States.

(2) The report, designated as a "Report of Birth Abroad of a Citizen of the United States", issued by a consular officer to document a citizen born abroad.

Sec. 34.[56] Unless the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate are notified fifteen days in advance of the proposed reprogramming, funds appropriated for the Department of State shall not be available for obligation or expenditure through any reprogramming of funds—

(1) which creates new programs;

(2) which eliminates a program, project, or activity;

(3) which increases funds or personnel by any means for any project or activity for which funds have been denied or restricted by the Congress;

(4) which relocates an office or employees;

(5) which reorganizes offices, programs, or activities;

(6) which involves contracting out functions which had been performed by Federal employees; or

(7) which involves a reprogramming in excess of $250,000 or 10 percent, whichever is less and which (A) augments existing programs, projects, or activities, (B) reduces by 10 percent or more the funding for any existing program, project, activity, or personnel approved by the Congress, or (C) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects approved by the Congress.

Sec. 35.[57] (a) The Secretary of State shall assign responsibility for international communications and information policy matters within the Department of State to an appropriate Under Secretary of State (hereafter in this section referred to as the "Under Secretary").

(b) The Secretary of State shall establish, within the Department of State, an Office of the Coordinator for International Communications and Information Policy, headed by a Coordinator who shall be responsible to the Under Secretary. The Coordinator shall be appointed by the President, by and with the advice and consent of the Senate, and shall have the rank of ambassador. The Coordinator shall be responsible, on behalf of the Under Secretary, for formulation, coordination, and oversight of international communications policy assigned to the Under Secretary. On behalf of the Under Secretary, the Coordinator shall—

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[54] Sec. 303(c) of Public Law 98-533 (98 Stat. 2711) added this sentence.

[55] 22 U.S.C. 2705. Sec. 33 was added by sec. 117 of Public Law 97-241 (96 Stat. 279).

[56] 22 U.S.C. 2706. Sec. 34 was added by sec. 123 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (Public Law 98-164; 97 Stat. 1025).

[57] 22 U.S.C. 2706. Sec. 35 was added by sec. 124 of the Department of State Administration Act, Fiscal Years 1984 and 1985 (Public Law 98-164; 97 Stat. 1025).

(1) maintain continuing liaison with the bureaus and offices of the Department of State and with other executive branch agencies concerned with international communications and information policy;

(2) in accordance with such authority as may be delegated by the President pursuant to Executive order, chair such agency and interagency meetings as may be necessary to coordinate actions on pending issues to ensure proper policy coordination;

(3) in accordance with such authority as may be delegated by the President pursuant to Executive order, supervise and coordinate the activities of the Senior Interagency Group on International Communications and Information Policy;

(4) coordinate the activities of, and assist as appropriate, interagency working level task forces and committees concerned with specifc aspects of international communications and information policy;

(5) maintain liaison with the members and staffs of committees of the Congress concerned with international communications and information policy and provide testimony before such committees;

(6) maintain appropriate liaison with representatives of the private sector to keep informed of their interests and problems, meet with them, and provide such assistance as may be needed to ensure that matters of concern to the private sector are promptly considered by the Department or other executive branch agencies; and

(7) assist in arranging meetings of such public sector advisory groups as may be established to advise the Department of State and other executive branch agencies in connection with international communications and information policy issues.

Sec. 36.[58] (a) The Secretary of State may pay a reward to any individual who furnishes information—

(1) leading to the arrest or conviction in any country, of any individual for the commission of an act of international terrorism, or

(2) leading to the arrest or conviction, in any country, of any individual for conspiring or attempting to commit an act of international terrorism, or

(3) leading to the prevention, frustration, or favorable resolution of an act of international terrorism.

if the act of international terrorism is against a United States person or United States property and is primarily outside the territorial jurisdiction of the United States.

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[58] 22 U.S.C. 2708. Sec. 102 of Public Law 98-533 (98 Stat. 2708) added sec. 36.

(b)[59] (1) The Secretary of State, upon the request of a chief of mission and with the concurrence of the Attorney General, may pay a reward to any individual who furnishes information leading to—

(A) the arrest or conviction in any country of any individual for committing, primarily outside the territorial jurisdiction of the United States, any narcotics-related offense if that offense involves or is a significant part of conduct that involves—

(i) a violation of United States drug laws which occurs primarily outside the territorial jurisdiction of the United States and which is such that the individual would be a major violator of such laws; or

(ii) the killing or kidnapping outside the territorial jurisdiction of the United States of—

(I) any officer, employee, or contract employee of the United States Government while such individual is engaged in official duties, or on account of that individual's official duties, in connection with the enforcement of United States drug laws or the implementing of United States drug control objectives; or

(II) a member of the immediate family of any such individual on account of that individual's official duties in connection with the enforcement of United States drug laws or the implementation of United States drug control objectives; or

(iii) an attempt or conspiracy to do any of the acts described in clause (i) or (ii); or

(B) the prevention or frustration of an act described in subparagraph (A).

(2) The purpose of the rewards under this subsection is to assist narcotics law enforcement in the effective arrest and prosecution of major narcotics traffickers and, wherever appropriate, to offer rewards in connection with the killing of, or the attempt to kill, any United States officer or employee, in connection with the performance of narcotics control duties by such officer or employee, or any member of the family of such officer or employee. To ensure that the rewards program authorized by this subsection, especially paragraph (1)(A)(i), does not duplicate or interfere with the payment of informants or the purchase of evidence or information, as authorized to the Department of Justice, the offering, administration, and payment of rewards under this subsection, including procedures for—

(A) identifying individuals, organizations, and offenses with respect to which rewards will be offered,

(B) the publication of rewards,

(C) offering of joint rewards with foreign governments,

(D) the receipt and analysis of data,

(E) the payment and the approval of payment, and

(F) the recommendations of rewards by chiefs of mission to the Secretary of State and the Attorney General, shall be governed by procedures approved by the Secretary of State and the Attorney General.".

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[59] Subsec. (b) was added by sec 502(a)(2) of Public Law 99-399; 100 Stat 869. Consequently, subsections (b) through (f) were redesignated as subsections (c) through (g) and conforming technical amendments were made in subsections (d) and (f).

(c) [59] A reward under this section may not exceed $500,000. A reward of $100,000 or more may not be made without the approval of the President or the Secretary of State personally.

(d) [59] Before making a reward under subsection (a) in a matter over which there is Federal criminal jurisdiction, the Secretary of State shall advise and consult with the Attorney General.

(e) [59] Any reward granted under this section shall be certified for payment by the Secretary of State. If the Secretary determines that the identity of the recipient of a reward or of the members of the recipient's immediate family must be protected, the Secretary may take such measures in connection with the payment of the reward as he deems necessary to effect such protection.

(f) [59] An officer or employee of any governmental entity who, while in the performance of his or her official duties, furnishes information described in subsection (a) or (b) shall not be eligible for a reward under this section.

(g) There are authorized to be appropriated, without fiscal year limitation, $5,000,000 for use in paying rewards under this section, up to $2,000,000 of which may be used for rewards for information described in subsection (b)(1). In addition to the amount authorized by the preceding sentence, there are authorized to be appropriated $10,000,000 for fiscal year 1987 for 'Administration of Foreign Affairs' for use in paying rewards under this section, up to $5,000,000 of which may be used for rewards for information described in subsection (b)(1).[60] [61] Additional funds to pay rewards under this section shall be authorized to be appropriated in the annual authorizing legislation for the Department of State.

(h) [62] Not later than 30 days after paying any reward under this section, the Secretary of State shall submit a report to the Congress with respect to that reward. The report, which may be submitted on a classified basis if necessary, shall specify the amount of the reward paid, to whom the reward was paid, and the acts with respect to which the reward was paid, and shall discuss the significance of the information for which the reward was paid in dealing with those acts.

(i) [62] As used in this section—

(1) the term 'United States drug laws' means the laws of the United States for the prevention and control of illicit traffic in controlled substances (as such term is defined for purposes of the Controlled Substances Act); and

(2) the term 'member of the immediate family' includes—

(A) a spouse, parent, brother, sister, or child of the individual;

(B) a person to whom the individual stands in loco parentis; and

(C) any other person living in the individual's household and related to the individual by blood or marriage.

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[60] Sec. 139 of the Continuing Appropriations Act, 1985 (Public Law 98-473; 98 Stat. 1973) provided $1,000,000 to pay rewards for information concerning terrorist acts.

[61] The words from this point until the words "in subsection (b)(1)" were added by sec. 502(b) of Public Law 99-399, 100 Stat. 870.

[62] Subsecs. (h) and (i) were added by sec. 502(d) of Public Law 99-399, 100 Stat. 870.

SPECIAL AGENTS

Sec. 37.[63] (a) General Authority.—Under such regulations as the Secretary of State may prescribe, special agents of the Department of State and the Foreign Service may—

(1) conduct investigations concerning illegal passport or visa issuance or use;

(2) For the purpose of conducting such investigation—

(A) obtain and execute search and arrest warrants, and

(B) obtain and serve subpoenas and summonses issued under the authority of the United States;

(3) protect and perform protective functions directly related to maintaining the security and safety of—

(A) heads of a foreign state, official representatives of a foreign government, and other distinguished visitors to the United States, while the United States;

(B) the Secretary of State, Deputy Secretary of State, and official representatives of the United States Government, in the United States or abroad;

(C) members of the immediate family of persons described in subparagraph (A) or (B); and

(D) foreign missions (as defined in section 202(a)(4) of this Act) and international organizations (as defined in section 209(b) of this Act), within the United States;

(4) if designated by the Secretary and qualified, under regulations approved by the Attorney General, for the use of firearms, carry firearms for the purpose of performing the duties authorized by this section; and

(5) arrest without warrant any person for a violation of section 111, 112, 351, 911, 970, 1001, 1028, 1541, 1542, 1543, 1544, 1545, or 1546 of title 18, United States Code—

(A) in the case of a felony violation, if the special agent has reasonable grounds to believe that such person—

(i) has committed or is committing such violation; and

(ii) is in or is fleeing from the immediate area of such violation; and

(B) in the case of a felony or misdemeanor violation, if the violation is committed in the presence of the special agent.

(b) Agreement With Attorney General and Firearms Regulations.—

(1) Agreement with attorney general.—The authority conferred by paragraphs (1), (2), (4), and (5) of subsection (a) shall be exercised subject to an agreement with the Attorney General and shall not be construed to affect the investigative authority of any other Federal law enforcement agency.

(2) Firearms regulations.—The Secretary of State shall prescibe regulations, which shall be approved by the Attorney General, with respect to the carrying and use of firearms by special agents under this section.

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[63] Sec. 125(a) of Public Law 99-93 (99 Stat. 405) inserted this text as a new sec. 37 and redesignated the previous sec. 37 as sec. 38.

(c) SECRET SERVICE NOT AFFECTED.—Nothing in subsection (a)(3) shall be construed to preclude or limit in any way the authority of the United States Secret Service to provide protective services pursuant to section 202 of title 3, United States Code, or section 3056 of title 18, United States Code, at a level commensurate with protective requirements as determined by the United States Secret Service. The Secretary of State, the Attorney General, and the Secretary of the Treasury shall enter into an interagency agreement with respect to their law enforcement functions.

(d) TRANSMISSION OF REGULATIONS TO CONGRESS.—The Secretary of State shall transmit the regulations prescribed under this section to the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives and the Committee on Foreign Relations of the Senate not less than 20 days before the date on which such regulations take effect.

EXPENSES RELATING TO PARTICIPATION IN ARBITRATIONS OF CERTAIN DISPUTES

Sec. 38.[64] (a) INTERNATIONAL AGREEMENTS.—The Secretary of State may use funds available to the Secretary for the expenses of United States participation in arbitrations and other proceedings for the peaceful resolution of disputes under treaties or other international agreements.

(b) CONTRACTS ABROAD.—The Secretary of State may use funds available to the Secretary for the expenses of United States participation in arbitrations arising under contracts authorized by law for the performance of services or acquisition of property, real or personal, abroad.

SEC. 39.[65] COUNTERTERRORISM PROTECTION FUND

(a) AUTHORITY.—The Secretary of State may reimburse domestic and foreign persons, agencies, or governments for the protection of judges or other persons who provide assistance or information relating to terrorist incidents primarily outside the territorial jurisdiction of the United States. Before making a payment under this section in a matter over which there is Federal criminal jurisdiction, the Secretary shall advise and consult with the Attorney General.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of State for "Administration of Foreign Affairs" $1,000,000 for fiscal year 1986 and $1,000,000 for fiscal year 1987 for use in reimbursing persons, agencies, or governments under this section.

(c) DESIGNATION OF FUND.—Amounts made available under this section may be referred to as the "Counterterrorism Protection Fund".

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[64] 22 U.S.C. 2710. This sec. was added by sec. 128 of Public Law 99-93 (99 Stat. 405).

[65] 22 U.S.C. 2711. Sec. 39 was added by sec. 504(2) of Public Law 99-399, 100 Stat. 871. Sec. 504(1) of Public Law 99-399, as amended by sec. 506(1) of Public Law 99-399 redesignated the previous sec. 39 as the current sec. 41.

SEC. 40.[66] AUTHORITY TO CONTROL CERTAIN TERRORISM-RELATED SERVICES

(a) AUTHORITY.—The Secretary of State may, by regulation, impose controls on the provisions of the services described in subsection (b) if the Secretary determines that provision of such services would aid and abet international terrorism.

(b) SERVICES SUBJECT TO CONTROL.—The services subject to control under subsection (a) are the following:

(1) Serving in or with the security forces of a designated foreign government.

(2) Providing training or other technical services having a direct military, law enforcement, or intelligence application, to or for the security forces of a designated foreign government.

Any regulations issued to impose controls on services described in paragraph (2) shall list the specific types of training and other services subject to the controls.

(c) PERSONS SUBJECT OF CONTROLS.—These services may be controlled under subsection (a) when they are provided within the United States by any individual or entity and when they are provided anywhere in the world by a United States person.

(d) LICENSES.—In carrying out subsection (a), the Secretary of State may require licenses, which may be revoked, suspended, or amended, without prior notice, whenever such action is deemed to be advisable.

(e) DEFINITIONS.—

(1) DESIGNATED FOREIGN GOVERNMENT.—As used in this section, the term "designated foreign government' means a foreign government that the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979, has repeatedly provided support for acts of international terrorism.

(2) SECURITY FORCES.—As used in this section, the term 'security forces' means any military or paramilitary forces, any police or other law enforcement agency (including any police or other law enforcement agency at the regional or local level), and any intelligence agency of a foreign government.

(3) UNITED STATES.—As used in this section, the term 'United States' includes any State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States.

(4) UNITED STATES PERSON.—As used in this section, the term 'United States person' means any United States national, any permanent resident alien, and any sole proprietorship, partnership, company, association, or corporation organized under the laws of or having its principal place of business within the United States.

(f) VIOLATIONS.—

(1) PENALTIES.—Whoever willfully violates any regulation issued under this section shall be fined not more than $100,000 or five times the total compensation received for the conduct which constitutes the violation, whichever is greater, or impris-

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[66] 22 U.S.C. 2712. Sec. 40 was added by sec. 506(2) of Public Law 99-399, 100 Stat. 872.

oned for not more than ten years, or both, for each such offense.

(2) Investigations.—The Attorney General and the Secretary of the Treasury shall have authority to investigate violations of regulations issued under this section.

(g) Congressional Oversight.—

(1) Review of regulations.—Not less than 30 days before issuing any regulations under this section (including any amendment thereto), the Secretary of State shall transmit the proposed regulations to the Congress.

(2) Reports.—Not less than once every six months, the Secretary of State shall report to the Congress concerning the number and character of licenses granted and denied during the previous reporting period, and such other information as the Secretary may find to be relevant to the accomplishment of the objectives of this section.

(h) Relationship to Other Laws.—The authority granted by this section is in addition to the authorities granted by any other provision of law.

Sec. 41.[67, 65] This Act may be cited as the State Department Basic Authorities Act of 1956.

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[67] 22 U.S.C. 2651 note. This section was originally added as sec. 33 by sec. 2201 of the Foreign Service Act of 1980 (Public Law 96-465; 94 Stat. 2157). Subsequently, sec. 117 of Public Law 97-241 (96 Stat. 279), sec. 124 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (Public Law 98-164; 97 Stat. 1025) and sec. 102 of Public Law 98-533 (98 Stat. 2708) redesignated it as sec. 34, 36, and 37, respectively. Sec. 125(a) of Public Law 99-93 (99 Stat. 405) redesignated this section as sec. 38, and sec. 128 of the same law again redisignated it as sec. 39.

TITLE II—AUTHORITIES RELATING TO THE REGULATION OF FOREIGN MISSIONS[68]

DECLARATION OF FINDINGS AND POLICY

Sec. 201.[69] (a) The Congress finds that the operation in the United States of foreign missions and public international organizations and the official missions to such organizations, including the permissible scope of their activities and the location and size of their facilities, is a proper subject for the exercise of Federal jurisdiction.

(b) The Congress declares that it is the policy of the United States to support the secure and efficient operation of United States missions abroad, to facilitate the secure and efficient operation in the United States of foreign missions and public international organizations and the official missions to such organizations, and to assist in obtaining appropriate benefits, privileges, and immunities for those missions and organizations and to require their observance of corresponding obligations in accordance with international law.

(c) The treatment to be accorded to a foreign mission in the United States shall be determined by the Secretary after due consideration of the benefits, privileges, and immunities provided to missions of the United States in the country or territory represented by that foreign mission as well as matters relating to the protection of the interests of the United States.[65]

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[68] Title II was added by sec. 202(b) of Public Law 97-241 (96 Stat. 283), effective Oct. 1, 1982. Sec. 702 of Public Law 99-569, 100 Stat. 3190, (Intelligence Authorization Oct, 1987), provides:

SOVIET MISSION AT THE UNITED NATIONS

Sec. 702. (a)(1) It is the policy of the Congress that the number of nationals of the Soviet Union admitted to the United states to serve as members of the Soviet mission at the United Nations headquarters shall not substantially exceed the number of United States nationals who serve as members of the United States mission at the United Nations headquarters, unless the President determines that the admission to the United States of additional Soviet nationals to serve as members of the Soviet mission at the United Nation headquarters would be in the interest of the United States.

(2) Beginning six months after the date of enactment of this section, and every six months thereafter, the Secretary of State shall prepare and transmit to the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate and to the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives a report setting forth the number of Soviet nationals admitted during the preceding six-month period to the United States pursuant to a determination of the President under paragraph (1) and their duties with the Soviet mission at the United Nations headquarters.

(3) Nothing in this subsection may be construed as including any dependent or spouse is not a member of a mission at the United Nations headquarters in the calculation of the number of members of a mission at the United Naitons headquarters.

(b) It is the sense of the Congress that the Secretary of State and the Attorney General should, not later than six months after the date of enactment of this section, prepare and transmit to the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate and to the Committee of Foreign Affairs and the Permanment Select Committee on Intelligence of the House of Representatives a report setting forth a plan for ensuring that the number of Soviet nationals described in paragraph (a)(1) does not exceed the limitation described in that paragraph.

(c) For purposes of this section—

(1) the term "members of the Soviet mission" and "members of the United States mission" are used within the meaning of the term "member of the mission", as defined by article 1(b) of the Vienna Convention on Diplomatic Relations, done April 18, 1961; and

(2) the term "mission at the United Nations headquarters" of a country includes all the missions of such country to the United Nations in New York City and includes missions in New York City to specialized agencies of the United Nations, as defined in article 57 of the charter of the United Nations.

[69] 22 U.S.C. 4301. Sec. 202(b) of Public Law 97-241 (96 Stat. 283) added sec. 201 effective Oct. 1, 1982.

DEFINITIONS

Sec. 202.[70] (a) For purposes of this title—

(1) "benefit" (with respect to a foreign mission) means any acquisition, or authorization for an acquisition, in the United States by or for a foreign mission, including the acquisition of—

(A) real property by purchase, lease, exchange, construction, or otherwise,

(B) public services, including services relating to customs, importation, and utilities, and the processing of applications or requests relating to public services,

(C) supplies, maintenance, and transportation,

(D) locally engaged staff on a temporary or regular basis,

(E) travel and related services, and

(F) protective services,

and includes such other benefits as the Secretary may designate;

(2) "chancery" means the principal offices of a foreign mission used for diplomatic or related purposes, and annexes to such offices (including ancillary offices and support facilities), and includes the site and any building on such site which is used for such purposes;

(3) "Director" means the Director of the Office of Foreign Missions established pursuant to section 203(a);

(4)[71] "foreign mission" means any mission to or agency or entity in the United States which is involved in the diplomatic, consular, or other activities of, or which is substantially owned or effectively controlled by—

(A) a foreign government, or

(B) an organization (other than an international organization, as defined in section 209(b) of this title) representing a territory or political entity which has been granted diplomatic or other official privileges and immunities under the laws of the United States or which engages in some aspect of the conduct of the international affairs of such territory or political entity,

including any real property of such a mission and including the personnel of such a mission;

(5) "real property" includes any right, title, or interest in or to, or the beneficial use of, any real property in the United States, including any office or other building;

(6) "Secretary" means the Secretary of State;

(7) "sending State" means the foreign government, territory, or political entity represented by a foreign mission; and

(8) "United States" means, when used in a geographic sense, the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

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[70] Sec. 127(a) of Public Law 99-93 (99 Stat. 405) added the words "as well as matters relating to the protection of the interests of the United States".

[71] Subsec. (4) was substantively amended and restated by sec. 701 of Public Law 99-569, 100 Stat. 3190.

(b) Determinations with respect to the meaning and applicability of the terms used in subsection (a) shall be committed to the discretion of the Secretary.

OFFICE OF FOREIGN MISSIONS

Sec. 203.[72] (a) The Secretary shall establish an Office of Foreign Missions as an office within the Department of State. The Office shall be headed by a Director, appointed by the President by and with the advice and consent of the Senate,[73] who shall perform his or her functions under the supervision and direction of the Secretary. The Secretary may delegate this authority for supervision and direction of the Director only to the Deputy Secretary of State or an Under Secretary of State. The Director shall have the rank of ambassador. The Director shall be an individual who is a member of the Foreign Service, who has been a member of the Foreign Service for at least ten years, who has significant administrative experience, and who has served in countries in which the United States has had significant problems in assuring the secure and efficient operations of its missions as the result of the actions of other countries.[74]

(b) [75] There shall also be a Deputy Director of the Office of Foreign Missions who shall be an individual who has served in the United States intelligence community.

(c) [75] The Secretary may authorize the Director to—

(1) assist agencies of Federal, State, and municipal government with regard to ascertaining and according benefits, privileges, and immunities to which a foreign mission may be entitled;

(2) provide or assist in the provision of benefits for or on behalf of a foreign mission in accordance with section 204; and

(3) perform such other functions as the Secretary may determine necessary in furtherance of the policy of this title.

PROVISION OF BENEFITS

Sec. 204.[76] (a) Upon the request of a foreign mission, benefits may be provided to or for that foreign mission by or through the Director on such terms and conditions as the Secretary may approve.

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[72] 22 U.S.C. 4303. Sec. 202(b) of Public Law 97-241 (96 Stat. 283) added sec. 203, effective Oct. 1, 1982.

[73] Sec. 604(a)(1) of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (Public Law 98-164; 97 Stat. 1043) substituted the requirement of appointment by the President by and with the advice and consent of the Senate in lieu of a requirement for appointment by the Secretary of State. Sec. 604(c) of Public Law 98-164 further stated that this amendment would apply to any Director or Deputy Director of the Office of Foreign Missions appointed after the date of enactment of that Act (Nov. 22, 1983).

[74] Sec. 604(a)(2) of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (Public Law 98-164; 97 Stat. 1044) added this sentence. Sec. 604(c) of Public Law 98-164 further stated that this amendment would apply to the Director or Deputy Director of the Office of Foreign Missions appointed after the date of enactment of that Act (Nov. 22, 1983).

[75] Sec. 604(b) of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (Public Law 98-164; 97 Stat. 1044) redesignated existing subsec. (b) as subsec. (c) and added this new subsec. (b). Sec. 604(c) of Public Law 98-164 further stated that this amendment would apply to any Director or Deputy Director of the Office of Foreign Missions appointed after the date of enactment of that Act (Nov. 22, 1983).

[76] 22 U.S.C. 4304. Sec. 202(b) of Public Law 97-241 (96 Stat. 283) added sec. 204, effective Oct. 1, 1982.

(b) If the Secretary determines that such action is reasonably necessary on the basis of reciprocity or otherwise—

(1) to facilitate relations between the United States and a sending State,

(2) to protect the interests of the United States,

(3) to adjust for costs and procedures of obtaining benefits for missions of the United States abroad, or

(4) to assist in resolving a dispute affecting United States interests and involving a foreign mission or sending State,

then the Secretary may require a foreign mission (A) to obtain benefits from or through the Director on such terms and conditions as the Secretary may approve, or (B) to comply with such terms and conditions as the Secretary may determine as a condition to the execution or performance in the United States of any contract or other agreement, the acquisition, retention, or use of any real property, or the application for or acceptance of any benefit (including any benefit from or authorized by any Federal, State, or municipal governmental authority, or any entity providing public services).

(c) Terms and conditions established by the Secretary under this section may include—

(1) a requirement to pay to the Director a surcharge or fee, and

(2) a waiver by a foreign mission or any assignee of or person deriving rights from a foreign mission of any recourse against any governmental authority, any entity providing public services, any employee or agent of such an authority or entity, or any other person, in connection with any action determined by the Secretary to be undertaken in furtherance of this title.

(d) For purposes of effectuating a waiver of recourse which is required under this section, the Secretary may designate the Director or any other officer of the Department of State as the agent of a foreign mission (or of any assignee of or person deriving rights from a foreign mission). Any such waiver by an officer so designated shall for all purposes (including any court or administrative proceeding) be deemed to be a waiver by the foreign mission (or the assignee of or other person deriving rights from a foreign mission).

(e) Nothing in this title [77] shall be deemed to preclude or limit in any way the authority of the United States Secret Service to provide protective services pursuant to section 202 of title 3, United States Code, or section 3056 of title 18, United States Code, at a level commensurate with protective requirements as determined by the United States Secret Service.

ENFORCEMENT OF COMPLIANCE WITH LIABILITY INSURANCE REQUIREMENTS

Sec. 204A.[78] (a)(1) The head of a foreign mission shall notify promptly the Director of the lapse or termination of any liability insurance coverage held by a member of the mission, by a member of the family of such member, or by an individual described in section 19 of the Convention on Privileges and Immunities of the United Nations of February 13, 1946.

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[77] Sec. 214(b) of Public Law 99-93 (99 Stat. 405) substituted the word "title" in lieu of "section".

[78] 22 U.S.C. 4304a. Sec. 603 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (Public Law 98-164; 97 Stat. 1043) added sec. 204A. See also sec. 6 of the Diplomatic Relations Act (vol. II, sec. J) for additional text concerning requirements for liability insurance.

(2) Not later than February 1 of each year, the head of each foreign mission shall prepare and transmit to the Director a report including a list of motor vehicles, vessels, and aircraft registered in the United States by members of the mission, members of the families of such members, individuals described in section 19 of the Convention on Privileges and Immunities of the United Nations of February 13, 1946, and by the mission itself. Such list shall set forth for each such motor vehicle, vessel, or aircraft—

(A) the jurisdiction in which it is registered;

(B) the name of insured;

(C) the name of the insurance company;

(D) the insurance policy number and the extent of insurance coverage; and

(E) such other information as the Director may prescribe.

(b) Whenever the Director finds that a member of a foreign mission, a member of the family of such member, or an individual described in section 19 of the Convention on Privileges and Immunities of the United Nations of February 13, 1946—

(1) is at fault for personal injury, death, or property damage arising out of the operation of a motor vehicle, vessel, or aircraft in the United States,

(2) is not covered by liability insurance, and

(3) has not satisfied a court-rendered judgment against him or is not legally liable,

the Director shall impose a surcharge or fee on the foreign mission of which such member or individual is a part, amounting to the unsatisfied portion of the judgment rendered against such member or individual or, if there is no court-rendered judgment an estimated amount of damages incurred by the victim. The payment of any such surcharge or fee shall be available only for compensation of the victim or his estate.

(c) For purposes of this section—

(1) the term "head of a foreign mission" has the same meaning as is ascribed to the term "head of a mission" in Article 1 of the Vienna Convention on Diplomatic Relations of April 18, 1961 (T.I.A.S. numbered 7502; 23 U.S.T. 3227); and

(2) the terms "members of a mission" and "family" have the same meanings as is ascribed to them by paragraphs (1) and (2) of section 2 of the Diplomatic Relations Act (22 U.S.C. 254a).[79]

PROPERTY OF FOREIGN MISSIONS

Sec. 205.[80] (a)(1) The Secretary shall require any foreign mission, including any mission to an international organization (as defined

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[79] For text, see vol. II, sec. J.

[80] 22 U.S.C. 4305. Sec. 202(b) of Public Law 97-241 (96 Stat. 283) added sec. 205, effective Oct. 1, 1982. Subsequently, Sec. 127(e) of Public Law 99-93 (99 Stat. 405) amended sec. 205(a)(1) by:

(1) in the first sentence, by striking out "may" and inserting in lieu thereof "shall";

(2) in the first sentence, by inserting ", including any mission to an international organization (as defined in section 209(b)(2))," after "foreign mission"; and

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in section 209(b)(2), to notify the Director prior to any proposed acquisition, or any proposed sale or other disposition, of any real property by or on behalf of such mission. The foreign mission (or other party acting on behalf of the foreign mission) may initiate or execute any contract, proceeding, application, or other action required for the proposed action—

(A) only after the expiration of the 60-day period beginning on the date of such notification (or after the expiration of such shorter period as the Secretary may specify in a given case); and

(B) only if the mission is not notified by the Secretary within that period that the proposal has been disapproved; however, the Secretary may include in such a notification such terms and conditions as the Secretary may determine appropriate in order to remove the disapproval.

(2) For purposes of this section, "acquisition" includes any acquisition or alteration of, or addition to, any real property or any change in the purpose for which real property is used by a foreign mission.

(b) The Secretary may require any foreign mission to divest itself of, or forgo the use of, any real property determined by the Secretary—

(1) not to have been acquired in accordance with this section;

(2) to exceed limitations placed on real property available to a United States mission in the sending State; or

(3)[81] where otherwise necessary to protect the interests of the United States.

(c) If a foreign mission has ceased conducting diplomatic, consular, and other governmental activities in the United States and has not designated a protecting power or other agent approved by the Secretary to be responsible for the property of that foreign mission, the Secretary—

(1) until the designation of a protecting power or other agent approved by the Secretary, may protect and preserve any property of that foreign mission; and

(2) may authorize the Director to dispose of such property at such time as the Secretary may determine after the expiration of the one-year period beginning on the date that the foreign mission ceased those activities, and may remit to the sending State the net proceeds from such disposition.

LOCATION OF FOREIGN MISSIONS IN THE DISTRICT OF COLUMBIA

Sec. 206.[82] (a) The location, replacement, or expansion of chanceries in the District of Columbia shall be subject to this section.

(b)(1) A chancery shall be permitted to locate as a matter of right in any area which is zoned commercial, industrial, waterfront, or mixed-use (CR).

(2) A chancery shall also be permitted to locate—

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(3) in the second sentence, by striking out "If such a notification is required, the" and inserting in lieu thereof "The".

[81] Sec. 127(d)(3) of Public Law 99–93 (99 Stat. 405) added paragraph (3).

[82] 22 U.S.C. 4306. Sec. 202(b) of Public Law 97–241 (96 Stat. 283) added sec. 206, effective Oct. 1, 1982.

(A) in any area which is zoned medium-high or high density residential, and

(B) in any other area, determined on the basis of existing uses, which includes office or institutional uses, including but not limited to any area zoned mixed-use diplomatic or special purpose,

subject to disapproval by the District of Columbia Board of Zoning Adjustment in accordance with this section.

(3) In each of the areas described in paragraphs (1) and (2), the limitations and conditions applicable to chanceries shall not exceed those applicable to other office or institutional uses in that area.

(c)(1) If a foreign mission wishes to locate a chancery in an area described in subsection (b)(2), or wishes to appeal an administrative decision relating to a chancery based in whole or in part upon any zoning map or regulation, it shall file an application with the Board of Zoning Adjustment which shall publish notice of that application in the District of Columbia Register.

(2) Regulations issued to carry out this section shall provide appropriate opportunities for participation by the public in proceedings concerning the location, replacement, or expansion of chanceries.

(3) A final determination concerning the location, replacement, or expansion of a chancery shall be made not later than six months after the date of the filing of an application with respect to such location, replacement, or expansion. Such determination shall not be subject to the administrative proceedings of any other agency or official except as provided in this title.

(d) Any determination concerning the location of a chancery under subsection (b)(2), or concerning an appeal of an administrative decision with respect to a chancery based in whole or in part upon any zoning regulation or map, shall be based solely on the following criteria:

(1) The international obligation of the United States to facilitate the provision of adequate and secure facilities for foreign missions in the Nation's Capital.

(2) Historic preservation, as determined by the Board of Zoning Adjustment in carrying out this section; and in order to ensure compatibility with historic landmarks and districts, substantial compliance with District of Columbia and Federal regulations governing historic preservation shall be required with respect to new construction and to demolition of or alteration to historic landmarks.

(3) The adequacy of off-street or other parking and the extent to which the area will be served by public transportation to reduce parking requirements, subject to such special security requirements as may be determined by the Secretary, after consultation with Federal agencies authorized to perform protective services.

(4) The extent to which the area is capable of being adequately protected, as determined by the Secretary, after consultation with Federal agencies authorized to perform protective services.

(5) The municipal interest, as determined by the Mayor of the District of Columbia.

(6) The Federal interest, as determined by the Secretary.

(e)(1) Regulations, proceedings, and other actions of the National Capital Planning Commission, the Zoning Commission for the District of Columbia, and the Board of Zoning Adjustment affecting the location, replacement, or expansion of chanceries shall be consistent with this section (including the criteria set out in subsection (d)) and shall reflect the policy of this title.

(2) Proposed actions of the Zoning Commission concerning implementation of this section shall be referred to the National Capital Planning Commission for review and comment.

(f) Regulations issued to carry out this section shall provide for proceedings of a rule-making and not of an adjudicatory nature.

(g) The Secretary shall require foreign missions to comply substantially with District of Columbia building and related codes in a manner determined by the Secretary to be not inconsistent with the international obligations of the United States.

(h) Approval by the Board of Zoning Adjustment or the Zoning Commission or, except as provided in section 205, by any other agency or official is not required—

(1) for the location, replacement, or expansion of a chancery to the extent that authority to proceed, or rights or interests, with respect to such location, replacement, or expansion were granted to or otherwise acquired by the foreign mission before the effective date of this section; or

(2) for continuing use of a chancery by a foreign mission to the extent that the chancery was being used by a foreign mission on the effective date of this section.

(i)(1) The President may designate the Secretary of Defense, the Secretary of the Interior, or the Administrator of General Services (or such alternate as such official may from time to time designate) to serve as a member of the Zoning Commission in lieu of the Director of the National Park Service whenever the President determines that the Zoning Commission is performing functions concerning the implementation of this section.

(2) Whenever the Board of Zoning Adjustment is performing functions regarding an application by a foreign mission with respect to the location, expansion, or replacement of a chancery—

(A) the representative from the Zoning Commission shall be the Director of the National Park Service or if another person has been designated under paragraph (1) of this subsection, the person so designated; and

(B) the representative from the National Capital Planning Commission shall be the Executive Director of that Commission.

(j) Provisions of law (other than this title) applicable with respect to the location, replacement, or expansion of real property in the District of Columbia shall apply with respect to chanceries only to the extent that they are consistent with this section.

PREEMPTION

Sec. 207.[83] Notwithstanding any other law, no act of any Federal agency shall be effective to confer or deny any benefit with respect to any foreign mission contrary to this title. Nothing in section 202, 203, 204, or 205 may be construed to preempt any State or municipal law or governmental authority regarding zoning, land use, health, safety, or welfare, except that a denial by the Secretary involving a benefit for a foreign mission within the jurisdiction of a particular State or local government shall be controlling.

GENERAL PROVISIONS

Sec. 208.[84] (a) The Secretary may issue such regulations as the Secretary may determine necessary to carry out the policy of this title.

(b) Compliance with any regulation, instruction, or direction issued by the Secretary under this title shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same. No person shall be held liable in any court or administrative proceeding for or with respect to anything done or omitted in good faith in connection with the administration of, or pursuant to and in reliance on, this title, or any regulation, instruction, or direction issued by the Secretary under this title.

(c) For purposes of administering this title—

(1) the Secretary may accept details and assignments of employees of Federal agencies to the Office of Foreign Missions on a reimbursable or nonreimbursable basis (with any such reimbursements to be credited to the appropriations made available for the salaries and expenses of officers and employees of the employing agency); and

(2) the Secretary may, to the extent necessary to obtain services without delay, exercise his authority to employ experts and consultants under section 3109 of title 5, United States Code, without requiring compliance with such otherwise applicable requirements for that employment as the Secretary may determine, except that such employment shall be terminated after 60 days if by that time those requirements are not complied with.

(d) Contracts and subcontracts for supplies or services, including personal services, made by or on behalf of the Director shall be made after advertising, in such manner and at such times as the Secretary shall determine to be adequate to ensure notice and opportunity for competition, except that advertisement shall not be required when (1) the Secretary determines that it is impracticable or will not permit timely performance to obtain bids by advertising, or (2) the aggregate amount involved in a purchase of supplies or procurement of services does not exceed $10,000. Such contracts and subcontracts may be entered into without regard to laws and regulations otherwise applicable to solicitation, negotiation, administration, and performance of government contracts. In awarding contracts, the Secretary may consider such factors as relative quality and availability of supplies or services and the compatibility of the supplies or services with implementation of this title.

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[83] 22 U.S.C. 4307. Sec. 202(b) of Public Law 97-241 (96 Stat. 283) added sec. 207, effective Oct. 1, 1982.

[84] 22 U.S.C. 4308. Sec. 202(b) of Public Law 97-241 (96 Stat. 283) added sec. 208, effective Oct. 1, 1982.

(e) The head of any Federal agency may, for purposes of this title—

(1) transfer or loan any property to, and perform administrative and technical support functions and services for the operations of, the Office of Foreign Missions (with reimbursements to agencies under this paragraph to be credited to the current applicable appropriation of the agency concerned); and

(2) acquire and accept services from the Office of Foreign Missions, including (whenever the Secretary determines it to be in furtherance of the purposes of this title) acquisitions without regard to laws normally applicable to the acquisition of services by such agency.

(f) Assets of or under the control of the Office of Foreign Missions, wherever situated, which are used by or held for the use of a foreign mission shall not be subject to attachment, execution, injunction, or similar process, whether intermediate or final.

(g) Except as otherwise provided, any determination required under this title shall be committed to the discretion of the Secretary.

(h)(1) In order to implement this title, the Secretary may transfer to the working capital fund established by section 13 of this Act such amounts available to the Department of State as may be necessary.

(2) All revenues, including proceeds from gifts and donations, received by the Director or the Secretary in carrying out this title may be credited to the working capital fund established by section 13 of this Act and shall be available for purposes of this title in accordance with that section.

(3) Only amounts transferred or credited to the working capital fund established by section 13 of this Act may be used in carrying out the functions of the Secretary or the Director under this title.

APPLICATION TO PUBLIC INTERNATIONAL ORGANIZATIONS AND OFFICIAL MISSIONS TO SUCH ORGANIZATIONS

Sec. 209.[85] (a) The Secretary may make section 206, or any other provision of this title, applicable with respect to an international organization to the same extent that it is applicable with respect to a foreign mission if the Secretary determines that such application is necessary to carry out the policy set forth in section 201(b) and to further the objectives set forth in section 204(b).

(b) For purposes of this section, "international organization" means—

(1) a public international organization designated as such pursuant to the International Organizations Immunities Act (22 U.S.C. 288—288f-2) or a public international organization

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[85] 22 U.S.C. 4309. Sec. 202(b) of Public Law 97-241 (96 Stat. 283) added sec. 209, effective Oct. 1, 1982.

created pursuant to a treaty or other international agreement as an instrument through or by which two or more foreign governments engage in some aspect of their conduct of international affairs; and

(2) an official mission (other than a United States mission) to such a public international organization,

including any real property of such an organization or mission and including the personnel of such an organization or mission.

UNITED STATES RESPONSIBILITIES FOR EMPLOYEES OF THE UNITED NATIONS

Sec. 209A.[86] (a) Findings.—The Congress finds that—

(1) pursuant to the Agreement Between the United States and the United Nations Regarding the Headquarters of the United Nations (authorized by Public Law 80-357 (22 U.S.C. 287 note)), the United States has accepted—

(A) the obligation to permit and to facilitate the right of individuals, who are employed by or are authorized by the United Nations to conduct official business in connection with that organization or its agencies, to enter into and exit from the United States for purposes of conducting official activities within the United Nations Headquarters District, subject to regulation as to points of entry and departure; and

(B) the implied obligation to permit and to facilitate the acquisition of facilities in order to conduct such activities within or in proximity to the United Nations Headquarters District, subject to reasonable regulation including regulation of the location and size of such facilities; and

(2) taking into account paragraph (1) and consistent with the obligation of the United States to facilitate the functioning of the United Nations, the United States has no additional obligation to permit the conduct of any other activities, including nonofficial activities, by such individuals outside of the United Nations Headquarters District.

(b) Activities of United Nations Employees.—(1) The conduct of any activities, or the acquisition of any benefits (as defined in section 201(a)(1) of this title), outside the United Nations Headquarters District by any individual employed by, or authorized by the United Nations to conduct official business in connection with that organization or its agencies, or by any person or agency acting on behalf thereof, may be permitted or denied or subject to reasonable regulation, as determined to be in the best interest of the United States and pursuant to this title.

(c) The Secretary shall apply to those employees of the United Nations Secretariat who are nationals of a foreign country or members of a foreign mission all terms, limitations, restrictions, and conditions which are applicable pursuant to this title to the members of that country's mission or of any other mission to the United Nations unless the Secretary determines and reports to the Congress that national security and foreign policy circumstances require that this paragraph be waived in specific circumstances.

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[86] Sec. 141 of Public Law 99-93 (99 Stat. 405) added sec. 209A.

(c) Reports.—The Secretary shall report to the Congress—

(1) not later than 30 days after the date of the enactment of this section, on the plans of the Secretary for implementing this section; and

(2) not later than 6 months thereafter, on the actions taken pursuant to those plans.

(d) United States Nationals.—This section shall not apply with respect to any United States national.

(e) Definitions.—For purposes of this section, the term "United Nations Headquarters District" means the area within the United States which is agreed to by the United Nations and the United States to constitute such a district, together with such other areas as the Secretary of State may approve from time to time in order to permit effective functioning of the United Nations or missions to the United Nations.

PRIVILEGES AND IMMUNITIES

Sec. 210.[87] Nothing in this title shall be construed to limit the authority of the United States to carry out its international obligations, or to supersede or limit immunities otherwise available by law. No act or omission by any foreign mission, public international organization, or official mission to such an organization, in compliance with this title shall be deemed to be an implied waiver of any immunity otherwise provided for by law.

ENFORCEMENT

Sec. 211.[88] (a) It shall be unlawful for any person to make available any benefits to a foreign mission contrary to this title. The United States, acting on its own behalf or on behalf of a foreign mission, has standing to bring or intervene in an action to obtain compliance with this title, including any action for injunctive or other equitable relief.

(b) Upon the request of any Federal agency, any State or local government agency, or any business or other person that proposes to enter into a contract or other transaction with a foreign mission, the Secretary shall advise whether the proposed transaction is prohibited by any regulation or determination of the Secretary under this title.

PRESIDENTIAL GUIDELINES

Sec. 212.[89] The authorities granted to the Secretary pursuant to the provisions of this title shall be exercised in accordance with procedures and guidelines approved by the President.

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[87] 22 U.S.C. 4310. Sec. 202(b) of Public Law 97-241 (96 Stat. 283) added sec. 210, effective Oct. 1, 1982.

[88] 22 U.S.C. 4311. Sec. 202(b) of Public Law 97-241 (96 Stat. 283) added sec. 211, effective Oct. 1, 1982.

[89] 22 U.S.C. 4312. Sec. 202(b) of Public Law 97-241 (96 Stat. 283) added sec. 212, effective Oct. 1, 1982.

SEVERABILITY

Sec. 213.[90] If any provision of this title or the application thereof to any person or circumstance is held invalid, the remainder of this title and the application of such provision to any other person or circumstance shall not be affected thereby.

EXTRAORDINARY PROTECTIVE SERVICES

Sec. 214.[91] (a) General Authority.—The Secretary may provide extraordinary protective services for foreign missions directly, by contract, or through State or local authority to the extent deemed necessary by the Secretary in carrying out this title, except that the Secretary may not provide under this section any protective services for which authority exists to provide such services under sections 202(7) and 208 of title 3, United States Code.

(b) Requirement of Extraordinary Circumstances.—The Secretary may provide funds to a State or local authority for protective services under this section only if the Secretary has determined that a threat of violence, or other circumstances, exists which requires extraordinary security measures which exceed those which local law enforcement agencies can reasonably be expected to take.

(c) Consultation With Congress Before Obligation of Funds.—Funds may be obligated under this section only after regulations to implement this section have been issued by the Secretary after consultation with appropriate committees of the Congress.

(d) Restrictions on Use of Funds.—Of the funds made available for obligation under this section in any fiscal year—

(1) not more than 20 percent may be obligated for protective services within any single State during that year; and

(2) not less than 15 percent shall be retained as a reserve for protective services provided directly by the Secretary or for expenditures in local jurisdictions not otherwise covered by an agreement for protective services under this section.

The limitations on funds available for obligation in this subsection shall not apply to unobligated funds during the final quarter of any fiscal year.

(e) Period of Agreement With State or Local Authority.—Any agreement with a State or local authority for the provision of protective services under this section shall be for a period of not to exceed 90 days in any calendar year, but such agreements may be renewed after review by the Secretary.

(f) Requirement for Appropriations.—Contracts may be entered into in carrying out this section only to such extent or in such amounts as are provided in advance in appropriation Acts.

(g) Working Capital Fund.—Amounts used to carry out this section shall not be subject to section 208(h).

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[90] 22 U.S.C. 4313. Sec. 202(b) of Public Law 97-241 (96 Stat. 283) added sec. 213, effective Oct. 1, 1982.

[91] 22 U.S.C. 4314. Sec. 214 was added by sec. 126(a) of Public Law 99-93 (99 Stat. 405, effective as of Oct. 1, 1985.

n. The Immigration and Nationality Act, as amended

Partial text of Public Law 82-414 [H.R. 5678], 66 Stat. 163, approved June 27, 1952, as amended by Public Law 87-510 [H.R. 8291], 76 Stat. 121, approved June 28, 1962; Public Law 88-426 [H.R. 11049], 78 Stat. 400 at 428, approved August 14, 1964; and by Public Law 95-105 [H.R. 6689], 91 Stat. 844 at 847, approved August 17, 1977

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POWERS AND DUTIES OF THE SECRETARY OF STATE; BUREAU OF CONSULAR AFFAIRS

Sec. 104.[1] (a) The Secretary of State shall be charged with the administration and the enforcement of the provisions of this Act and all other immigration and nationality laws relating to (1) the powers, duties and functions of diplomatic and consular officers of the United States, except those powers, duties and functions conferred upon the consular officers relating to the granting or refusal of visas; (2) the powers, duties and functions of the Bureau of [2] Consular Affairs; and (3) the determination of nationality of a person not in the United States. He shall establish such regulations; prescribe such forms of reports, entries and other papers; issue such instructions; and perform such other acts as he deems necessary for carrying out such provisions. He is authorized to confer or impose upon any employee of the United States, with the consent of the head of the department or independent establishment under whose jurisdiction the employee is serving, any of the powers, functions, or duties conferred or imposed by this Act or regulations issued thereunder upon officers or employees of the Department of State or of the American Foreign Service.

(b) There is hereby established in the Department of State a Bureau of Consular Affairs, to be headed by an Assistant Secretary of State for Consular Affairs.[3] The Assistant Secretary of State for Consular Affairs [4] shall be a citizen of the United States, qualified by experience, and shall maintain close liaison with the appropriate committees of Congress in order that they may be advised regarding the administration of this Act by consular officers. He shall be charged with any and all responsibility and authority in the administration of the Bureau and of this Act which are conferred on the Secretary of State as may be delegated to him by the Secretary of State or which may be prescribed by the Secretary of State. He shall also perform such other duties as the Secretary of State may prescribe.

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[1] 8 U.S.C. 1104.

[2] Sec. 109(b)(1) of the Foreign Relations Authorization Act, Fiscal Year 1978 (91 Stat. 847) struck out the words "Security and" which formerly appeared at this point.

[3] Sec. 109(b)(1)(B) of the Foreign Relations Authorization Act, Fiscal Year 1978 (91 Stat. 847) substituted the words to this point beginning with "Consular Affairs, to * * *" in lieu of "Security and Consular Affairs to be headed by an administrator (with an appropriate title to be designated by the Secretary of State), with rank and compensation equal to that of an Assistant Secretary of State."

Sec. 109(b)(1)(B) also struck out a sentence (as added by sec. 4(a)(2) of Public Law 87-510, 76 Stat. 123) which formerly appeared at this point and read as follows: "He shall be appointed by the President with the advice and consent of the Senate."

[4] Sec. 109(b)(1)(B)(iii) of the Foreign Relations Authorization Act, Fiscal Year 1978 (91 Stat. 847), substituted the words "Assistant Secretary of State for Consular Affairs" in lieu of "administrator".

(c) Within the Bureau there shall be a Passport Office, a Visa Office, and such other offices as the Secretary of State may deem to be appropriate, each office to be headed by a director. The Directors of the Passport Office and the Visa Office shall be experienced in the administration of the nationality and immigration laws.

(d) The functions heretofore performed by the Passport Division and the Visa Division of the Department of State shall hereafter be performed by the Passport Office and the Visa Office, respectively, of the Bureau of [2] Consular Affairs.

(e) There shall be a General Counsel of the Visa Office, who shall be appointed by the Secretary of State and who shall serve under the general direction of the Legal Adviser of the Department of State. The General Counsel shall have authority to maintain liaison with the appropriate officers of the Service with a view to securing uniform interpretations of the provisions of this Act.

(f) * * * [Repealed—1977] [5]

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[5] Subsec. (f) was repealed by sec. 109(b)(1)(D) of the Foreign Relations Authorization Act, Fiscal Year 1978 (91 Stat. 847). It formerly read as follows:

"(f) The Bureau shall be under the immediate jurisdiction of the Deputy Under Secretary of State for Administration."

o. International Agreements

(1) Transmittal of International Agreements

Public Law 92-403 [S. 596], 86 Stat. 619, approved August 22, 1972

AN ACT To require that international agreements other than treaties, hereafter entered into by the United States, be transmitted to the Congress within sixty days after the execution thereof.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 1, United States Code, is amended by inserting after section 112a the following new section:

"§ 112b. United States international agreements; transmission to Congress

"(a)[1] The Secretary of State shall transmit to the Congress the text of any international agreement (including the text of any oral international agreement, which agreement shall be reduced to writing)[2] other than a treaty, to which the United States is a party as soon as practicable after such agreement has entered into force with respect to the United States but in no event later than sixty days thereafter. However, any such agreement the immediate public disclosure of which would, in the opinion of the President, be prejudicial to the national security of the United States shall not be so transmitted to the Congress but shall be transmitted to the Committee on Foreign Relations of the Senate and the Committee on International Relations[3] of the House of Representatives under an appropriate injunction of secrecy to be removed only upon due notice from the President. Any department or agency of the United States Government which enters into any international agreement on behalf of the United States shall transmit to the Department of State the text of such agreement not later than twenty days after such agreement has been signed.[4]

"(b)[1] Not later than March 1, 1979, and at yearly intervals thereafter, the President shall, under his own signature, transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report with respect to each international agreement which, during the preceding year, was transmitted to the Congress after the expiration of the 60-day period referred to in the first sentence of subsection (a), describing fully and completely the reasons for the late transmittal.

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[1] Sec. 708 of Public Law 95-426 (92 Stat. 993) inserted the subsection designation "(a)" and added subsecs. (b) through (e).

[2] The parenthetical phrase was added by sec. 708 of Public Law 95-426 (92 Stat. 993).

[3] Sec. 5(b) of Public Law 95-45 (91 Stat. 224) amended sec. 112b of title I by substituting "International Relations" in lieu of "Foreign Affairs".

[4] This sentence was added to sec. 112b of title I by sec. 5(a) of Public Law 95-45 (91 Stat. 224).

"(c) [1] Notwithstanding any other provision of law, an international agreement may not be signed or otherwise concluded on behalf of the United States without prior consultation with the Secretary of State. Such consultation may encompass a class of agreements rather than a particular agreement.

"(d) [1] The Secretary of State shall determine for and within the executive branch whether an arrangement constitutes an international agreement within the meaning of this section.

"(e) [1] The President shall, through the Secretary of State, promulgate such rules and regulations as may be necessary to carry out this section.".

Sec. 2. The analysis of chapter 2 of title 1, United States Code, as amended by inserting immediately between items 112a and 113 the following:

"112b. United States international agreement[s] transmission to Congress."

(2) Coordination and Reporting of International Agreements

Regulations of the Secretary of State, Department Regulation 108.809, 22 CFR Part 181, July 13, 1981, 46 F.R. 35917

SUBCHAPTER S—INTERNATIONAL AGREEMENTS

PART 181—COORDINATION AND REPORTING OF INTERNATIONAL AGREEMENTS

Sec.
181.1 Purpose and application.
181.2 Criteria.
181.3 Determinations.
181.4 Consultations with the Secretary of State.
181.5 Twenty-day rule for concluded agreements.
181.6 Documentation and certification.
181.7 Transmittal to the Congress.

Authority: 1 U.S.C. 112b; 22 U.S.C. 2658; 22 U.S.C. 3312.

§ 181.1 Purpose and application.

(a) The purpose of this part is to implement the provisions of 1 U.S.C. 112b, popularly known as the Case-Zablocki Act (hereinafter referred to as the "Act"), on the reporting to Congress and coordination with the Secretary of State of international agreements of the United States. This part applies to all agencies of the U.S. Government whose responsibilities include the negotiation and conclusion of international agreements. This part does not, however, constitute a delegation by the Secretary of State of the authority to engage in such activities. Further, it does not affect any additional requirements of law governing the relationship between particular agencies and the Secretary of State in connection with international negotiations and agreements, or any other requirements of law concerning the relationship between particular agencies and the Congress. The term "agency" as used in this part means each authority of the United States Government, whether or not it is within or subject to review by another agency.

(b) Pursuant to the key legal requirements of the Act—full and timely disclosure to the Congress of all concluded agreements and consultation by agencies with the Secretary of State with respect to proposed agreements—every agency of the Government is required to comply with each of the provisions set out in this part in implementation of the Act. Nevertheless, this part is intended as a framework of measures and procedures which, it is recognized, cannot anticipate all circumstances or situations that may arise. Deviation or derogation from the provisions of this part will not affect the legal validity, under United States law or under international law, of agreements concluded, will not give rise to a cause of action, and will not affect any public or private rights established by such agreements.

§ 181.2 Criteria.

(a) *General.* The following criteria are to be applied in deciding whether any undertaking, oral agreement, document, or set of documents, including an exchange of notes or of correspondence, constitutes an international agreement within the meaning of the Act, as well as within the meaning of 1 U.S.C. 112a, requiring the publication of international agreements. Each of the criteria except those in paragraph (a)(5) of this section must be met in order for any given undertaking of the United States to constitute an international agreement.

(1) *Identity and intention of the parties.* A party to an international agreement must be a state, a state agency, or an intergovernmental organization. The parties must intend their undertaking to be legally binding, and not merely of political or personal effect. Documents intended to have political or moral weight, but not intended to be legally binding, are not international agreements. An example of the latter is the Final Act of the Helsinki Conference on Cooperation and Security in Europe. In addition, the parties must intend their undertaking to be governed by international law, although this intent need not be manifested by a third-party dispute settlement mechanism or any express reference to international law. In the absence of any provision in the arrangement with respect to governing law, it will be presumed to be governed by international law. This presumption may be overcome by clear evidence, in the negotiating history of the agreement or otherwise, that the parties intended the arrangement to be governed by another legal system. Arrangements governed solely by the law of the United States, or one of the states or jurisdictions thereof, or by the law of any foreign state, are not international agreements for these purposes. For example, a foreign military sales loan agreement governed in its entirety by U.S. law is not an international agreement.

(2) *Significance of the arrangement.* Minor or trivial undertakings, even if couched in legal language and form, are not considered international agreements within the meaning of the Act or of 1 U.S.C. 112a. In deciding what level of significance must be reached before a particular arrangement becomes an international agreement, the entire context of the transaction and the expectations and intent of the parties must be taken into account. It is often a matter of degree. For example, a promise to sell one map to a foreign nation is not an international agreement; a promise to exchange all maps of a particular region to be produced over a period of years may be an international agreement. It remains a matter of judgment based on all of the circumstances of the transaction. Determinations are made pursuant to § 181.3. Examples of arrangements that may constitute international agreements are agreements that: (a) are of political significance; (b) involve substantial grants of funds or loans by the United States or credits payable to the United States; (c) constitute a substantial commitment of funds that extends beyond a fiscal year or would be a basis for requesting new appropriations; (d) involve continuing and/or substantial cooperation in the conduct of a particular program or activity, such as scientific, technical, or other cooperation, including the exchange

or receipt of information and its treatment, or the pooling of data. However, individual research grants and contracts do not ordinarily constitute international agreements.

(3) *Specificity, including objective criteria for determining enforceability.* International agreements require precision and specificity in the language setting forth the undertakings of the parties. Undertakings couched in vague or very general terms containing no objective criteria for determining enforceability or performance are not normally international agreements. Most frequently such terms reflect an intent not to be bound. For example, a promise to "help develop a more viable world economic system" lacks the specificity essential to constitute a legally binding international agreement. However, the intent of the parties is the key factor. Undertakings as general as those of, for example, Articles 55 and 56 of the United Nations Charter have been held to create internationally binding obligations intended as such by the parties.

(4) *Necessity for two or more parties.* While unilateral commitments on occasion may be legally binding, they do not constitute international agreements. For example, a statement by the President promising to send money to Country Y to assist earthquake victims would not be an international agreement. It might be an important undertaking, but not all undertakings in international relations are in the form of international agreements. Care should be taken to examine whether a particular undertaking is truly unilateral in nature, or is part of a larger bilateral or multilateral set of undertakings. Moreover, "consideration," as that term is used in domestic contract law, is not required for international agreements.

(5) *Form.* Form as such is not normally an important factor, but it does deserve consideration. Documents which do not follow the customary form for international agreements, as to matters such as style, final clauses, signatures, or entry into force dates, may or may not be international agreements. Failure to use the customary form may constitute evidence of a lack of intent to be legally bound by the arrangement. If, however, the general content and context reveal an intention to enter into a legally binding relationship, a departure from customary form will not preclude the arrangement from being an international agreement. Moreover, the title of the agreement will not be determinative. Decisions will be made on the basis of the substance of the arrangement, rather than on its denomination as an international agreement, a memorandum of understanding, exchange of notes, exchange of letters, technical arrangement, protocol, note verbale, aide-memoire, agreed minute, or any other name.

(b) *Agency-level agreements.* Agency-level agreements are international agreements within the meaning of the Act and of 1 U.S.C. 112a if they satisfy the criteria discussed in paragraph (a) of this section. The fact that an agreement is concluded by and on behalf of a particular agency of the United States Government, rather than the United States Government, does not mean that the agreement is not an international agreement. Determinations are made on the basis of the substance of the agency-level agreement in question.

(c) *Implementing agreements.* An implementing agreement, if it satisfies the criteria discussed in paragraph (a) of this section, may be an international agreement, depending upon how precisely it is anticipated and identified in the underlying agreement it is designed to implement. If the terms of the implementing agreement are closely anticipated and identified in the underlying agreement, only the underlying agreement is considered an international agreement. For example, the underlying agreement might call for the sale by the United States of 1000 tractors, and a subsequent implementing agreement might require a first installment on this obligation by the sale of 100 tractors of the brand X variety. In that case, the implementing agreement is sufficiently identified in the underlying agreement, and would not itself be considered an international agreement within the meaning of the Act or of 1 U.S.C. 112a. Project annexes and other documents which provide technical content for an umbrella agreement are not normally treated as international agreements. However, if the underlying agreement is general in nature, and the implementing agreement meets the specified criteria of paragraph (a) of this section, the implementing agreement might well be an international agreement. For example, if the underlying agreement calls for the conclusion of "agreements for agricultural assistance," but without further specificity, then a particular agricultural assistance agreement subsequently concluded in "implementation" of that obligation, provided it meets the criteria discussed in paragraph (a) of this section, would constitute an international agreement independent of the underlying agreement.

(d) *Extension and modifications of agreements.* If an undertaking constitutes an international agreement within the meaning of the Act and of 1 U.S.C. 112a, then a subsequent extension or modification of such an agreement would itself constitute an international agreement within the meaning of the Act of 1 U.S.C. 112a.

(e) *Oral agreements.* Any oral arrangement that meets the criteria discussed in paragraphs (a)(1)–(4) of this section is an international agreement and, pursuant to section (a) of the Act, must be reduced to writing by the agency that concluded the oral arrangement. In such written form, the arrangement is subject to all the requirements of the Act and of this part. Whenever a question arises whether an oral arrangement constitutes an international agreement, the arrangement shall be reduced to writing and the decision made in accordance with § 181.3.

§ 181.3 Determinations.

(a) Whether any undertaking, document, or set of documents constitutes or would constitute an international agreement within the meaning of the Act or of 1 U.S.C. 112a shall be determined by the Legal Adviser of the Department of State, a Deputy Legal adviser, or in most cases the Assistant Legal Adviser for Treaty Affairs. Such determinations shall be made either on a case-by-case basis, or on periodic consultation, as appropriate.

(b) Agencies whose responsibilities include the negotiation and conclusion of international agreements are responsible for transmitting to the Assistant Legal Adviser for Treaty Affairs, for decision pursuant to paragraph (a) of this section, the texts of any document or set of documents that might constitute an international agreement. The transmittal shall be made prior to or simultaneously with the request for consultations with the Secretary of State required by subsection (c) of the Act and § 181.4 of this part.

(c) Agencies whose responsibilities include the negotiation and conclusion of large numbers of agency-level and implementing arrangements at overseas posts, only a small number of which might constitute international agreements within the meaning of the Act and of 1 U.S.C. 112a, are required to transmit prior to their entry into force only the texts of the more important of such arrangements for decision pursuant to paragraph (a) of this section. The texts of all arrangements that might constitute international agreements shall, however, be transmitted to the Office of the Assistant Legal Adviser for Treaty Affairs as soon as possible, and in no event to arrive at that office later than 20 days after their signing for decision pursuant to paragraph (a) of this section.

(d) Agencies to which paragraphs (b) and (c) of this section apply shall consult periodically with the Assistant Legal Adviser for Treaty Affairs in order to determine which categories of arrangements for which they are responsible are likely to be international agreements within the meaning of the Act and of 1 U.S.C. 112a.

§ 181.4 Consultations with the Secretary of State.

(a) The Secretary of State is responsible, on behalf of the President, for ensuring that all proposed international agreements of the United States are fully consistent with United States foreign policy objectives. Except as provided in § 181.3(c) of this part, no agency of the U.S. Government may conclude an international agreement, whether entered into in the name of the U.S. Government or in the name of the agency, without prior consultation with the Secretary of State or his designee.

(b) The Secretary of State (or his designee) gives his approval for any proposed agreement negotiated pursuant to his authorization, and his opinion on any proposed agreement negotiated by an agency which has separate authority to negotiate such agreement. The approval or opinion of the Secretary of State or his designee with respect to any proposed international agreement will be given pursuant to Department of State procedures set out in Volume 11, *Foreign Affairs Manual*, Chapter 700 (Circular 175 procedure). Officers of the Department of State shall be responsible for the preparation of all documents required by the Circular 175 procedure.

(c) Pursuant to the Circular 175 procedure, the approval of, or an opinion on a proposed international agreement to be concluded in the name of the U.S. Government will be given either by the Secretary of State or his designee. The approval of, or opinion on a proposed international agreement to be concluded in the name of a particular agency of the U.S. Government will be given by the interested assistant secretary or secretaries of State, or their designees, unless such official(s) judge that consultation with the Secretary, Deputy Secretary, or an Under Secretary is necessary. The approval of, or opinion on a proposed international agreement will normally be given within 20 days of receipt of the request for consultation and of the information as required by § 181.4(d)–(g).

(d) Any agency wishing to conclude an international agreement shall transmit to the interested bureau or office in the Department of State, or to the Office of the Legal Adviser, for consultation pursuant to this section, a draft text or summary of the proposed agreement, a precise citation of the Constitutional, statutory, or treaty authority for such agreement, and other background information as requested by the Department of State. The transmittal of the draft text or summary and citation of legal authority shall be made before negotiations are undertaken, or if that is not feasible, as early as possible in the negotiating process. In any event such transmittals must be made no later than 50 days prior to the anticipated date for concluding the proposed agreement. If unusual circumstances prevent this 50-day requirement from being met, the concerned agency shall use its best efforts to effect such transmittal as early as possible prior to the anticipated date for concluding the proposed agreement.

(e) If a proposed agreement embodies a commitment to furnish funds, goods, or services that are beyond or in addition to those authorized in an approved budget, the agency proposing the agreement shall state what arrangements have been planned or carried out concerning consultation with the Office Management and Budget for such commitment. The Department of State should receive confirmation that the relevant budget approved by the President provides or requests funds adequate to fulfill the proposed commitment, or that the President has made a determination to seek the required funds.

(f) Consultation may encompass a specific class of agreements rather than a particular agreement where a series of agreements of the same general type is contemplated; that is, where a number of agreements are to be negotiated according to a more or less standard formula, such as, for example, Public Law 480 Agricultural Commodities Agreements. Any agency wishing to conclude a particular agreement within a specific class of agreements about which consultations have previously been held pursuant to this section shall transmit a draft text of the proposed agreement to the Office of the Legal Adviser as early as possible but in no event later than 20 days prior to the anticipated date for concluding the agreement.

(g) The consultation requirement shall be deemed to be satisfied with respect to proposed international agreements of the United States about which the Secretary of State (or his designee) has been consulted in his capacity as a member of an interagency committee or council established for the purpose of approving such proposed agreements. Designees of the Secretary of State serving on any such interagency committee or council are to provide as soon as possible to the interested offices or bureaus of the Department of State and to the Office of the Legal Adviser copies of draft texts or summaries of such proposed agreements and other background information as requested.

(h) Before an agreement containing a foreign language text may be signed or otherwise concluded, a signed memorandum must be obtained from a responsible language officer of the Department of State or of the U.S. Government agency concerned certifying that the foreign language text and the English language text are in conformity with each other and that both texts have the same meaning in all substantive respects. The signed memorandum is to be made available to the Department of State upon request.

§ 181.5 Twenty-day rule for concluded agreements.

(a) Any agency, including the Department of State, that concludes an international agreement within the meaning of the Act and of 1 U.S.C. 112a, whether entered into in the name of the U.S. Government or in the name of the agency, must transmit the text of the concluded agreement to the office of the Assistant Legal Adviser for Treaty Affairs as soon as possible and in no event to arrive at that office later than 20 days after the agreement has been signed. The 20-day limit, which is required by the Act, is essential for purposes of permitting the Department of State to meet its obligation under the Act to transmit concluded agreements to the Congress no later than 60 days after their entry into force.

(b) In any case of transmittal after the 20-day limit, the agency or Department of State office concerned may be asked to provide to the Assistant Legal Adviser for Treaty Affairs a statement describing the reasons for the late transmittal. Any such statements will be used, as necessary, in the preparation of the annual report on late transmittals, to be signed by the President and transmitted to the Congress, as required by subsection (b) of the Act.

§ 181.6 Documentation and certification.

(a) Transmittals of concluded agreements to the Assistant Legal Adviser for Treaty Affairs pursuant to § 181.5 must include the signed or initialed original texts, together with all accompanying papers, such as agreed minutes, exchanges of notes, or side letters. The texts transmitted must be accurate, legible, and complete, and must include the texts of all languages in which the agreement was signed or initiated.[1] Names and identities of the individuals signing or initialing the agreements, for the foreign government as well as for the United States, must, unless clearly evident in the texts transmitted, be separately provided.

(b) Agreements from overseas posts should be transmitted to the Department of State by priority airgram, marked for the attention of the Assistant Legal Adviser for Treaty Affairs, with the following notation below the enclosure line: FAIM: Please send attached original agreement to L/T on arrival.

(c) Where the original texts of concluded agreements are not available, certified copies must be transmitted in the same manner as original texts. A certified copy must be an exact copy of the signed original.

(d) When an exchange of diplomatic notes between the United States and a foreign government constitutes an agreement or has the effect of extending, modifying, or terminating an agreement to which the United States is a party, a properly certified copy of the note from the United States to the foreign government, and the signed original of the note from the foreign government, must be transmitted. If, in conjunction with the agreement signed, other notes related thereto are exchanged (either at the same time, beforehand, or subsequently), properly certified copies of the notes from the United States to the foreign government must be transmitted with the signed originals of the notes from the foreign government.

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[1] "Initiated" should probably be "initialed".

(e) Copies may be certified either by a certification on the document itself, or by a separate certification attached to the document. A certification on the document itself is placed at the end of the document. It indicates, either typed or stamped, that the document is a true copy of the original signed or initialed by (insert full name of signing officer), and it is signed by the certifying officer. If a certification is typed on a separate sheet of paper, it briefly describes the document certified and states that it is a true copy of the original signed by (full name) and it is signed by the certifying officer.

§ 181.7 Transmittal to the Congress.

(a) International agreements other than treaties shall be transmitted by the Assistant Legal Adviser for Treaty Affairs to the President of the Senate and the Speaker of the House of Representatives as soon as practicable after the entry into force of such agreements, but in no event later than 60 days thereafter.

(b) Classified agreements shall be transmitted by the Assistant Secretary of State for Congressional Relations to the Senate Committee on Foreign Relations and to the House Committee on Foreign Affairs.

(c) The Assistant Legal Adviser for Treaty Affairs shall also transmit to the President of the Senate and to the Speaker of the House of Representatives background information to accompany each agreement reported under the Act. Background statements, while not expressly required by the Act, have been requested by the Congress and have become an integral part of the reporting requirement. Each background statement shall include information explaining the agreement, the negotiations, the effect of the agreement, and a precise citation of legal authority. At the request of the Assistant Legal Adviser for Treaty Affairs, each background statement is to be prepared in time for transmittal with the agreement it accompanies by the office most closely concerned with the agreement. Background statements for classified agreements are to be transmitted by the Assistant Secretary of State for Congressional Relations to the Senate Committee on Foreign Relations and to the House Committee on Foreign Affairs.

(d) Pursuant to Section 12 of the Taiwan Relations Act (22 U.S.C. 3311), any agreement entered into between the American Institute in Taiwan and the governing authorities on Taiwan, or any agreement entered into between the Institute and an agency of the United States Government, shall be transmitted by the Assistant Secretary of State for Congressional Relations to the President of the Senate and to the Speaker of the House of Representatives as soon as practicable after the entry into force of such agreements, but in no event later than 60 days thereafter. Classified agreements entered into by the Institute shall be transmitted by the Assistant Secretary for Congressional Relations to the Senate Committee on Foreign Relations.

(3) Executive Order 11742, October 23, 1973, 38 F.R. 29457

DELEGATING TO THE SECRETARY OF STATE CERTAIN FUNCTIONS WITH RESPECT TO THE NEGOTIATION OF INTERNATIONAL AGREEMENTS RELATING TO THE ENHANCEMENT OF THE ENVIRONMENT

Under and by virtue of the authority vested in me by section 301 of title 3 of the United States Code and as President of the United States, I hereby authorize and empower the Secretary of State, in coordination with the Council on Environmental Quality, the Environmental Protection Agency, and other appropriate Federal agencies, to perform, without the approval, ratification, or other action of the President, the functions vested in the President by section 7 of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500; 86 Stat. 898) with respect to international agreements relating to the enhancement of the environment.

p. Executive Order 11651, as amended

Executive Order 11651, March 3, 1972, 37 F.R. 4699, as amended by Executive Order 11951, January 6, 1977, 42 F.R. 1453; and by Executive Order 12188, January 2, 1980, 45 F.R. 989

TEXTILE TRADE AGREEMENTS

By virtue of the authority vested in me by Section 204 of the Agricultural Act of 1956 (76 Stat. 104), as amended (7 U.S.C. 1854), and section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

Section 1. (a) The Committee for the Implementation of Textile Agreements (hereinafter referred to as the Committee), consisting of representatives of the Departments of State, the Treasury, Commerce and Labor, with the representative of the Department of Commerce as Chairman, is hereby established to supervise the implementation of all textile trade agreements. It shall be located for administrative purposes in the Department of Commerce. The United States Trade Representative, or his designee, also shall be a member of the Committee.[1]

(b) Except as provided in subsection (c) of this section, the Chairman of the Committee, after notice to the representatives of the other member agencies, shall take such actions or shall recommend that appropriate officials or agencies of the United States take such actions as may be necessary to implement each such textile trade agreement: *Provided, however,* That if a majority of the voting members of the Committee have objected to such action within ten days of receipt of notice from the Chairman, such action shall not be taken except as may otherwise be authorized.

(c) To the extent authorized by the President and by such officials as the President may from time to time designate, the Committee shall take appropriate actions concerning textiles and textile products under Section 204 of the Agricultural Act of 1956, as amended, and Articles 3 and 8 of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973,[2] and with respect to any other matter affecting textile trade policy.

Sec. 2. (a) The Commissioner of Customs shall take such actions as the Committee, acting through its Chairman, shall recommend to carry out all agreements and arrangements entered into by the United States pursuant to Section 204 of the Agricultural Act of 1956, as amended, with respect to entry, or withdrawal from warehouse, for consumption in the United States of textiles and textile products.

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[1] This sentence was amended and restated by sec. 1-105(c) of E.O. 12188, Jan. 2, 1980. The sentence formerly provided that the President's Special Representative for Trade Negotiations would be a nonvoting member of the Committee.

[2] Executive Order 11951 struck out the words "Article 3 and 6 of the Long Term Agreement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, as extended," and substituted the words to this point beginning with "Articles 3 and 8".

(b) Under instructions approved by the Committee, the Secretary of State shall designate the Chairman of the United States delegation to all negotiations and consultations with foreign governments undertaken with respect to the implementation of textile trade agreements pursuant to this Order. The Secretary of State shall make such representations to foreign governments, including the presentation of diplomatic notes and other communications, as may be necessary to carry out this Order.

2. Organization and Administration

a. Foreign Service Act of 1980

Public Law 96-465 [H.R. 6790], 94 Stat. 2071, approved October 17, 1980, as amended by Executive Order 12289, February 14, 1981, 46 F.R. 12693; Public Law 97-241 [S. 1193], 96 Stat. 273, approved August 24, 1982; Executive Order 12446, October 17, 1983, 48 F.R. 48443; Public Law 98-164 [Department of State Authorization Act, Fiscal Years 1984 and 1985; H.R. 2915], 97 Stat. 1017, approved November 22, 1983; and by Public Law 99-93 [H.R. 2068], 99 Stat. 405, approved August 16, 1985; and by Public Law 99-335 [H.R. 2672], 100 Stat. 514, approved June 6, 1986; and by Public Law 99-399 [H.R. 2151], 100 Stat. 853, approved August 27, 1986; and by Public Law 99-529 [S. 1917], 100 Stat. 3610, approved October 24, 1986

AN ACT To promote the foreign policy of the United States by strengthening and improving the Foreign Service of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. Short Title.—This Act may be cited as the "Foreign Service Act of 1980".

Sec. 2. Table of Contents.—The table of contents for this Act is as follows:

TABLE OF CONTENTS

Page
Sec. 1. Short title 1174
Sec. 2. Table of contents 1174

TITLE I—THE FOREIGN SERVICE OF THE UNITED STATES

CHAPTER 1—GENERAL PROVISIONS

Sec. 101. Findings and objectives 1178
Sec. 102. Definitions 1179
Sec. 103. Members of the Service 1180
Sec. 104. Functions of the Service 1180
Sec. 105. Merit principles; protections of members of the Service; and minority recruitment 1181

CHAPTER 2—MANAGEMENT OF THE SERVICE

Sec. 201. The Secretary of State 1182
Sec. 202. Other agencies utilizing the Foreign Service personnel system 1183
Sec. 203. Compatibility among agencies utilizing the Foreign Service personnel system 1183
Sec. 204. Consolidated and uniform administration of the Service 1183
Sec. 205. Compatibility between the Foreign Service and other Government personnel systems 1184
Sec. 206. Regulations; delegation of functions 1184
Sec. 207. Chief of mission 1184
Sec. 208. Director General of the Foreign Service 1184
Sec. 209. Inspector General 1185
Sec. 210. Board of the Foreign Service 1187
Sec. 211. Board of Examiners for the Foreign Service 1188

CHAPTER 3—APPOINTMENTS

Page
Sec. 301. General provisions relating to appointments 1188
Sec. 302. Appointments by the President 1189
Sec. 303. Appointments by the Secretary 1190
Sec. 304. Appointment of chiefs of mission 1190
Sec. 305. Appointment to the Senior Foreign Service 1191
Sec. 306. Career appointments 1192
Sec. 307. Entry levels for Foreign Service officer candidates 1192
Sec. 308. Recall and reemployment of career members 1192
Sec. 309. Limited appointments 1192
Sec. 310. Reemployment rights following limited appointment 1193
Sec. 311. Employment of family members of Government employees 1193
Sec. 312. Diplomatic and consular commissions 1193

CHAPTER 4—COMPENSATION

Sec. 401. Salaries of chiefs of mission 1193
Sec. 402. Salaries of the Senior Foreign Service 1194
Sec. 403. Foreign Service Schedule 1194
Sec. 404. Assignment to a salary class 1195
Sec. 405. Performance pay 1195
Sec. 406. Within-class salary increases 1196
Sec. 407. Salaries for Foreign Service personnel abroad who perform routine duties 1197
Sec. 408. Local compensation plans 1197
Sec. 409. Salaries of consular agents 1198
Sec. 410. Compensation for imprisoned foreign national employees 1198
Sec. 411. Temporary service as principal officer 1199
Sec. 412. Special differentials 1199
Sec. 413. Death gratuity 1200

CHAPTER 5—CLASSIFICATION OF POSITIONS AND ASSIGNMENTS

Sec. 501. Classification of positions 1200
Sec. 502. Assignments to Foreign Service positions 1200
Sec. 503. Assignments to agencies, international organizations, and other bodies 1201
Sec. 504. Service in the United States and abroad 1202
Sec. 505. Temporary details 1202

CHAPTER 6—PROMOTION AND RETENTION

Sec. 601. Promotions 1202
Sec. 602. Selection boards 1203
Sec. 603. Basis for selection board review 1204
Sec. 604. Confidentiality of records 1204
Sec. 605. Implementation of selection board recommendations 1204
Sec. 606. Other bases for increasing pay 1205
Sec. 607. Retirement for expiration of time in class 1205
Sec. 608. Retirement based on relative performance 1206
Sec. 609. Retirement benefits 1207
Sec. 610. Separation for cause 1207
Sec. 611. Termination of limited appointments 1208
Sec. 612. Termination of appointments of consular agents and foreign national employees 1208
Sec. 613. Foreign Service awards 1208

CHAPTER 7—FOREIGN SERVICE INSTITUTE, CAREER DEVELOPMENT, TRAINING, AND ORIENTATION

Sec. 701. Foreign Service Institute 1208
Sec. 702. Foreign language requirements 1209
Sec. 703. Career development 1209
Sec. 704. Training authorities 1210
Sec. 705. Training grants 1211
Sec. 706. Career counseling 1211

CHAPTER 8—FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM

Sec. 801. Administration of the System 1212

Sec. 802. Maintenance of the Fund 1212
Sec. 803. Participants 1212
Sec. 804. Definitions 1213
Sec. 805. Contributions to the Fund 1215
Sec. 806. Computation of annuities 1218
Sec. 807. Payment of annuity 1223
Sec. 808. Retirement for disability or incapacity 1225
Sec. 809. Death in service 1227
Sec. 810. Discontinued service retirement 1228
Sec. 811. Voluntary retirement 1228
Sec. 812. Mandatory retirement 1229
Sec. 813. Retirement of former Presidential appointees 1229
Sec. 814. Former spouses 1229
Sec. 815. Lump-sum payments 1233
Sec. 816. Creditable service 1235
Sec. 817. Extra credit for service at unhealthful posts 1239
Sec. 818. Estimate of appropriations needed 1239
Sec. 819. Investment of the Fund 1239
Sec. 820. Assignment and attachment of moneys 1239
Sec. 821. Payments for future benefits 1241
Sec. 822. Unfunded liability obligations 1241
Sec. 823. Annuity adjustment for recall service 1241
Sec. 824. Reemployment 1242
Sec. 825. Voluntary contributions 1243
Sec. 826. Cost-of-living adjustments of annuities 1244
Sec. 827. Compatibility between civil service and Foreign Service retirement systems 1246
Sec. 828. Remarriage 1247
Sec. 851. Establishment 1247
Sec. 852. Definitions 1247
Sec. 853. Participants 1248
Sec. 854. Credtiable service 1249
Sec. 855. Entitlement to annuity 1250
Sec. 856. Reduction and withholdings from pay 1250
Sec. 857. Government contributions 1251
Sec. 858. Cost-of-living adjustments 1251
Sec. 859. General and administrative provisions 1251
Sec. 860. Transition provisions 1252
Sec. 861. Former spouses 1252
Sec. 862. Spousal agreements 1254

CHAPTER 9—TRAVEL, LEAVE, AND OTHER BENEFITS

Sec. 901. Travel and related expenses 1254
Sec. 902. Loan of household effects 1257
Sec. 903. Required leave in the United States 1257
Sec. 904. Health care 1257
Sec. 905. Representation expenses 1258
Sec. 906. Entitlement to vote in a State in a Federal Election 1258

CHAPTER 10—LABOR-MANAGEMENT RELATIONS

Sec. 1001. Labor-management policy 1259
Sec. 1002. Definitions 1259
Sec. 1003. Application 1261
Sec. 1004. Employee rights 1262
Sec. 1005. Management rights 1262
Sec. 1006. Foreign Service Labor Relations Board 1263
Sec. 1007. Functions of the Board 1263
Sec. 1008. Functions of the General Counsel 1264
Sec. 1009. Judicial review and enforcement 1264
Sec. 1010. Foreign Service Impasse Disputes Panel 1265
Sec. 1011. Exclusive recognition 1266
Sec. 1012. Employees represented 1267
Sec. 1013. Representation rights and duties 1267
Sec. 1014. Resolution of implementation disputes 1269
Sec. 1015. Unfair labor practices 1269
Sec. 1016. Prevention of unfair labor practices 1271
Sec. 1017. Standards of conduct for labor organizations 1273

Sec. 1018. Administrative provisions 1274

Chapter 11—Grievances

Sec. 1101. Definition of grievance 1275
Sec. 1102. Grievances concerning former members 1276
Sec. 1103. Freedom of action 1276
Sec. 1104. Time limitations 1277
Sec. 1105. Foreign Service Grievance Board 1277
Sec. 1106. Board procedures 1278
Sec. 1107. Board decisions 1280
Sec. 1108. Access to records 1281
Sec. 1109. Relationship to other remedies 1281
Sec. 1110. Judicial review 1282

TITLE II—TRANSITION, AMENDMENTS TO OTHER LAWS, AND MISCELLANEOUS PROVISIONS

Chapter 1—Transition

Sec. 2101. Pay and benefits pending conversion 1282
Sec. 2102. Conversion to the Foreign Service Schedule 1282
Sec. 2103. Conversion to the Senior Foreign Service 1283
Sec. 2104. Conversion from the Foreign Service 1284
Sec. 2105. Conversion of certain positions in the Department of Agriculture .. 1285
Sec. 2106. Preservation of status and benefits 1285
Sec. 2107. Regulations 1287
Sec. 2108. Authority of other agencies 1287
Sec. 2109. Survivor benefits for certain former spouses 1287

Chapter 2—Provisions Relating to Foreign Affairs Agencies

Sec. 2201. Basic authorities of the Department of State 1287
Sec. 2202. Peace Corps Act 1288
Sec. 2203. Foreign Assistance Act 1288
Sec. 2204. Arms Control and Disarmament Act 1288
Sec. 2205. Repealed provisions 1288
Sec. 2206. Other conforming amendments 1289
Sec. 2207. Model foreign language competence posts 1292

Chapter 3—Amendments to Title 5, United States Code

Sec. 2301. Reemployment rights 1293
Sec. 2302. Salary for ambassadors at large 1293
Sec. 2303. Advances of pay incident to departures from posts abroad 1293
Sec. 2304. Premium pay 1294
Sec. 2305. Severance pay 1294
Sec. 2306. Attorneys fees in backpay cases 1294
Sec. 2307. Separate maintenance allowance 1294
Sec. 2308. Education allowance 1294
Sec. 2309. Posts requiring special incentives 1294
Sec. 2310. Advances of pay 1295
Sec. 2311. Danger pay allowance 1295
Sec. 2312. Leave 1295
Sec. 2313. Retirement credit for imprisoned foreign nationals and for service with certain overseas broadcasting organizations 1296
Sec. 2314. Conforming amendments to title 5 1296

Chapter 4—Saving Provisions, Congressional Oversight, and Effective Date

Sec. 2401. Saving provisions 1297
Sec. 2402. Congressional oversight of implementation 1298
Sec. 2403. Effective date 1299

TITLE I—THE FOREIGN SERVICE OF THE UNITED STATES

CHAPTER 1—GENERAL PROVISIONS

Sec. 101.[1] **Findings and Objectives.**—(a) The Congress finds that—

(1) a career foreign service, characterized by excellence and professionalism, is essential in the national interest to assist the President and the Secretary of State in conducting the foreign affairs of the United States;

(2) the scope and complexity of the foreign affairs of the Nation have heightened the need for a professional foreign service that will serve the foreign affairs interests of the United States in an integrated fashion and that can provide a resource of qualified personnel for the President, the Secretary of State, and the agencies concerned with foreign affairs;

(3) the Foreign Service of the United States, established under the Act of May 24, 1924 (commonly known as the Rogers Act) and continued by the Foreign Service Act of 1946, must be preserved, strengthened, and improved in order to carry out its mission effectively in response to the complex challenges of modern diplomacy and international relations;

(4) the members of the Foreign Service should be representative of the American people, aware of the principles and history of the United States and informed of current concerns and trends in American life, knowledgeable of the affairs, cultures, and languages of other countries, and available to serve in assignments throughout the world; and

(5) the Foreign Service should be operated on the basis of merit principles.

(b) The objective of this Act is to strengthen and improve the Foreign Service of the United States by—

(1) assuring, in accordance with merit principles, admission through impartial and rigorous examination, acquisition of career status only by those who have demonstrated their fitness through successful completion of probationary assignments, effective career development, advancement and retention of the ablest, and separation of those who do not meet the requisite standards of performance;

(2) fostering the development and vigorous implementation of policies and procedures, including affirmative action programs, which will facilitate and encourage (A) entry into and advancement in the Foreign Service by persons from all segments of American society, and (B) equal opportunity and fair and equitable treatment for all without regard to political affiliation, race, color, religion, national origin, sex, marital status, age, or handicapping condition;

(3) providing for more efficient, economical, and equitable personnel administration through a simplified structure of Foreign Service personnel categories and salaries;

(4) establishing a statutory basis for participation by the members of the Foreign Service, through their elected repre-

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[1] 22 U.S.C. 3901.

sentatives, in the formulation of personnel policies and procedures which affect their conditions of employment, and maintaining a fair and effective system for the resolution of individual grievances that will ensure the fullest measure of due process for the members of the Foreign Service;

(5) minimizing the impact of the hardships, disruptions, and other unusual conditions of service abroad upon the members of the Foreign Service, and mitigating the special impact of such conditions upon their families;

(6) providing salaries, allowances, and benefits that will permit the Foreign Service to attract and retain qualified personnel as well as a system of incentive payments and awards to encourage and reward outstanding performance;

(7) establishing a Senior Foreign Service which is characterized by strong policy formulation capabilities, outstanding executive leadership qualities, and highly developed functional, foreign language, and area expertise;

(8) improving Foreign Service managerial flexibility and effectiveness;

(9) increasing efficiency and economy by promoting maximum compatibility among the agencies authorized by law to utilize the Foreign Service personnel system, as well as compatibility between the Foreign Service personnel system and other personnel systems of the Government; and

(10) otherwise enabling the Foreign Service to serve effectively the interests of the United States and to provide the highest caliber of representation in the conduct of foreign affairs.

Sec. 102.[2] **Definitions.**—As used in this Act, the term—

(1) "abroad" means all areas not included within the United States;

(2) "agency" means an agency as defined in section 552(e) of title 5, United States Code;

(3) "chief of mission" means the principal officer in charge of a diplomatic mission of the United States or of a United States office abroad which is designated by the Secretary of State as diplomatic in nature, including any individual assigned under section 502(c) to be temporarily in charge of such a mission or office;

(4) "Department" means the Department of State, except that with reference to the exercise of functions under this Act with respect to another agency authorized by law to utilize the Foreign Service personnel system, such term means that other agency;

(5) "employee" (except as provided in section 1002(8)) means, when used with respect to an agency or to the Government generally, an officer or employee (including a member of the Service) or a member of the Armed Forces of the United States, the commissioned corps of the Public Health Service, or

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[2] 22 U.S.C. 3902. Sec. 130(a) of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (Public Law 98–164; 97 Stat. 1027) struck out a subsec. designation "(a)" following the section title and struck out the text of subsec. (b). Subsec. (b) had read as follows:

"(b) References in this Act or any other law to 'Foreign Service officers' shall, with respect to the International Communications Agency, be deemed to refer to Foreign Service information officers."

the commissioned corps of the National Oceanic and Atmospheric Administration;

(6) "function" includes any duty, obligation, power, authority, responsibility, right, privilege, discretion, or activity;

(7) "Government" means the Government of the United States;

(8) "merit principles" means the principles set out in section 2301(b) of title 5, United States Code;

(9) "principal officer" means the officer in charge of a diplomatic mission, consular mission (other than a consular agency), or other Foreign Service post;

(10) "Secretary" means the Secretary of State, except that (subject to section 201) with reference to the exercise of functions under this Act with respect to any agency authorized by law to utilize the Foreign Service personnel system, such term means the head of that agency;

(11) "Service" or "Foreign Service" means the Foreign Service of the United States; and

(12) "United States", when used in a geographic sense, means the several States and the District of Columbia.

Sec. 103.[3] **Members of the Service.**—The following are the members of the Service.

(1) Chiefs of mission, appointed under section 302(a)(1) or assigned under section 502(c).

(2) Ambassadors at large, appointed under section 302(a)(1).

(3) Members of the Senior Foreign Service, appointed under section 302(a)(1) or 303, who are the corps of leaders and experts for the management of the Service and the performance of its functions.

(4) Foreign Service officers, appointed under section 302(a)(1), who have general responsibility for carrying out the functions of the Service.

(5) Foreign Service personnel, United States citizens appointed under section 303, who provide skills and services required for effective performance by the Service.

(6) Foreign national employees, foreign nationals appointed under section 303, who provide clerical, administrative, technical, fiscal, and other support at Foreign Service posts abroad.

(7) Consular agents, appointed under section 303 by the Secretary of State, who provide consular and related services as authorized by the Secretary of State at specified locations abroad where no Foreign Service posts are situated.

Sec. 104.[4] **Functions of the Service.**—Members of the Service shall, under the direction of the Secretary—

(1) represent the interest of the United States in relation to foreign countries and international organizations, and perform the functions relevant to their appointments and assignments, including (as appropriate) functions under the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations, other international agreements to which the

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[3] 22 U.S.C. 3903.

[4] 22 U.S.C. 3904.

United States is a party, the laws of the United States, and orders, regulations, and directives issued pursuant to law;

(2) provide guidance for the formulation and conduct of programs and activities of the Department and other agencies which relate to the foreign relations of the United States; and

(3) perform functions on behalf of any agency or other Government establishment (including any establishment in the legislative or judicial branch) requiring their services.

Sec. 105.[5] Merit Principles; Protections for Members of the Service; and Minority Recruitment.—(a)(1) All personnel actions with respect to career members and career candidates in the Service (including applicants for career candidate appointments) shall be made in accordance with merit principles.

(2) For purposes of paragraph (1), the term "personnel action" means—

(A) any appointment, promotion, assignment (including assignment to any position or salary class), award of performance pay or special differential, within-class salary increase, separation, or performance evaluation, and

(B) any decision, recommendation, examination, or ranking provided for under this Act which relates to any action referred to in subparagraph (A).

(b) The Secretary shall administer the provisions of this Act and shall prescribe such regulations as may be necessary to ensure that members of the Service, as well as applicants for appointments in the Service—

(1) are free from discrimination on the basis of race, color, religion, sex, national origin, age, handicapping condition, marital status, or political affiliation, as prohibited under section 2302(b)(1) of title 5, United States Code;

(2) are free from reprisal for—

(A) a disclosure of information by a member of applicant which the member or applicant reasonably believes evidences—

(i) a violation of any law, rule, or regulation, or

(ii) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety,

if such disclosure is not specifically prohibited by law and if such information is not specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs; or

(B) a disclosure to the Special Counsel of the Merit Systems Protection Board, or to the Inspector General of an agency (including the Inspector General of the Department of State and the Foreign Service) or another employee designated by the head of the agency to receive such disclosures, of information which the member or applicant reasonably believes evidences—

(i) a violation of any law, rule, or regulation, or

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[5] 22 U.S.C. 3905.

(ii) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

(3) are free to submit to officials of the Service and the Department any report, evaluation, or recommendation, including the right to submit such report, evaluation, or recommendation through a separate dissent channel, whether or not the views expressed therein are in accord with approved policy, unless the report, evaluation, or recommendation was submitted with the knowledge that it was false or with willful disregard for its truth or falsity; and

(4) are free from any personnel practice prohibited by section 2302 of title 5, United States Code.

(c) This section shall not be construed as authorizing the withholding of information from the Congress or the taking of any action against a member of the Service who discloses information to the Congress.

(d)(1) The Secretary shall establish a minority recruitment program for the Service consistent with section 7201 of title 5, United States Code.

(2) Not later than January 31 of each year, the Secretary shall transmit to each House of the Congress a report, signed by the Secretary, on the activities of the Secretary under paragraph (1). Such report shall include any affirmative action plans submitted by the Secretary under section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16) and any data necessary to evaluate the effectiveness of the program under paragraph (1) for the preceding fiscal year, together with recommendations for administrative or legislative action the Secretary considers appropriate.

(e) This section shall not be construed to extinguish or lessen any effort to achieve equal employment opportunity through affirmative action or any right or remedy available to any employee or applicant for employment in the civil service under—

(1) section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16), prohibiting discrimination on the basis of race, color, religion, sex, or national origin;

(2) sections 12 and 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 631, 633a), prohibiting discrimination on the basis of age;

(3) section 6(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)), prohibiting discrimination on the basis of sex;

(4) sections 501 and 505 of the Rehabilitation Act of 1973 (29 U.S.C. 791, 794a), prohibiting discrimination on the basis of handicapping condition; or

(5) any provision of law, rule, or regulation prohibiting discrimination on the basis of marital status or political affiliation.

CHAPTER 2—MANAGEMENT OF THE SERVICE

Sec. 201.[6] **The Secretary of State.**—(a) Under the direction of the President, the Secretary of State shall administer and direct the

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[6] 22 U.S.C. 3921.

Service and shall coordinate its activities with the needs of the Department of State and other agencies.

(b) The Secretary of State alone among the heads of agencies utilizing the Foreign Service personnel system shall perform the functions expressly vested in the Secretary of State by this Act.

Sec. 202.[7] **Other Agencies Utilizing the Foreign Service Personnel System.**—(a)(1) The Director of the International Communication Agency and the Director of the United States International Development Cooperation Agency may utilize the Foreign Service personnel system with respect to their respective agencies in accordance with this Act.

(2) The Secretary of Agriculture may utilize the Foreign Service personnel system in accordance with this Act—

(A) with respect to personnel of the Foreign Agricultural Service, and

(B) with respect to other personnel of the Department of Agriculture to the extent the President determines to be necessary in order to enable the Department of Agriculture to carry out functions which require service abroad.

(3) The Secretary of Commerce may utilize the Foreign Service personnel system in accordance with this Act—

(A) with respect to the personnel performing functions transferred to the Department of Commerce from the Department of State by Reorganization Plan Numbered 3 of 1979, and

(B) with respect to other personnel of the Department of Commerce to the extent the President determines to be necessary in order to enable the Department of Commerce to carry out functions which require service abroad.

(b) Subject to section 201(b)—

(1) the agency heads referred to in subsection (a), and

(2) the head of any other agency (to the extent authority to utilize the Foreign Service personnel system is granted to such agency head under any other Act),

shall in the case of their respective agencies exercise the functions vested in the Secretary by this Act.

Sec. 203.[8] **Compatibility Among Agencies Utilizing the Foreign Service Personnel System.**—(a) The Service shall be administered to the extent practicable in a manner that will assure maximum compatibility among the agencies authorized by law to utilize the Foreign Service personnel system. To this end, the other heads of such agencies shall consult regularly with the Secretary of State.

(b) Nothing in this chapter shall be construed as diminishing the authority of the head of any agency authorized by law to utilize the Foreign Service personnel system.

Sec. 204.[9] **Consolidated and Uniform Administration of the Service.**—The Secretary shall on a continuing basis consider the need for uniformity of personnel policies and procedures and for consolidation (in accordance with section 23 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2695)) of personnel functions among agencies utilizing the Foreign Service personnel system. Where feasible, the Secretary of State shall encourage (in consultation with the other heads of such agencies) the development of uniform policies and procedures and consolidated personnel functions.

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[7] 22 U.S.C. 3922.

[8] 22 U.S.C. 3923.

[9] 22 U.S.C. 3924.

Sec. 205.[10] **Compatibility Between the Foreign Service and Other Government Personnel Systems.**—The Service shall be administered to the extent practicable in conformity with general policies and regulations of the Government. The Secretary shall consult with the Director of the Office of Personnel Management, the Director of the Office of Management and Budget, and the heads of such other agencies as the President shall determine, in order to assure compatibility of the Foreign Service personnel system with other Government personnel systems to the extent practicable.

Sec. 206.[11] **Regulations; Delegation of Functions.**—(a) The Secretary may prescribe such regulations as the Secretary deems appropriate to carry out functions under this Act.

(b) The Secretary may delegate functions under this Act which are vested in the Secretary to any employee of the Department or any member of the Service.

Sec. 207.[12] **Chief of Mission.**—(a) Under the direction of the President, the chief of mission to a foreign country—

(1) shall have full responsibility for the direction, coordination, and supervision of all Government employees in that country (except for employees under the command of a United States area military commander); and

(2) shall keep fully and currently informed with respect to all activities and operations of the Government within that country, and shall insure that all Government employees in that country (except for employees under the command of a United States area military commander) comply fully with all applicable directives of the chief of mission.

(b) Any agency having employees in a foreign country shall keep the chief of mission to that country fully and currently informed with respect to all activities and operations of its employees in that country, and shall insure that all of its employees in that country (except for employees under the command of a United States area military commander) comply fully with all applicable directives of the chief of mission.

(c) [13] Each chief of mission to a foreign country shall have as a principal duty the promotion of United States goods and services for export to such country.

Sec. 208.[14] **Director General of the Foreign Service.**—There shall be a Director General of the Foreign Service, who shall be appointed by the President, by and with the advice and consent of the Senate, from among the career members of the Senior Foreign Service. The Director General shall assist the Secretary of State in the management of the Service and shall perform such functions as the Secretary of State may prescribe.

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[10] 22 U.S.C. 3925.
[11] 22 U.S.C. 3926.
[12] 22 U.S.C. 3927.
[13] Subsec. (c) was added by sec. 123 of Public Law 97-241 (96 Stat. 281).
[14] 22 U.S.C. 3928.

Sec. 209.[15] **Inspector General.**—(a)(1) There shall be an Inspector General of the Department of State and the Foreign Service, who shall be appointed by the President, by and with the advice and consent of the Senate, without regard to political affiliation from among individuals exceptionally qualified for the position by virtue of their integrity and their demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations, or their knowledge and experience in the conduct of foreign affairs. The Inspector General shall report to and be under the general supervision of the Secretary of State. Neither the Secretary of State nor any other officer of the Department shall prevent or prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation, or from issuing any subpena during the course of any audit or investigation.[15a] The Inspector General shall periodically (at least every 5 years) inspect and audit the administration of activities and operations of each Foreign Service post and each bureau and other operating unit of the Department of State, and shall perform such other functions as the Secretary of State may prescribe, except that the Secretary of State shall not assign to the Inspector General any general program operating responsibilities.

(2) The Inspector General may be removed from office by the President. The President shall communicate the reasons for any such removal to both Houses of Congress.

(b) Inspections, investigations, and audits conducted by or under the direction of the Inspector General shall include the systematic review and evaluation of the administration of activities and operations of Foreign Service posts and bureaus and other operating units of the Department of State, including an examination of—

(1) whether financial transactions and accounts are properly conducted, maintained, and reported;

(2) whether resources are being used and managed with the maximum degree of efficiency, effectiveness, and economy;

(3) whether the administration of activities and operations meets the requirements of applicable laws and regulations and, specifically, whether such administration is consistent with the requirements of section 105;

(4) whether there exist instances of fraud or other serious problems, abuses, or deficiencies, and whether adequate steps for detection, correction, and prevention have been taken; and

(5) whether policy goals and objectives are being effectively achieved and whether the interests of the United States are being accurately and effectively represented.

(c)(1) The Inspector General shall develop and implement policies and procedures for the inspection and audit activities carried out under this section. These policies and procedures shall be consistent with the general policies and guidelines of the Government for inspection and audit activities and shall comply with the standards established by the Comptroller General of the United States for audits of Government agencies, organizations, programs, activities, and functions.

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[15] 22 U.S.C. 3929.

[15a] The sentence following this note was repealed by Sec. 413 of Public Law 99-399 (100 Stat. 868) and was restored by Sec. 405 of Public Law 99-529 (100 Stat. 3010).

(2) In carrying out the duties and responsibilities established under this section, the Inspector General shall give particular regard to the activities of the Comptroller General of the United States with a view toward insuring effective coordination and cooperation.

(3) In carrying out the duties and responsibilities established under this section, the Inspector General shall report expeditiously to the Attorney General whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal criminal law.

(d)(1) The Inspector General shall keep the Secretary of State fully and currently informed, by means of the reports required by paragraphs (2) and (3) and otherwise, concerning fraud and other serious problems, abuses, and deficiencies relating to the administration of activities and operations administered or financed by the Department of State.

(2) The Inspector General shall, not later than April 30 of each year, prepare and furnish to the Secretary of State an annual report summarizing the activities of the Inspector General. Such report shall include—

(A) a description of significant problems, abuses, and deficiencies relating to the administration of activities and operations of Foreign Service posts, and bureaus and other operating units of the Department of State, which were disclosed by the Inspector General within the reporting period;

(B) a description of the recommendations for corrective action made by the Inspector General during the reporting period with respect to significant problems, abuses, or deficiencies described pursuant to subparagraph (A);

(C) an identification of each significant recommendation described in previous annual reports on which corrective action has not been completed;

(D) a summary of matters referred to prosecutive authorities and the prosecutions and convictions which have resulted; and

(E) a listing of each audit report completed by the Inspector General during the reporting period.

The Secretary of State shall transmit a copy of such annual report within 30 days after receiving it to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives and to other appropriate committees, together with a report of the Secretary of State containing any comments which the Secretary of State deems appropriate. Within 60 days after transmitting such reports to those committees, the Secretary of State shall make copies of them available to the public upon request and at a reasonable cost.

(3) The Inspector General shall report immediately to the Secretary of State whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of activities and operations of Foreign Service posts or bureaus or other operating units of the Department of State. The Secretary of State shall transmit any such report to the Committee on Foreign Relations of the Senate and

the Committee on Foreign Affairs of the House of Representatives and to other appropriate committees within 7 days after receiving it, together with a report by the Secretary of State containing any comments the Secretary of State deems appropriate.

(4) Nothing in this subsection shall be construed to authorize the public disclosure by any individual of any information which is—

(A) specifically prohibited from disclosure by any other provision of law; or

(B) specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs.

(e)(1) The Inspector General shall have the same authority in carrying out the provisions of this section as is granted under section 6 of the Inspector General Act of 1978 to each Inspector General of an establishment (as defined in section 11(2) of such Act) for carrying out the provisions of that Act, and the responsibilities of other officers of the Government to the Inspector General shall be the same as the responsibilities of the head of an agency or establishment under section 6 (b) and (c) of such Act.

(2) At the request of the Inspector General, employees of the Department and members of the Service may be assigned as employees of the Inspector General. The individuals so assigned and individuals appointed pursuant to paragraph (1) shall be responsible solely to the Inspector General, and the Inspector General or his or her designee shall prepare the performance evaluation reports for such individuals.

(f)(1) The Inspector General may receive and investigate complaints or information from a member of the Service or employee of the Department concerning the possible existence of an activity constituting a violation of laws or regulations, constituting mismanagement, gross waste of funds, or abuse of authority, or constituting a substantial and specific danger to public health or safety.

(2) The Inspector General shall not, after receipt of a complaint or information from a member of the Service or employee of the Department, disclose the identity of such individual without the consent of such individual, unless the Inspector General determines such disclosure is unavoidable during the course of the investigation.

(g) Under the general supervision of the Secretary of State, the Inspector General may review activities and operations performed under the direction, coordination, and supervision of chiefs of mission for the purpose of ascertaining their consonance with the foreign policy of the United States and their consistency with the responsibilities of the Secretary of State and the chief of mission.

Sec. 210.[16] **Board of the Foreign Service.**—The President shall establish a Board of the Foreign Service to advise the Secretary of State on matters relating to the Service, including furtherance of the objectives of maximum compatibility among agencies authorized by law to utilize the Foreign Service personnel system and compatibility between the Foreign Service personnel system and the other personnel systems of the Government. The Board of the Foreign Service shall be chaired by an individual appointed by the President and shall include one or more representatives of the Department of State, the International Communication Agency, the United States International Development Cooperation Agency, the Department of Agriculture, the Department of Commerce, the Department of Labor, the Office of Personnel Management, the Office of Management and Budget, the Equal Employment Opportunity Commission, and such other agencies as the President may designate.

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[16] 22 U.S.C. 3930. Sec. 153 of Public Law 99-93 [99 Stat. 405] substituted the language in second sentence "an individual appointed by the President" in lieu of "a career member of the Senior Foreign Service designated by the Secretary of State.".

Sec. 211.[17] Board of Examiners for the Foreign Service.—(a) The President shall establish a Board of Examiners for the Foreign Service to develop, and supervise the administration of, examinations prescribed under section 301(b) to be given to candidates for appointment in the Service. The Board shall consist of 15 members appointed by the President (no fewer than 5 of whom shall be appointed from among individuals who are not Government employees and who shall be qualified for service on the Board by virtue of their knowledge, experience, or training in the fields of testing or equal employment opportunity). The Board shall include representatives of agencies utilizing the Foreign Service personnel system and representatives of other agencies which have responsibility for employment testing. The Board shall be chaired by a member of the Board, designated by the President, who is a member of the Service.

(b) The Board of Examiners shall periodically review the examinations prescribed under section 301(b) in order to determine—

(1) whether any such examination has an adverse impact on the hiring, promotion, or other employment opportunity of members of any race, sex, or ethnic group;

(2) methods of minimizing any such adverse impact;

(3) alternatives to any examinations which have such an adverse impact; and

(4) whether such examinations are valid in relation to job performance.

The Board of Examiners shall annually report its findings under this subsection to the Secretary of State and shall furnish to the Secretary of State its recommendations for improvements in the development, use, and administration of the examinations prescribed under section 301(b).

(c) Any vacancy or vacancies on the Board shall not impair the right of the remaining members to exercise the full powers of the Board.

CHAPTER 3—APPOINTMENTS

Sec. 301.[18] General Provisions Relating to Appointments.—(a) Only citizens of the United States may be appointed to the Service, other than for service abroad as a consular agent or as a foreign national employee.

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[17] 22 U.S.C. 3931.

[18] 22 U.S.C. 3941.

(b) The Secretary shall prescribe, as appropriate, written, oral, physical, foreign language, and other examinations for appointment to the Service (other than as a chief of mission or ambassador at large).

(c) The fact that an applicant for appointment as a Foreign Service officer candidate is a veteran or disabled veteran shall be considered an affirmative factor in making such appointments. As used in this subsection, the term "veteran or disabled veteran" means an individual who is a preference eligible under subparagraph (A), (B), or (C) of section 2108(3) of title 5, United States Code.

(d)(1) Members of the Service serving under career appointments are career members of the Service. Members of the Service serving under limited appointments are either career candidates or noncareer members of the Service.

(2) Chiefs of mission, ambassadors at large, and ministers serve at the pleasure of the President.

(3) An appointment as a Foreign Service officer is a career appointment.

Sec. 302.[19] Appointments by the President.—(a)(1) The President may, by and with the advice and consent of the Senate, appoint an individual as a chief of mission, as an ambassador at large, as a minister, as a career member of the Senior Foreign Service, or as a Foreign Service officer.

(2)(A) The President may, by and with the advice and consent of the Senate, confer the personal rank of career ambassador upon a career member of the Senior Foreign Service in recognition of especially distinguished service over a sustained period.

(B)(i) Subject to the requirement of clause (ii), the President may confer the personal rank of ambassador or minister on an individual in connection with a special mission for the President of a temporary nature not exceeding six months in duration.

(ii) The President may confer such personal rank only if, prior to such conferral, he transmits to the Committee on Foreign Relations of the Senate a written report setting forth—

(I) the necessity for conferring such rank,

(II) the dates during which such rank will be held,

(III) the justification for not submitting the proposed conferral of personal rank to the Senate as a nomination for advice and consent to appointment, and

(IV) all relevant information concerning any potential conflict of interest which the proposed recipient of such personal rank may have with regard to the special mission.

Such report shall be transmitted not less than 30 days prior to conferral of the personal rank of ambassador or minister except in cases where the President certifies in his report that urgent circumstances require the immediate conferral of such rank.

(C) An individual upon whom a personal rank is conferred under subparagraph (A) or (B) shall not receive any additional compensation solely by virtue of such personal rank.

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[19] 22 U.S.C. 3942.

(3) Except as provided in paragraph (2)(B) of this subsection or in clause 3, section 2, article II of the Constitution (relating to recess appointments), an individual may not be designated as ambassador or minister, or be designated to serve in any position with the title of ambassador or minister, without the advice and consent of the Senate.

(b) If a member of the Service is appointed to any position in the executive branch by the President, by and with the advice and consent of the Senate, or by the President alone, the period of service in that position by the member shall be regarded as an assignment under chapter 5 and the member shall not, by virtue of the acceptance of such assignment, lose his or her status as a member of the Service. A member of the Senior Foreign Service who accepts such an assignment may elect to continue to receive the salary of his or her salary class, to remain eligible for performance pay under chapter 4, and to receive the leave to which such member is entitled under subchapter I of chapter 63 of title 5, United States Code, as a member of the Senior Foreign Service, in lieu of receiving the salary and leave (if any) of the position to which the member is appointed by the President.

Sec. 303.[20] **Appointments by the Secretary.**—The Secretary may appoint the members of the Service (other than the members of the Service who are in the personnel categories specified in section 302(a)) in accordance with this Act and such regulations as the Secretary may prescribe.

Sec. 304.[21] **Appointment of Chiefs of Mission.**—(a)(1) An individual appointed or assigned to be a chief of mission should possess clearly demonstrated competence to perform the duties of a chief of mission, including, to the maximum extent practicable, a useful knowledge of the principal language or dialect of the country in which the individual is to serve, and knowledge and understanding of the history, the culture, the economic and political institutions, and the interests of that country and its people.

(2) Given the qualifications specified in paragraph (1), positions as chief of mission should normally be accorded to career members of the Service, though circumstances will warrant appointments from time to time of qualified individuals who are not career members of the Service.

(3) Contributions to political campaigns should not be a factor in the appointment of an individual as a chief of mission.

(4) The President shall provide the Committee on Foreign Relations of the Senate, with each nomination for an appointment as a chief of mission, a report on the demonstrated competence of that nominee to perform the duties of the position in which he or she is to serve.

(b)(1) In order to assist the President in selecting qualified candidates for appointment or assignment as chiefs of mission, the Secretary of State shall from time to time furnish the President with the names of career members of the Service who are qualified to serve as chiefs of mission, together with pertinent information about such members.

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[20] 22 U.S.C. 3943.

[21] 22 U.S.C. 3944.

(2) Each individual nominated by the President to be a chief of mission, ambassador at large, or minister shall, at the time of nomination, file with the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives a report of contributions made by such individual and by members of his or her immediate family during the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination. The report shall be verified by the oath of the nominee, taken before any individual authorized to administer oaths. The chairman of the Committee on Foreign Relations of the Senate shall have each such report printed in the Congressional Record. As used in this paragraph, the term "contribution" has the same meaning given such term by section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)), and the term "immediate family" means the spouse of the nominee, and any child, parent, grandparent, brother, or sister of the nominee and the spouses of any of them.

(c) Within 6 months after assuming the position, the chief of mission to a foreign country shall submit, to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, a report describing his or her own foreign language competence and the foreign language competence of the mission staff in the principal language or other dialect of that country.

Sec. 305.[22] **Appointment to the Senior Foreign Service.**—(a) Appointment to the Senior Foreign Service shall be to a salary class established under section 402, and not to a position.

(b) An individual may not be given a limited appointment in the Senior Foreign Service if that appointment would cause the number of members of the Senior Foreign Service serving under limited appointments to exceed 5 percent of the total number of members of the Senior Foreign Service, except that (1) members of the Senior Foreign Service assigned to the Peace Corps shall be excluded in the calculation and application of this limitation, and (2) members of the Senior Foreign Service serving under limited appointments with reemployment rights under section 310 as career appointees in the Senior Executive Service shall be considered to be career members of the Senior Foreign Service for purposes of this subsection.

(c)(1) Appointments to the Senior Foreign Service by the Secretary of Commerce shall be excluded in the calculation and application of the limitation in subsection (b).

(2) Except as provided in paragraph (3), no more than one individual (other than an individual with reemployment rights under section 310 as a career appointee in the Senior Executive Service) may serve under a limited appointment in the Senior Foreign Service in the Department of Commerce at any time.

(3) The Secretary of Commerce may appoint an individual to a limited appointment in the Senior Foreign Service for a specific position abroad if—

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[22] 22 U.S.C. 3945. Subsection (c) was added by sec. 119(a) of Public Law 99-93 [99 Stat. 405], effective October 1, 1985.

(A) no career member of the Service who has the necessary qualifications is available to serve in the position; and

(B) the individual appointed has unique qualifications for the specific position.

Sec. 306.[23] **Career Appointments.**—(a) Before receiving a career appointment in the Service an individual shall first serve under a limited appointment as a career candidate for a trial period of service prescribed by the Secretary. During such trial period of service, the Secretary shall decide whether—

(1) to offer a career appointment to the candidate under section 303, or

(2) to recommend to the President that the candidate be given a career appointment under section 302.

(b) Decisions by the Secretary under subsection (a) shall be based upon the recommendations of boards, established by the Secretary and composed entirely or primarily of career members of the Service, which shall evaluate the fitness and aptitude of career candidates for the work of the Service.

Sec. 307.[24] **Entry Levels for Foreign Service Officer Candidates.**—A career candidate for appointment as a Foreign Service officer may not be initially assigned under section 404 to a salary class higher than class 4 in the Foreign Service Schedule unless—

(1) the Secretary determines in an individual case that assignment to a higher class is warranted because of the qualifications (including foreign language competence) and experience of the candidate and the needs of the Service; or

(2) at the time such initial assignment is made, the candidate is serving under a career appointment in the Service and is receiving a salary at a rate equal to or higher than the minimum rate payable for class 4 in the Foreign Service Schedule.

Sec. 308.[25] **Recall and Reemployment of Career Members.**—(a) Whenever the Secretary determines that the needs of the Service so require, the Secretary may recall any retired career member of the Service for active duty in the same personnel category as that member was serving at the time of retirement. A retired career member may be recalled under this section to any appropriate salary class or rate, except that a retired career member of the Senior Foreign Service may not be recalled to a salary class higher than the one in which the member was serving at the time of retirement unless appointed to such higher class by the President, by and with the advice and consent of the Senate.

(b) Former career members of the Service may be reappointed under section 302(a)(1) or 303, without regard to section 306, in a salary class which is appropriate in light of the qualifications and experience of the individual being reappointed.

Sec. 309.[26] **Limited Appointments.**—A limited appointment in the Service, including an appointment of an individual who is an employee of an agency, may not exceed 5 years in duration and, except as provided in section 311(a), may not be extended or renewed. A limited appointment in the Service which is limited by its terms to a period of one year or less is a temporary appointment.

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[23] 22 U.S.C. 3946.
[24] 22 U.S.C. 3947.
[25] 22 U.S.C. 3948.
[26] 22 U.S.C. 3949.

Sec. 310.[27] **Reemployment Rights Following Limited Appointment.**—Any employee of an agency who accepts a limited appointment in the Service with the consent of the head of the agency in which the employee is employed shall be entitled, upon the termination of such limited appointment, to be reemployed in accordance with section 3597 of title 5, United States Code.

Sec. 311.[28] **Employment of Family Members of Government Employees.**—(a) The Secretary, when employing individuals abroad in positions to which career members of the Service are not customarily assigned (including, when continuity over a long term is not a significant consideration, vacant positions normally filled by foreign national employees), shall give equal consideration to employing available qualified family members of members of the Service or of other Government employees assigned abroad. Family members so employed shall serve under renewable limited appointments in the Service and may be paid either in accordance with the Foreign Service Schedule or a local compensation plan established under section 408.

(b) Employment of family members in accordance with this section may not be used to avoid fulfilling the need for full-time career positions.

Sec. 312.[29] **Diplomatic and Consular Commissions.**—(a) The Secretary of State may recommend to the President that a member of the Service who is a citizen of the United States be commissioned as a diplomatic or consular officer or both. The President may, by and with the advice and consent of the Senate, commission such member of the Service as a diplomatic or consular officer or both. The Secretary of State may commission as a vice consul a member of the Service who is a citizen of the United States. All official functions performed by a diplomatic or consular officer, including a vice consul, shall be performed under such a commission.

(b) Members of the Service commissioned under this section may, in accordance with their commissions, perform any function which any category of diplomatic officer (other than a chief of mission) or consular officer is authorized by law to perform.

(c) The Secretary of State shall define the limits of consular districts.

CHAPTER 4—COMPENSATION

Sec. 401.[30] **Salaries of Chiefs of Mission.**—(a) Except as provided in section 302(b), each chief of mission shall receive a salary, as determined by the President, at one of the annual rates payable for levels II through V of the Executive Schedule under sections 5313 through 5316 of title 5, United States Code.

(b) The salary of a chief of mission shall commence upon the effective date of appointment to that position. The official services of a chief of mission are not terminated by the appointment of a successor, but shall continue for such additional period, not to exceed 50 days after relinquishment of charge of the mission, as the Secretary of State may determine. During that period, the Secretary of State may require the chief of mission to perform such functions as the Secretary of State deems necessary in the interest of the Government.

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[27] 22 U.S.C. 3950.

[28] 22 U.S.C. 3951.

[29] 22 U.S.C. 3952.

[30] 22 U.S.C. 3961.

Sec. 402.[31] **Salaries of the Senior Foreign Service.**—(a)(1)[32] the President shall prescribe salary classes for the Senior Foreign Service and shall prescribe an appropriate title for each class. The President shall also prescribe one or more basic salary rates for each class.[32] Basic salary rates for the Senior Foreign Service may not exceed the maximum rate or be less than the minimum rate of basic pay payable for the Senior Executive Service under section 5382 of title 5, United States Code, and shall be adjusted at the same time and in the same manner as rates of basic pay are adjusted for the Senior Executive Service.

(2)[32] The Secretary shall determine which of the basic salary rates prescribed by the President under paragraph (1) for any salary class shall be paid to each member of the Senior Foreign Service who is appointed to that class. The Secretary may adjust the basic salary rate of a member of the Senior Foreign Service not more than once during any 12-month period.

(b)(1) An individual who is a career appointee in the Senior Executive Service receiving basic pay at one of the rates payable under section 5382 of title 5, United States Code, and who accepts a limited appointment in the Senior Foreign Service in a salary class for which the basic salary rate is less than such basic rate of pay, shall be paid a salary at his or her former basic rate of pay (with adjustments as provided in paragraph (2)) until the salary for his or her salary class in the Senior Foreign Service equals or exceeds the salary payable to such individual under this subsection.

(2) The salary paid to an individual under this subsection shall be adjusted by 50 percent of each adjustment, which takes effect after the appointment of such individual to the Senior Foreign Service, in the basic rate of pay at which that individual was paid under section 5382 of title 5, United States Code, immediately prior to such appointment.

Sec. 403.[33] **Foreign Service Schedule.**—The President shall establish a Foreign Service Schedule which shall consist of 9 salary classes and which shall apply to members of the Service who are citizens of the United States and for whom salary rates are not otherwise provided for by this chapter. The maximum salary rate for the highest class established under this section, which shall be designated class 1, may not exceed the maximum rate of basic pay prescribed for GS–15 of the General Schedule under section 5332 of title 5, United States Code. Salary rates established under this section shall be adjusted in accordance with subchapter I of chapter 53 of title 5, United States Code.

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[31] 22 U.S.C. 3962. Sec. 2403(d)(2) of this Act stated that "For the purposes of implementing section 2101, sections 402(a) and 403 shall be effective as of the date of enactment of this Act." (Oct. 17, 1980).

[32] Sec. 124 of Public Law 97–241 (96 Stat. 281) inserted the paragraph designation "(1)", added the second sentence in par. (1), and inserted a new par. (2).

[33] 22 U.S.C. 3963. Sec. 2403(d)(2) of this Act stated that "For the purposes of implementing section 2101, sections 402(a) and 403 shall be effective as of the date of enactment of this Act." (Oct. 17, 1980).

NOTE.—Executive Order 12496, December 28, 1984, 50 F.R. 214, states:

FOREIGN SERVICE SCHEDULE

Step	Class 1	Class 2	Class 3	Class 4	Class 5	Class 6	Class 7	Class 8	Class 9
1	$52,262	$42,348	$34,315	$27,806	$22,531	$20,142	$18,006	$16,097	$14,390
2	53,830	43,618	35,344	28,640	23,207	20,746	18,546	16,580	14,822
3	55,445	44,927	36,405	29,499	23,903	21,369	19,103	17,077	15,266
4	57,108	46,275	37,497	30,384	24,620	22,010	19,676	17,590	15,724
5	58,821	47,663	38,622	31,296	25,359	22,670	20,266	18,117	16,196
6	60,586	49,093	39,780	32,235	26,120	23,350	20,874	18,661	16,682
7	62,404	50,566	40,974	33,202	26,903	24,051	21,500	19,221	17,182
8	64,276	52,083	42,203	34,198	27,710	24,772	22,145	19,797	17,698
9	66,204	53,645	43,469	35,224	28,542	25,515	22,809	20,391	18,229
10	67,940	55,255	44,773	36,281	29,398	26,281	23,494	21,003	18,776
11	67,940	56,912	46,116	37,369	30,280	27,069	24,199	21,633	19,339
12	67,940	58,620	47,500	38,490	31,188	27,881	24,925	22,282	19,919
13	67,940	60,378	48,925	39,645	32,124	28,718	25,672	22,950	20,517
14	67,940	62,189	50,393	40,834	33,088	29,579	26,442	23,639	21,132

Sec. 404.[34] **Assignment to a Salary Class.**—(a) The Secretary shall assign all Foreign Service officers and Foreign Service personnel (other than Foreign Service personnel who are paid in accordance with section 407 or who are family members of Government employees paid in accordance with a local compensation plan established under section 408) to appropriate salary classes in the Foreign Service Schedule.

(b)(1) The salary class to which a member of the Service is assigned under this section shall not be affected by the assignment of the member to a position classified under chapter 5.

(2) Except as authorized by subchapter I of chapter 35 of title 5, United States Code, changes in the salary class of a member of the Senior Foreign Service or a member of the Service assigned to a salary class in the Foreign Service Schedule shall be made only in accordance with chapter 6. The Secretary shall prescribe regulations (which shall be consistent with the relevant provisions of subchapter VI of chapter 53 of title 5, United States Code, and with the regulations prescribed to carry out such provisions) providing for retention of pay by members of the Service in cases in which reduction-in-force procedures are applied.

Sec. 405.[35] **Performance Pay.**—(a) Members of the Senior Foreign Service who are serving—

(1) under career or career candidate appointments, or

(2) under limited appointments with reemployment rights under section 310 as career appointees in the Senior Executive Service,

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[34] 22 U.S.C. 3964.

[35] 22 U.S.C. 3965.

shall be eligible to compete for performance pay in accordance with this section. Performance pay shall be paid in a lump sum and shall be in addition to the basic salary prescribed under section 402 and any other award. The fact that a member of the Senior Foreign Service competing for performance pay would, as a result of the payment of such performance pay, receive compensation exceeding the compensation of any other member of the Service shall not preclude the award or its payment.

(b) Awards of performance pay shall take into account the criteria established by the Office of Personnel Management for performance awards under section 5384 of title 5, United States Code, and rank awards under section 4507 of title 5, United States Code. Awards of performance pay under this section shall be subject to the following limitations:

(1) Not more than 50 percent of the members of the Senior Foreign Service may receive performance pay in any fiscal year.

(2) Except as provided in paragraph (3), performance pay for a member of the Senior Foreign Service may not exceed 20 percent of the annual rate of basic salary for that member.

(3) Not more than 6 percent of the members of the Senior Foreign Service may receive performance pay in any fiscal year in an amount which exceeds the percentage limitation specified in paragraph (2). Payments under this paragraph to a member of the Senior Foreign Service may not exceed $10,000 in any fiscal year, except that payments of up to $20,000 in any fiscal year may be made under this paragraph to up to 1 percent of the members of the Senior Foreign Service.

(4) The total amount of basic salary plus performance pay received in any fiscal year by any member of the Senior Foreign Service may not exceed the salary payable for level I of the Executive Schedule under section 5312 of title 5, United States Code, as in effect at the end of that fiscal year.

(c) The Secretary shall determine the amount of performance pay available under subsection (b)(2) each year for distribution among the members of the Senior Foreign Service and shall distribute performance pay to particular individuals on the basis of recommendations by selection boards established under section 602.

(d) The President may grant awards of performance pay under subsection (b)(3) on the basis of annual recommendations by the Secretary of State of members of the Senior Foreign Service who are nominated by their agencies as having performed especially meritorious or distinguished service. Recommendations by the Secretary of State under this subsection shall be made on the basis of recommendations by special interagency selection boards established by the Secretary of State for the purpose of reviewing and evaluating the nominations of agencies.

Sec. 406.[36] **Within-Class Salary Increases.**—(a) Any member of the Service receiving a salary under the Foreign Service Schedule shall be advanced to the next higher salary step in the member's class at the beginning of the first applicable pay period following the completion by that member of a period of—

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[36] 22 U.S.C. 3966.

(1) 52 calendar weeks of service in each of salary steps 1 through 9, and

(2) 104 calendar weeks of service in each of salary steps 10 through 13,

unless the performance of the member during that period is found in a review by a selection board established under section 602 to fall below the standards of performance for his or her salary class.

(b) The Secretary may grant, on the basis of especially meritorious service, to any member of the Service receiving an increase in salary under subsection (a), an additional salary increase to any higher step in the salary class in which the member is serving.

Sec. 407.[37] **Salaries for Foreign Service Personnel Abroad Who Perform Routine Duties.**—(a) The Secretary may establish salary rates at rates lower than those established for the Foreign Service Schedule for the Foreign Service personnel described in subsection (b). The rates established under this subsection may be no less than the then applicable minimum wage rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)).

(b) The Secretary may pay Foreign Service personnel who are recruited abroad, who are not available or are not qualified for assignment to another Foreign Service post, and who perform duties of a more routine nature than are generally performed by Foreign Service personnel assigned to class 9 in the Foreign Service Schedule, in accordance with the salary rates established under subsection (a).

Sec. 408.[38] **Local Compensation Plans.**—(a)(1) The Secretary shall establish compensation (including position classification) plans for foreign national employees of the Service, and for United States citizens employed in the Service abroad who are family members of Government employees. To the extent consistent with the public interest, each compensation plan shall be based upon prevailing wage rates and compensation practices (including participation in local social security plans) for corresponding types of positions in the locality of employment, except that such compensation plans shall provide for payment of wages to those family members of Government employees who are paid in accordance with such plans at a rate which is no less than the then applicable minimum wage rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)). Any compensation plan established under this section may include provision for (A) leaves of absence with pay for foreign national employees in accordance with prevailing law and employment practices in the locality of employment without regard to any limitation contained in section 6310 of title 5, United States Code, and (B) payments by the Government and foreign national employees to a trust or other fund in a financial institution in order to finance future benefits for foreign national employees, including provision for retention in the fund of accumulated interest for the benefit of covered foreign national employees.[39]

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[37] 22 U.S.C. 3967.

[38] 22 U.S.C. 3968.

(2) The Secretary may make supplemental payments to any civil service annuitant who is a former foreign national employee of the Service (or who is receiving an annuity as a survivor of a former foreign national employee of the Service) in order to offset exchange rate losses, if the annuity being paid such annuitant is based on—

(A) a salary that was fixed in a foreign currency that has appreciated in value in terms of the United States dollar; and

(B) service in a country in which (as determined by the Secretary) the average retirement benefits being received by individuals who retire from competitive local organizations are superior to the local currency value of civil service annuities plus any other retirement benefits payable to foreign national employees who retired during similar time periods and after comparable careers with the Government.

(b) For the purpose of performing functions abroad, any agency or other Government establishment (including any establishment in the legislative or judicial branch) may administer employment programs for its employees who are foreign nationals or are family members of Government employees assigned abroad, in accordance with the applicable provisions of this Act.

(c) The Secretary of State may prescribe regulations governing the establishment and administration of local compensation plans under this section by all agencies and other Government establishments.

Sec. 409.[40] **Salaries of Consular Agents.**—The Secretary of State shall establish the salary rate for each consular agent. Such salary rate shall be established after taking into account the workload of the consular agency and the prevailing wage rates in the locality where the agency is located, except that, in the case of a consular agent who is a citizen of the United States, the salary rate may not be less than the then applicable minimum wage rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)).

Sec. 410.[41] **Compensation for Imprisoned Foreign National Employees.**—(a) The head of any agency or other Government establishment (including any in the legislative or judicial branch) may compensate any current or former foreign national employee, or any foreign national who is or was employed under a personal services contract, who is or has been imprisoned by a foreign government if the Secretary of State (or, in the case of a foreign national employed by the Central Intelligence Agency, the Director of Central Intelligence) determines that such imprisonment is the result of the employment of the foreign national by the United States. Such compensation may not exceed the amount that the agency head determines approximates the salary and other benefits to which the foreign national would have been entitled had he or she been employed during the period of such imprisonment. Such compensation may be paid under such terms and conditions as the Secretary of State deems appropriate. For purposes of this section, an agency head shall have the same powers with respect to imprisoned foreign nationals who are or were employed by the agency as an agency head has under subchapter VII of chapter 55 of title 5, United States Code, to the extent that such powers are consistent with this section.

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[39] Sec. 127(a) of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (Public Law 98-164; 97 Stat. 1026) added the subpara. designation "(A)" and the text of a new subpara. (B).

[40] 22 U.S.C. 3969.

[41] 22 U.S.C. 3970.

(b) Any period of imprisonment of a current or former foreign national employee which is compensable under this section shall be considered for purposes of any other employee benefit to be a period of employment by the Government, except that a period of imprisonment shall not be creditable—

(1) for purposes of subchapter III of chapter 83 of title 5, United States Code, unless it is expressly creditable under that subchapter; or

(2) for purposes of subchapter I of chapter 81 of title 5, United States Code, unless the individual was employed by the Government at the time of his or her imprisonment.

(c) No compensation or other benefit shall be awarded under this section unless a claim therefor is filed within 3 years after—

(1) the termination of the period of imprisonment giving rise to the claim, or

(2) the date of the claimant's first opportunity thereafter to file such a claim, as determined by the appropriate agency head.

(d) The Secretary of State may prescribe regulations governing payments under this section by all agencies and other Government establishments.

Sec. 411.[42] **Temporary Service as Principal Officer.**—For such time (in excess of such minimum period as the Secretary of State may establish) as any member of the Service is temporarily in charge of a Foreign Service post during the absence or incapacity of the principal officer, that member shall receive, in addition to the basic salary paid to the member and notwithstanding sections 5535 and 5536 of title 5, United States Code, an amount equal to that portion (which the Secretary of State may determine to be appropriate) of the difference between such salary and the basic salary provided for the principal officer, or, if there is no principal officer, for the former principal officer.

Sec. 412.[43] **Special Differentials.**—(a) The Secretary may pay special differentials, in addition to compensation otherwise authorized, to Foreign Service officers who are required because of the nature of their assignments to perform additional work on a regular basis in substantial excess of normal requirements.

(b) Before implementing any proposal to limit either the number of Foreign Service officers who may receive a special differential under subsection (a) or the amounts of such special differentials, the Secretary shall submit such proposal to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

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[42] 22 U.S.C. 3971.

[43] 22 U.S.C. 3972.

(c) Nothing in this Act, or in subchapter V of chapter 55 of title 5, United States Code, shall preclude the granting of compensatory time off for Foreign Service officers.

Sec. 413.[44] **Death Gratuity.**—(a) The Secretary may provide for payment of a gratuity to the surviving dependents of any Foreign Service employee who dies as a result of injuries sustained in the performance of duty abroad, in an amount equal to one year's salary at the time of death. Any death gratuity payment made under this section shall be held to have been a gift and shall be in addition to any other benefit payable from any source.

(b) A death gratuity payment shall be made under this section only if the survivor entitled to payment under subsection (c) is entitled to elect monthly compensation under section 8133 of title 5, United States Code, because the death resulted from an injury (excluding a disease proximately caused by the employment) sustained in the performance of duty, without regard to whether such survivor elects to waive compensation under such section 8133.

(c) A death gratuity payment under this section shall be made as follows:

(1) First, to the widow or widower.

(2) Second, to the child, or children in equal shares, if there is no widow or widower.

(3) Third, to the dependent parent, or dependent parents in equal shares, if there is no widow, widower, or child.

If there is no survivor entitled to payment under this subsection, no payment shall be made.

(d) As used in this section—

(1) the term "Foreign Service employee" means any member of the Service or United States representative to an international organization or commission; and

(2) each of the terms "widow", "widower", "child", and "parent" shall have the same meaning given each such term by section 8101 of title 5, United States Code.

CHAPTER 5—CLASSIFICATION OF POSITIONS AND ASSIGNMENTS

Sec. 501.[45] **Classification of Positions.**—The Secretary shall designate and classify positions in the Department and at Foreign Service posts which are to be occupied by members of the Service (other than by chiefs of mission and ambassadors at large). Positions designated under this section are excepted from the competitive service. Position classifications under this section shall be established, without regard to chapter 51 of title 5, United States Code, in relation to the salaries established under chapter 4. In classifying positions at Foreign Service posts abroad, the Secretary shall give appropriate weight to job factors relating to service abroad and to the compensation practices applicable to United States citizens employed abroad by United States corporations.

Sec. 502.[46] **Assignments to Foreign Service Positions.**—(a)(1) The Secretary (with the concurrence of the agency concerned) may assign a member of the Service to any position classified under section 501 in which that member is eligible to serve (other than as chief of mission or ambassador at large), and may assign a member from one such position to another such position as the needs of the Service may require.

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[44] 22 U.S.C. 3973.

[45] 22 U.S.C. 3981.

[46] 22 U.S.C. 3982.

(2) In making assignments under paragraph (1), the Secretary shall assure that a member of the Service is not assigned to a position at a post in a particular geographic area exclusively on the basis of the race, ethnicity, or religion of that member.

(b) Positions designated as Foreign Service positions normally shall be filled by the assignment of members of the Service to those positions. Subject to that limitation—

(1) Foreign Service positions may be filled by the assignment for specified tours of duty of employees of the Department and, under interagency agreements, employees of other agencies; and

(2) Senior Foreign Service positions may also be filled by other members of the Service.

(c) The President may assign a career member of the Service to serve as chargé d'affaires or otherwise as the head of a mission (or as the head of a United States office abroad which is designated under section 102(a)(3) by the Secretary of State as diplomatic in nature) for such period as the public interest may require.

(d)[47] The Secretary of State, in conjunction with the heads of the other agencies utilizing the Foreign Service personnel system, shall implement policies and procedures to insure that Foreign Service officers and members of the Senior Foreign Service of all agencies are able to compete for chief of mission positions and have opportunities on an equal basis to compete for assignments outside their areas of specialization.

Sec. 503.[48] Assignments to Agencies, International Organizations, and Other Bodies.—(a) The Secretary may (with the concurrence of the agency, organization, or other body concerned) assign a member of the Service for duty—

(1) in a non-Foreign Service (including Senior Executive Service) position in the Department or another agency, or with an international organization, international commission, or other international body;

(2) with a domestic or international trade, labor, agricultural, scientific, or other conference, congress, or gathering;

(3) for special instruction, training, or orientation at or with a public or private organization; and

(4) in the United States (or in any territory or possession of the United States or in the Commonwealth of Puerto Rico), with a State or local government, a public or private nonprofit organization (including an educational institution), or a Member or office of the Congress.

(b)(1) The salary of a member of the Service assigned under this section shall be the higher of the salary which that member would receive but for the assignment under this section or the salary of the position to which that member is assigned.

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[47] Sec. 130(b) of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (Public Law 98-164; 97 Stat. 1027) added subsec. (d). Sec. 130(c) of Public Law 98-164 also required a report to Congress from the Secretary of State describing policies and procedures adopted pursuant to subsec. (d) of this section (report due Nov. 22, 1984).

[48] 22 U.S.C. 3983.

(2) The salary of a member of the Service assigned under this section shall be paid from appropriations made available for the payment of salaries and expenses of the Service. Such appropriations may be reimbursed for all or any part of the costs of salaries and other benefits for members assigned under this section.

(3) A member of the Service assigned under subsection (a)(4) to a Member or office of the Congress shall be deemed to be an employee of the House of Representatives or the Senate, as the case may be, for purposes of payment of travel and other expenses.

(c) Assignments under this section may not exceed four years of continuous service for any member of the Service unless the Secretary approves an extension of such period for that member because of special circumstances.

Sec. 504.[49] **Service in the United States and Abroad.**—(a) Career members of the Service shall be obligated to serve abroad and shall be expected to serve abroad for substantial portions of their careers. The Secretary shall establish by regulation limitations upon assignments of members of the Service within the United States. A member of the Service may not be assigned to duty within the United States for any period of continuous service exceeding eight years unless the Secretary approves an extension of such period for that member because of special circumstances.

(b) Consistent with the needs of the Service, the Secretary shall seek to assign each career member of the Service who is a citizen of the United States to duty within the United States at least once during each period of fifteen years that the member is in the Service.

(c) The Secretary may grant a sabbatical to a career member of the Senior Foreign Service for not to exceed eleven months in order to permit the member to engage in study or uncompensated work experience which will contribute to the development and effectiveness of the member. A sabbatical may be granted under this subsection under conditions specified by the Secretary in light of the provisions of section 3396(c) of title 5, United States Code, which apply to sabbaticals granted to members of the Senior Executive Service.

Sec. 505.[50] **Temporary Details.**—A period of duty of not more than six months in duration by a member of the Service shall be considered a temporary detail and shall not be considered an assignment within the meaning of this chapter.

Chapter 6—Promotion and Retention

Sec. 601.[51] **Promotions.**—(a) Career members of the Senior Foreign Service are promoted by appointment under section 302(a) to a higher salary class in the Senior Foreign Service. Members of the Senior Foreign Service serving under career candidate appointments or noncareer appointments are promoted by appointment under section 303 to a higher salary class in the Senior Foreign

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[49] 22 U.S.C. 3984.

[50] 22 U.S.C. 3985.

[51] 22 U.S.C. 4001.

Service. Foreign Service officers, and Foreign Service personnel who are assigned to a class in the Foreign Service Schedule, are promoted by appointment under section 302(a) as career members of the Senior Foreign Service or by assignment under section 404 to a higher salary class in the Foreign Service Schedule.

(b) Except as provided in section 606(a), promotions of—

(1) members of the Senior Foreign Service, and

(2) members of the Service assigned to a salary class in the Foreign Service Schedule (including promotions of such members into the Senior Foreign Service).

shall be based upon the recommendations and rankings of selection boards established under section 602, except that the Secretary may by regulation specify categories of career members, and categories of career candidates, assigned to salary classes in the Foreign Service Schedule who may receive promotions on the basis of satisfactory performance.

(c)(1) Promotions into the Senior Foreign Service shall be recommended by selection boards only from among career members of the Service assigned to class 1 in the Foreign Service Schedule who request that they be considered for promotion into the Senior Foreign Service. The Secretary shall prescribe the length of the period after such a request is made (within any applicable time in class limitation established under section 607(a)) during which such members may be considered by selection boards for entry into the Senior Foreign Service. A request by a member for consideration for promotion into the Senior Foreign Service under this subsection may be withdrawn by the member, but if it is withdrawn, that member may not thereafter request consideration for promotion into the Senior Foreign Service.

(2) Decisions by the Secretary on the numbers of individuals to be promoted into and retained in the Senior Foreign Service shall be based upon a systematic long-term projection of personnel flows and needs designed to provide—

(A) a regular, predictable flow of recruitment in the Service;

(B) effective career development patterns to meet the needs of the Service; and

(C) a regular, predictable flow of talent upward through the ranks and into the Senior Foreign Service.

(3) The affidavit requirements of sections 3332 and 3333(a) of title 5, United States Code, shall not apply with respect to a member of the Service who has previously complied with those requirements and who subsequently is promoted by appointment to any class in the Senior Foreign Service without a break in service.

Sec. 602.[52] **Selection Boards.**—(a) The Secretary shall establish selection boards to evaluate the performance of members of the Senior Foreign Service and members of the Service assigned to a salary class in the Foreign Service Schedule. Selection boards shall, in accordance with precepts prescribed by the Secretary, rank the members of a salary class on the basis of relative performance and may make recommendations for—

(1) promotions in accordance with section 601;

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[52] 22 U.S.C. 4002.

(2) awards of performance pay under section 405(c);

(3) denials of within-class step increases under section 406(a);

(4) offer or renewal of limited career extensions under section 607(b); and

(5) such other actions as the Secretary may prescribe by regulation.

(b) All selection boards established under this section shall include public members. The Secretary shall assure that a substantial number of women and members of minority groups are appointed to each selection board established under this section.

Sec. 603.[53] **Basis for Selection Board Review.**—(a) Recommendations and rankings by selection boards shall be based upon records of the character, ability, conduct, quality of work, industry, experience, dependability, usefulness, and general performance of members of the Service. Such records may include reports prepared by or on behalf of the Inspector General of the Department of State and the Foreign Service, performance evaluation reports of supervisors, records of commendations, reports of language test scores from the Foreign Service Institute, awards, reprimands, and other disciplinary actions, and (with respect to members of the Senior Foreign Service) records of current and prospective assignments.

(b) Precepts for selection boards shall include a description of the needs of the Service for performance requirements, skills, and qualities, which are to be considered in recommendations for promotion. The precepts for selection boards responsible for recommending promotions into and within the Senior Foreign Service shall emphasize performance which demonstrates the strong policy formulation capabilities, executive leadership qualities, and highly developed functional and area expertise, which are required for the Senior Foreign Service.

Sec. 604.[54] **Confidentiality of Records.**—The records described in section 603(a) shall be maintained in accordance with regulations prescribed by the Secretary. Except to the extent that they pertain to the receipt, disbursement, and accounting for public funds, such records shall be confidential and subject to inspection only by the President, the Secretary, such employees of the Government as may be authorized by law or assigned by the Secretary to work on such records, the legislative and appropriations committees of the Congress charged with considering legislation and appropriations for the Service, and representatives duly authorized by such committees. Access to such records relating to a member of the Service shall be granted to such member, upon written request.

Sec. 605.[55] **Implementation of Selection Board Recommendations.**—(a) Recommendations for promotion made by selection boards shall be submitted to the Secretary in rank order by salary class or in rank order by specialization within a salary class. The Secretary shall make promotions and, with respect to career appointments into or within the Senior Foreign Service, shall make recommendations to the President for promotions, in accordance with the rankings of the selection boards.

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[53] 22 U.S.C. 4003.

[54] 22 U.S.C. 4004.

[55] 22 U.S.C. 4005.

(b) Notwithstanding subsection (a), in special circumstances set forth by regulation, the Secretary may remove the name of an individual from the rank order list submitted by a selection board or delay the promotion of an individual named in such a list.

Sec. 606.[56] **Other Bases for Increasing Pay.**—(a) The Secretary may pursuant to a recommendation of the Foreign Service Grievance Board, an equal employment opportunity appeals examiner, or the Special Counsel of the Merit Systems Protection Board, and shall pursuant to a decision or order of the Merit Systems Protection Board—

(1) recommend to the President a promotion of a member of the Service under section 302(a);

(2) promote a member of the Service under section 303;

(3) grant performance pay to a member of the Senior Foreign Service under section 405(c); or

(4) grant a within-class salary increase under section 406 to a member of the Service who is assigned to a salary class in the Foreign Service Schedule.

(b) In implementing subsection (a) of this section and in cases in which the Secretary has exercised the authority of section 605(b), the Secretary may, in special circumstances set forth by regulation, make retroactive promotions, grant performance pay, make retroactive within-class salary increases, and recommend retroactive promotions by the President.

Sec. 607.[57] **Retirement for Expiration of Time in Class.**—(a)(1) The Secretary shall, by regulation, establish maximum time in class limitations for—

(A) career members of the Senior Foreign Service,

(B) Foreign Service officers, and

(C) other career members of the Service who are in such occupational categories as may be designated by the Secretary and who are assigned to salary classes in the Foreign Service Schedule to which Foreign Service officers may also be assigned.

(2) Maximum time in class limitations under this subsection (which may not be less than 3 years for career members of the Senior Foreign Service) may apply with respect to the time a member may remain in a single salary class or in a combination of salary classes.

(3) The Secretary may, by regulation, increase or decrease any maximum time in class established under this subsection as the needs of the Service may require. If maximum time in class is decreased, the Secretary shall provide any member of the Service who is in a category and salary class subject to the new time in class limitation an opportunity to remain in class (notwithstanding the new limitations) for a period which is at least as long as the shorter of—

(A) the period which the member would have been permitted to remain in class but for the decrease in maximum time in class, or

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[56] 22 U.S.C. 4006.

[57] 22 U.S.C. 4007.

(B) such minimum period as the Secretary determines is necessary to provide members of the Service who are in the same category and salary class as that member a reasonable opportunity to be promoted into the next higher class or combination of classes, as the case may be.

(b) members of the Service whose maximum time in class under subsection (a) expires—

(1) after they have attained the highest salary class for their respective occupational categories, or

(2) in the case of members of the Senior Foreign Service, while they are in salary classes designated by the Secretary,

may continue to serve only under limited extensions of their career appointment. Such limited extensions may not exceed 5 years in duration and may be granted and renewed by the Secretary in accordance with the recommendations of selection boards established under section 602. Members of the Service serving under such limited career extensions shall continue to be career members of the Service.

(c) Any member of the Service—

(1) whose maximum time in class under subsection (a) expires and who is not promoted to a higher class or combination of classes, as the case may be, or

(2) whose limited career extension under subsection (b) expires and is not renewed,

shall be retired from the Service and receive benefits in accordance with section 609, subject to any career extension under subsection (d) of this section.

(d) Notwithstanding any other provision of this section—

(1) the career appointment of a member of the Service whose maximum time in class under subsection (a) expires, or whose limited career extension under subsection (b) expires, while that member is occupying a position to which he or she was appointed by the President, by and with the advice and consent of the Senate, shall be extended until the appointment to that position is terminated; and

(2) If the Secretary determines it to be in the public interest, the Secretary may extend temporarily the career appointment of a career member of the Service whose maximum time in class or limited career extension expires, but in no case may any extension under this paragraph exceed one year and such extensions may be granted only in special circumstances.

Sec. 608.[58] **Retirement Based on Relative Performance.**—(a) The Secretary shall prescribe regulations concerning the standards of performance to be met by career members of the Service who are citizens of the United States. Whenever a selection board review indicates that the performance of such a career member of the Service may not meet the standards of performance for his or her class, the Secretary shall provide for administrative review of the performance of the member. The review shall include an opportunity for the member to be heard.

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[58] 22 U.S.C. 4008.

(b) In any case where the administrative review conducted under subsection (a) substantiates that a career member of the Service has failed to meet the standards of performance for his or her class, the member shall be retired from the Service and receive benefits in accordance with section 609.

Sec. 609.[59] **Retirement Benefits.**—(a) A member of the Service—

(1) who is retired under section 607(c)(2); or

(2) who is retired under section 607(c)(1) or 608(b)—

(A) after becoming eligible for voluntary retirement under section 811, or

(B) from the Senior Foreign Service or while assigned to class in the Foreign Service Schedule,

shall receive retirement benefits in accordance with section 806.

(b) Any member of the Service (other than a member to whom subsection (a) applies) who is retired under section 607(c)(1) or 608(b) shall receive—

(1) one-twelfth of a year's salary at his or her then current salary rate for each year of service and proportionately for a fraction of a year, but not exceeding a total of one year's salary at his or her then current salary rate, payable without interest from the Foreign Service Retirement and Disability Fund in 3 equal installments, such installments to be paid on January 1 of each of the first 3 calendar years beginning after the retirement of the member (except that in special cases, the Secretary of State may accelerate or combine such installments); and

(2) a refund as provided in section 815 of the contributions made by the members to the Foreign Service Retirement and Disability Fund, except that in lieu of such refund a member who has at least 5 years of service credit toward retirement under the Foreign Service Retirement and Disability System (excluding military and naval service) may elect to receive an annuity, computed under section 806, commencing at age 60.

In the event that a member of the Service has elected to receive retirement benefits under paragraph (2) and dies before reaching age 60, his or her death shall be considered a death in service within the meaning of section 809.

Sec. 610.[60] **Separation for Cause.**—(a)(1) The Secretary may separate any member from the Service for such cause as will promote the efficiency of the Service.

(2) A member of the Service who is a member of the Senior Foreign Service or is assigned to a salary class in the Foreign Service Schedule and who either (A) is serving under a career appointment, or (B) if separation is to be by reason of misconduct, is serving under a limited appointment, shall not be separated from the Service under this section until the member has been granted a hearing before the Foreign Service Grievance Board and the cause for separation established at such hearing, unless the member waives in writing the right to a hearing. The hearing procedures applicable to grievances under section 1106 and shall be in lieu of

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[59] 22 U.S.C. 4009.
[60] 22 U.S.C. 4010.

any other administrative procedure authorized or required by this or any other law.

(b) Any participant in the Foreign Service Retirement and Disability System who is separated under subsection (a) shall be entitled to receive a refund as provided in section 815 of the contributions made by the participant to the Foreign Service Retirement and Disability Fund. Except in cases where the Secretary determines that separation was based in whole or in part on the ground of disloyalty to the United States, a participant who has at least 5 years of service credit toward retirement under the Foreign Service Retirement and Disability System (excluding military and naval service) may elect, in lieu of such refund, to an annuity, computed under section 806, commencing at age 60.

Sec. 611.[61] **Termination of Limited Appointments.**—Except as provided in section 610(a)(2), the Secretary may terminate at any time the appointment of any member of the Service serving under a limited appointment who is in the Senior Foreign Service, who is assigned to a salary class in the Foreign Service Schedule, or who is a family member of a Government employee serving under a local compensation plan established under section 408.

Sec. 612.[62] **Termination of Appointments of Consular Agents and Foreign National Employees.**—(a) The Secretary of State may terminate at any time the appointment of any consular agent in light of the criteria and procedures normally followed in the locality in similar circumstances.

(b) The Secretary may terminate at any time the appointment of any foreign national employee in light of the criteria and procedures normally followed in the locality in similar circumstances.

Sec. 613.[63] **Foreign Service Awards.**—The President shall establish a system of awards to confer appropriate recognition of outstanding contributions to the Nation by members of the Service. The awards system established under this section shall provide for presentation by the President and by the Secretary of medals or other suitable commendations for performance in the course of or beyond the call of duty which involves distinguished, meritorious service to the Nation, including extraordinary valor in the face of danger to life or health.

CHAPTER 7—FOREIGN SERVICE INSTITUTE, CAREER DEVELOPMENT, TRAINING, AND ORIENTATION

Sec. 701.[64] **Foreign Service Institute.**—(a) The Secretary of State shall maintain and operate the Foreign Service Institute (hereinafter in this chapter referred to as the "Institute"), originally established under section 701 of the Foreign Service Act of 1946, in order to promote career development within the Service and to provide necessary training and instruction in the field of foreign relations to members of the Service and to employees of the Department and of other agencies. The Institute shall be headed by a Director, who shall be appointed by the Secretary of State.

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[61] 22 U.S.C. 4011.

[62] 22 U.S.C. 4012.

[63] 22 U.S.C. 4013.

[64] 22 U.S.C. 4021.

(b) To the extent practicable, the Secretary of State shall provide training under this chapter which meets the needs of all agencies, and other agencies shall avoid duplicating the facilities and training provided by the Secretary of State through the Institute and otherwise.

(c) [65] Training and instruction may be provided at the Institute for not to exceed sixty citizens of the Trust Territory of the Pacific Islands in order to prepare them to serve as members of the foreign services of the Federated States of Micronesia, the Marshall Islands, and Palau. The authority of this subsection shall expire when the Compact of Free Association is approved by the Congress.

Sec. 702.[66] **Foreign Language Requirements.**—(a) The Secretary shall establish foreign language proficiency requirements for members of the Service who are to be assigned abroad in order that Foreign Service posts abroad will be staffed by individuals having a useful knowledge of the language or dialect common to the country in which the post is located.

(b) The Secretary of State shall arrange for appropriate language training of members of the Service by the Institute or otherwise in order to assist in meeting the requirements established under subsection (a).

Sec. 703.[67] **Career Development.**—(a) The Secretary shall establish a professional development program to assure that members of the Service obtain the skills and knowledge required at the various stages of their careers. With regard to Foreign Service officers, primary attention shall be given to training for career candidate officers and for midcareer officers, both after achieving tenure and as they approach eligibility for entry to the Senior Foreign Service, to enhance and broaden their qualifications for more senior levels of responsibility in the Service. Training for other members of the Service shall emphasize programs designed to enhance their particular skills and expert knowledge, including development of the management skills appropriate to their occupational categories.

(b) Junior Foreign Service officer training shall be directed primarily toward providing expert knowledge in the basic functions of analysis and reporting as well as in consular, administrative, and linguistic skills relevant to the full range of future job assignments. Midcareer training shall be directed primarily toward development and perfection of management, functional, negotiating, and policy development skills to prepare the officers progressively for more senior levels of responsibility.

(c) At each stage the program of professional development should be designed to provide members of the Service with the opportunity to acquire skills and knowledge relevant to clearly established professional standards of expected performance. Career candidates should satisfactorily complete candidate training prior to attainment of career status. Members of the Service should satisfactorily complete midcareer training before appointment to the Senior Foreign Service.

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[65] Sec. 126 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (Public Law 98-164; 97 Stat. 1026) added subsec. (c).

[66] 22 U.S.C. 4022.

[67] 22 U.S.C. 4023.

(d) In formulating programs under this section, the Secretary should establish a system to provide, insofar as possible, credit toward university degrees for successful completion of courses comparable to graduate-level, university courses.

(e) Training provided under this section shall be conducted by the Department and by other governmental and nongovernmental institutions as the Secretary may consider appropriate.

(f) The Secretary of State shall report annually to the Congress and the President on the status of the professional development program and the resources needed and made available to achieve it. The first such report, to be submitted 90 days after the effective date of this Act, shall set out the resources required to initiate successfully the program established pursuant to this section.

Sec. 704.[68] **Training Authorities.**—(a) In the exercise of functions under this chapter, the Secretary of State may—

(1) provide for the general nature of the training and instruction to be furnished by the Institute, including functional and geographic area specializations;

(2) correlate training and instruction furnished by the Institute with courses given at other Government institutions and at private institutions which furnish training and instruction useful in the field of foreign affairs;

(3) encourage and foster programs complementary to those furnished by the Institute, including through grants and other gratuitous assistance to nonprofit institutions cooperating in any of the programs under this chapter;

(4)(A) employ in accordance with the civil service laws such personnel as may be necessary to carry out the provisions of this chapter, and

(B) if and to the extent determined to be necessary by the Secretary of State, obtain without regard to the provisions of law governing appointments in the competitive service, by appointment or contract (subject to the availability of appropriations), the services of individuals to serve as language instructors, linguists, and other academic and training specialists (including, in the absence of suitably qualified United States citizens, qualified individuals who are not citizens of the United States); and

(5) acquire such real and personal property and equipment as may be necessary for the establishment, maintenance, and operation of the facilities necessary to carry out the provisions of this chapter without regard to section 3709 of the Revised Statutes of the United States (41 U.S.C. 5) and section 302 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252).

(b) In furtherance of the objectives of this Act, the Secretary may—

(1) pay the tuition and other expenses of members of the Service and employees of the Department who are assigned or detailed in accordance with law for special instruction or train-

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[68] 22 U.S.C. 4024.

ing, including orientation, language, and career development training;

(2) pay the salary (excluding premium pay or any special differential under section 412) of members of the Service selected and assigned for training; and

(3) provide special monetary or other incentives to encourage members of the Service to acquire or retain proficiency in foreign languages or special abilities needed in the Service.

(c) The Secretary may provide to family members of members of the Service or of employees of the Department or other agencies, in anticipation of their assignment abroad or while abroad—

(1) appropriate orientation and language training; and

(2) functional training for anticipated prospective employment under section 311.

Sec. 705.[69] **Training Grants.**—(a) To facilitate training provided to members of families of Government employees under this chapter, the Secretary may make grants (by advance payment or by reimbursement) to family members attending approved programs of study. No such grant may exceed the amount actually expended for necessary costs incurred in conjunction with such attendance.

(b) If a member of the Service who is assigned abroad, or a member of his or her family, is unable to participate in language training furnished by the Government through the Institute or otherwise, the Secretary may compensate that individual for all or part of the costs of language training, related to the assignment abroad, which is undertaken at a public or private institution.

Sec. 706.[70] **Career Counseling.**—(a) In order to facilitate their transition from the Service, the Secretary may provide (by contract or otherwise, subject to the availability of appropriations) professional career counseling, advice, and placement assistance to members of the Service, and to former members of the Service who were assigned to receive counseling and assistance under this subsection before they were separated from the Service, other than those separated for cause.

(b)(1) The Secretary may facilitate the employment of spouses of members of the Service by—

(A) providing regular career counseling for such spouses;

(B) maintaining a centralized system for cataloging their skills and the various governmental and nongovernmental employment opportunities available to them; and

(C) otherwise assisting them in obtaining employment.

(2) The Secretary shall establish a family liaison office to carry out this subsection and such other functions as the Secretary may determine.

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[69] 22 U.S.C. 4025.

[70] 22 U.S.C. 4026.

CHAPTER 8—FOREIGN SERVICE RETIREMENT AND DISABILITY

SUBCHAPTER I—FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM [71]

Sec. 801.[72] **Administration of the System.**—In accordance with such regulations as the President may prescribe, the Secretary of State shall administer the Foreign Service Retirement and Disability System (hereinafter in this subchapter [72a] referred to as the "System"), originally established pursuant to section 18 of the Act of May 24, 1924 (43 Stat. 144).

Sec. 802.[73] **Maintenance of the Fund.**—The Secretary of the Treasury shall maintain the special fund known as the Foreign Service Retirement and Disability Fund (hereinafter in this subchapter [72a] referred to as the "Fund"), originally created by section 18 of the Act of May 24, 1924 (43 Stat. 144).

Sec. 803.[74] **Participants.**—(a) Except as provided in subsection (d),[75] the following members of the Service (hereinafter in this subchapter [72a] referred to as "participants") shall be entitled to the benefits of the System:

(1) Every member who is serving under a career appointment or as a career candidate under section 306—

(A) in the Senior Foreign Service, or

(B) assigned to a salary class in the Foreign Service Schedule.

(2) Every chief of mission, who is not a participant under paragraph (1), who—

(A) has served as chief of mission for an aggregate period of 20 years or more, and

(B) has paid into the Fund a special contribution for each year of such service in accordance with section 805.

(b) Any otherwise eligible member of the Service who is appointed to a position in the executive branch by the President, by and with the advice and consent of the Senate, or by the President alone, shall not by virtue of the acceptance of such appointment cease to be eligible to participate in the System.

(c) In addition to the individuals who are participants in the System under subsection (a), any individual who was appointed as a Binational Center Grantee and who completed at least 5 years of satisfactory service as such a grantee or under any other appointment under the Foreign Service Act of 1946 may become a participant in the System, and shall receive credit for such service if an appropriate special contribution is made to the Fund in accordance with section 805(d) or (f).

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[71] See also the retained provisions of the Foreign Service Retirement Amendments of 1976 (page 1307). The heading for subchapter I was added by sec. 402(a)(1) of Public Law 99-335 (100 Stat. 609).

[72] 22 U.S.C. 4041.

[72a] Section 402(a) and Section 402(a)(3) of Public Law 99-335 (100 Stat. 609), substituted the words "this subchapter" in lieu of "this chapter" throughout Chapter 8, and inserted the words "under this subchapter" after "payable from the Fund" each time it appears.

[73] 22 U.S.C. 4042.

[74] 22 U.S.C. 4043.

[75] The text of subsec. (a) to this point was added by sec. 414(1) of Public Law 99-335 (100 Stat. 614).

(d)[76] An individual subject to the Foreign Service Pension System (described in subchapter II) is not a participant in this System.

Sec. 804.[77] **Definitions.**—As used in this subchapter,[72a] unless otherwise specified, the term—

(1) "annuitant" means any individual, including a former participant or survivor, who meets all requirements for an annuity from the Fund under this or any other Act and who has filed a claim for such annuity;

(2) "child" means an individual—

(A) who—

(i) is an offspring or adopted child of the participant,

(ii) is a stepchild or recognized natural child of the participant and who received more than one-half support from the participant, or

(iii) lived with the participant, for whom a petition of adoption was filed by the participant, and who is adopted by the surviving spouse of the participant after the death of the participant;

(B) who is unmarried; and

(C) who—

(i) is under the age of 18 years,

(ii) is a student under the age of 22 years (for purposes of this clause, an individual whose 22d birthday occurs before July 1 or after August 31 of the calendar year in which that birthday occurs, and while the individual is a student, is deemed to become 22 years of age on the first July 1 which occurs after that birthday), or

(iii) is incapable of self-support because of a physical or mental disability which was incurred before the individual reached the age of 18 years;

(3) "court" means any court of any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Northern Mariana Islands, or the Virgin Islands, and any Indian court as defined by section 201(3) of the Act entitled 'An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes', approved April 11, 1968 (25 U.S.C. 1301(3); 82 Stat. 77);[78]

(4) "court order" means any court decree of divorce or annulment, or any court order or court approved property settlement agreement incident to any court decree of divorce or annulment;

(5) "Foreign Service normal cost" means the level percentage of payroll required to be deposited in the Fund to meet the cost of benefits payable under the System (computed in accordance with generally accepted actuarial practice on an entry-age basis) less the value of retirement benefits earned under an-

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[76] Subsec. (d) was added by sec. 414(2) of Public Law 99-335 (100 Stat. 614).

[77] 22 U.S.C. 4044.

[78] The text from this point to the end of subsec. (3) was substituted in lieu of the language "of the District of Columbia" by sec. 403 of Public Law 99-335 (100 Stat. 609).

other retirement system for Government employees and less the cost of credit allowed for military and naval service;

(6) "former spouse" means a former wife or husband of a participant or former participant who was married to such participant for not less than 10 years during periods of service by that participant which are creditable under section 816;

(7) "Fund balance" means the sum of—

(A) the investments of the Fund calculated at par value, plus

(B) the cash balance of the Fund on the books of the Treasury;

(8) "lump-sum credit" means the compulsory and special contributions to the credit of a participant or former participant in the Fund plus interest on such contributions at 4 percent a year compounded annually to December 31, 1976, and after such date, for a participant who separates from the Service after completing at least 1 year of civilian service and before completing 5 years of such service, at the rate of 3 percent per year to the date of separation (except that interest shall not be paid for a fractional part of a month in the total service or on compulsory and special contributions from an annuitant for recall service or other service performed after the date of separation which forms the basis for annuity);

(9) "military and naval service" means honorable active service—

(A) in the Armed Forces of the United States,

(B) in the Regular or Reserve Corps of the Public Health Service after June 30, 1960, or

(C) as a commissioned officer of the National Oceanic and Atmospheric Administration, or a predecessor organization, after June 30, 1961.

but does not include service in the National Guard except when ordered to active duty in the service of the United States;

(10) "pro rata share", in the case of any former spouse of any participant or former participant, means a percentage which is equal to the percentage that (A) the number of years during which the former spouse was married to the participant during the creditable service (creditable under subchapter I or II)[79] of that participant is of (B) the total number of years of such creditable service (creditable under subchapter I or II)[79];

(11) "spousal agreement" means any written agreement between—

(A) a participant or former participant; and

(B) his or her spouse or former spouse;

(12) "student" means a child regularly pursuing a full-time course of study or training in residence in a high school, trade school, technical or vocational institute, junior college, college, university, or comparable recognized educational institution (for purposes of this paragraph, a child who is a student shall not be deemed to have ceased to be a student during any

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[79] The text in parenthesis was added by sec. 404(a) of Public Law 99-335 (100 Stat. 610).

period between school years, semesters, or terms if the period of nonattendance does not exceed 5 calendar months and if the child shows to the satisfaction of the Secretary of State that he or she has a bona fide intention of continuing to pursue his or her course of study during the school year, semester, or term immediately following such period);

(13) "surviving spouse" means the surviving wife or husband of a participant or annuitant who, in the case of a death in service or marriage after retirement, was married to the participant or annuitant for at least one year immediately preceding his or her death or is a parent of a child born of the marriage; and

(14) "unfunded liability" means the estimated excess of the present value of all benefits payable from the Fund over the sum of—

(A) the present value of deductions to be withheld from the future basic salary of participants and of future agency contributions to be made on their behalf, plus

(B) the present value of Government payments to the Fund under section 821, plus

(C) the Fund balance as of the date the unfunded liability is determined.

Sec. 805.[80] **Contributions to the Fund.**—(a) Except as provided in subsection (h),[81] 7 percent of the basic salary received by each participant shall be deducted from the salary and contributed to the Fund for the payment of annuities, cash benefits, refunds, and allowances. An equal amount shall be contributed by the Department from the appropriations or fund used for payment of the salary of the participant. The Department shall deposit in the Fund the amounts deducted and withheld from basic salary and the amounts contributed by the Department.

(b) Each participant shall be deemed to consent and agree to such deductions from basic salary. Payment less such deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for all regular services during the period covered by such payment, except the right to the benefits to which the participant shall be entitled under this Act, notwithstanding any law, rule, or regulation affecting the salary of the individual.

(c)(1) If a member of the Service who is under another retirement system for Government employees becomes a participant in the System by direct transfer, the total contributions and deposits of that member that would otherwise be refundable on separation (except voluntary contributions), including interest thereon, shall be transferred to the Fund effective as of the date such member becomes a participant in the System. Each such member shall be deemed to consent to the transfer of such funds, and such transfer shall be a complete discharge and acquittance of all claims and demands against the other Government retirement fund on account of service rendered by such member prior to becoming a participant in the System.

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[80] 22 U.S.C. 4045.

[81] The text "Except as provided in subsection (h)," was added by sec 405(a)(1) 9of Public Law 99-335 (100 Stat. 610).

(2) A member of the Service whose contributions are transferred to the Fund pursuant to paragraph (1) shall not be required to make additional contributions for periods of service for which required contributions were made to the other Government retirement fund; nor shall any refund be made to any such member on account of contributions made during any period to the other Government retirement fund at a higher rate than that fixed by subsection (d).

(d)(1) Any participant credited with civilian service after July 1, 1924—

(A) for which no retirement contributions, deductions, or deposits have been made, or

(B) for which a refund of such contributions, deductions, or deposits has been made which has not been redeposited,

may make a special contribution to the Fund equal to the following percentages of basic salary received for such service:

Time of service:	*Percent of basic salary*
July 1, 1924, through October 15, 1960, inclusive	5
October 16, 1960, through December 31, 1969, inclusive	6½
On and after January 1, 1970	7

(2) Notwithstanding paragraph (1), a special contribution for prior nondeposit service as a National Guard technician which would be creditable toward retirement under subchapter III of chapter 83 of title 5, United States Code, and for which a special contribution has not been made, shall be equal to the special contribution for such service computed in accordance with the schedule in paragraph (1) multiplied by the percentage of such service that is creditable under section 816.

(3) Special contributions under this subsection shall include interest computed from the midpoint of each service period included in the computation, or from the date refund was paid, to the date of payment of the special contribution or commencing date of annuity, whichever is earlier. Interest shall be compounded at the annual rate of 4 percent to December 31, 1976, and 3 percent thereafter.[81a] No interest shall be charged on special contributions for any period of separation from Government service which began before October 1, 1956. Special contributions may be paid in installments (including by allotment of pay) when authorized by the Secretary of State.

[81a] Sec. 1 of Executive Order 12446 (Oct. 17, 1983; 48 F.R. 48443) provides the following:

"Section 1. Interest Rates, Deposits, Refunds, and Redeposits. (a) The second sentence of Section 805(d)(3) of the Act (22 U.S.C. 4054(d)(3)), the first sentence to Section 815(h) (22 U.S.C. 4055(h)), and the first sentence of Section 825(a) (22 U.S.C. 4065(a)), are deemed to be amended to provide that interest shall be compounded at the annual rate of 3 percent per annum through December 31, 1984, and thereafter at a rate equal to the overall average yield to the Fund during the preceding fiscal year from all obligations purchased by the Secretary of the Treasury during such fiscal year under section 819, as determined by the Secretary of the Treasury.

"(b) * * *

"(c) The amendments deemed to be made by section 1 of this Order shall apply (i) to contributions for civilian service performed on or after the first day of the month following issuance of this Order, (ii) to contributions for prior refunds to participants for which application is received by the employing agency on and after such first day of the month, and (iii) to excess contributions under section 815(h) and voluntary contributions under section 825(a) from the first day of the month following issuance of this Order."

(4)[82] Notwithstanding the preceding provisions of this subsection and any provision of section 206(b)(3) of the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983, the percentage of basic pay required under this subsection in the case of a participant described in section 853(c) shall, with respect to any covered service (as defined by section 203(a)(3) of such Act) performed by such individual after December 31, 1983, and before January 1, 1987, be equal to 1.3 percent.

(e)[83] (1) Each participant who has performed military or naval service before the date of separation on which the entitlement to any annuity under this chapter is based may pay to the Secretary a special contribution equal to 7 percent of the amount of the basic pay paid under section 204 of title 37 of the United States Code, to the participant for each period of military or naval service after December 1956. The amount of such payments shall be based on such evidence of basic pay for military service as the participant may provide or if the Secretary determines sufficient evidence has not been so provided to adequately determine basic pay for military or naval service, such payment shall be based upon estimates of such basic pay provided to the Department under paragraph (4).

(2) Any deposit made under paragraph (1) of this subsection more than two years after the later of—

(A) the effective date of this Order, or

(B) the date on which the participant making the deposit first became a participant in a Federal staff retirement system for civilian employees—

shall include interest on such amount computed and compounded annually beginning on the date of the expiration of the two-year period. The interest rate that is applicable in computing interest in any year under this paragraph shall be equal to the interest rate that is applicable for such year under subsection (d) of this section.

(3) Any payment received by the Secretary under this section shall be remitted to the Fund.

(4) The Secretary of Defense, the Secretary of Transportation, the Secretary of Commerce, or the Secretary of Health and Human Services, as appropriate, shall furnish such information to the Secretary as the Secretary may determine to be necessary for the administration of this subsection.

(f)[83] Contributions shall only be required to obtain credit for periods of military or naval service to the extent provided under section 805(e) and section 816(a), except that credit shall be allowed in the absence of contributions to individuals of Japanese ancestry under section 816 for periods of internment during World War II.

(g)[83] A participant or survivor may make a special contribution at any time before receipt of annuity and may authorize payment by offset against initial annuity accruals.

(h)[84] Effective with respect to pay periods beginning after December 31, 1986, in administering this section with respect to a participant described in section 853(c) whose service is employment for the purposes of title II of the Social Security Act and chapter 21 of the Internal Revenue Code of 1954, contributions to the Fund and interest thereon shall be computed as if section 8334(k) of title 5, United States Code, were applicable.

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[82] Paragraph (4) was added by sec. 405(b) of Public Law 99-335 (100 Stat. 610).

[83] Sec. 4(a) of Executive Order 12446 (Oct. 17, 1983; 48 F.R. 28443) redesignated existing subsec. (e) as subsec. (g) and added new subsecs. (e) and (f), effective Oct. 17, 1983.

[84] Subsection (h) was added by sec. 405(a)(2) of Public Law 99-335 (100 Stat. 610).

Sec. 806.[85] **Computation of Annuities.**—(a)[86] The annuity of a participant shall be equal to 2 percent of his or her basic salary for the highest 3 consecutive years of service multiplied by the number of years, not exceeding 35, of service credit obtained in accordance with sections 816 and 817, except that the highest 3 years of service shall be used in computing the annuity of any participant who serves an assignment in a position, as described in section 302(b), to which the participant was appointed by the President and whose continuity of service in that position is interrupted prior to retirement by appointment or assignment to any other position determined by the Secretary of State to be of comparable importance. In determining the aggregate period of service upon which the annuity is to be based, the fractional part of a month, if any, shall not be counted. The annuity shall be reduced by 10 percent of any special contribution described in section 805(d) which is due for service for which no contributions were made and which remains unpaid unless the participant elects to eliminate the service involved for purposes of annuity computation.

(b)(1)(A) Except to the extent provided, otherwise under a written election under subparagraph (B) or (C), if at the time of retirement a participant or former participant is married (or has a former spouse who has not remarried before attaining age 60), the participant shall receive a reduced annuity and provide a survivor annuity for his or her spouse under this subsection or former spouse under section 814(b), or a combination of such annuities, as the case may be.

(B) At the time of retirement, a married participant or former participant and his or her spouse may jointly elect in writing to waive a survivor annuity for that spouse under this section (or under section 814(b) if the spouse later qualifies as a former spouse under section 804(6)), or to reduce such survivor annuity under this section (or section 814(b)) by designating a portion of the annuity of the participant as the base for the survivor benefit. In the event the marriage is dissolved following an election for such a reduced annuity and the spouse qualifies as a former spouse, the base used in calculating any annuity of the former spouse under section

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[85] 22 U.S.C. 4046.

[86] Sec. 1 of Executive Order 12446 (Oct. 17, 1983; 48 F.R. 48443) provides the following:

"Section 1. *Interest Rates, Deposits, Refunds, and Redeposits.* (a) * * *

(b) Sections 806(a) and 816(d) of the Act (22 U.S.C. 4046(a) and 4056(d)) are deemed to be amended to exclude from the computation of creditable civilian service under section 816(a) of the Act any period of civilian service for which retirement deductions or contributions have not been made under section 805(d) of the Act unless—

(1) the participant makes a contribution for such period as provided in such section 805(d); or

(2) no contribution is required for such service as provided under section 805(f) of the Act as deemed to be amended by this Order, or under any other statute.

"(c) The amendments deemed to be made by section 1 of this Order shall apply (i) to contributions for civilian service performed on or after the first day of the month following issuance of this Order, (ii) to contributions for prior refunds to participants for which application is received by the employing agency on and after such first day of the month, and (iii) to excess contributions under section 815(h) and voluntary contributions under section 825(a) from the first day of the month following issuances of this Order."

814(b) may not exceed the portion of the participant's annuity designated under this subparagraph.

(C) If a participant or former participant has a former spouse, the participant and such former spouse may jointly elect by spousal agreement under section 820(b)(1) to waive a survivor annuity under section 814(b) for that former spouse if the election is made (i) before the end of the 12-month period after the divorce or annulment involving that former spouse becomes final or (ii) at the time of retirement whichever occurs first.

(D) The Secretary of State may prescribe regulations under which a participant or former participant may make an election under subparagraph (B) or (C) without the participant's spouse or former spouse if the participant establishes to the satisfaction of the Secretary of State that the participant does not know, and has taken all reasonable steps to determine, the whereabouts of the spouse or former spouse.

(2) The annuity of a participant or former participant providing a survivor benefit under this section (or section 814(b)), excluding any portion of the annuity not designated or committed as a base for any survivor annuity, shall be reduced by 2½ percent of the first $3,600 plus 10 percent of any amount over $3,600. The reduction under this paragraph shall be calculated before any reduction under section 814(a)(5).

(3)(A) If a former participant entitled to receive a reduced annuity under this subsection dies and is survived by a spouse, a survivor annuity shall be paid to the surviving spouse equal to 55 percent of the full amount of the participant's annuity computed under subsection (a), or 55 percent of any lesser amount elected as the base for the survivor benefit under paragraph (1)(B).

(B) Notwithstanding subparagraph (A), the amount of the annuity calculated under subparagraph (A) for a surviving spouse in any case in which there is also a surviving former spouse of the participant who qualifies for an annuity under section 814(b) may not exceed 55 percent of the portion (if any) of the base for survivor benefits which remains available under section 814(b)(4)(B).

(C) An annuity payable from the Fund under this subchapter [72a] to a surviving spouse under this paragraph shall commence on the day after the participant dies and shall terminate on the last day of the month before the surviving spouse's death or remarriage before attaining age 60. If such a survivor annuity is terminated because of remarriage, it shall be restored at the same rate commencing on the date such remarriage is terminated if any lump sum paid upon termination of the annuity is returned to the Fund.

(c)(1) If an annuitant who was a participant dies and is survived by a spouse and by a child or children, in addition to the annuity payable to the surviving spouse, there shall be paid to or on behalf of each child an annuity equal to the smaller of—

(A) $900, or

(B) $2,700 divided by the number of children.

(2) If an annuitant who was a participant dies and is not survived by a spouse but by a child or children, each surviving child shall be paid an annuity equal to the smaller of—

(A) $1,080, or

(B) $3,240 divided by the number of children.

(3) The amounts specified in this subsection are subject to—

(A) cost-of-living adjustments as specified under section 826(c)(3), and

(B) the minimum specified in subsection (l)(2) of this section.

(d) If a surviving spouse dies or the annuity of a child is terminated, the annuities of any remaining children shall be recomputed and paid as though such spouse or child had not survived the participant. If the annuity to a surviving child who has not been receiving an annuity is initiated or resumed, the annuities of any other children shall be recomputed and paid from that date as though the annuities to all currently eligible children in the family were then being initiated.

(e) The annuity payable to a child under subsection (c) or (d) shall begin on the day after the participant dies, or if the child is not then qualified, on the first day of the month in which the child becomes eligible. The annuity of a child shall terminate on the last day of the month which precedes the month in which eligibility ceases.

(f) At the time of retirement an unmarried participant who does not have a former spouse for whose benefit a reduction is made under subsection (b) may elect to receive a reduced annuity and to provide for an annuity equal to 55 percent of the reduced annuity payable after his or her death to a beneficiary whose name is designated in writing to the Secretary of State. The annuity payable to a participant making such election shall be reduced by 10 percent of an annuity computed under subsection (a) and by 5 percent of an annuity so computed for each full 5 years the designated beneficiary is younger than the retiring participant, but such total reduction shall not exceed 40 percent. No such election of a reduced annuity payable to a beneficiary shall be valid until the participant has satisfactorily passed a physical examination as prescribed by the Secretary of State. The annuity payable to a beneficiary under this subsection shall begin on the day after the annuitant dies and shall terminate on the last day of the month preceding the death of the beneficiary. An annuity which is reduced under this subsection (or any similar prior provision of law) shall, effective the first day of the month following the death of the beneficiary named under this subsection, be recomputed and paid as if the annuity had not been so reduced.

(g) A participant or former participant who was unmarried at retirement and who later marries may, within one year after such marriage, irrevocably elect in writing to receive a reduced annuity and to provide a survivor annuity for the spouse (if such spouse qualifies as a surviving spouse under section 804(13)). Receipt by the Secretary of State of notice of an election under this subsection voids prospectively any election previously made under subsection (f). The reduction in annuity required by an election under this subsection shall be computed and the amount of the survivor annuity shall be determined in accordance with subsections (b) (2) and (3). The annuity reduction or recomputation shall be effective the first day of the month beginning one year after the date of marriage.

(h) A surviving spouse or surviving former spouse of any participant or former participant shall not become entitled to a survivor annuity or to the restoration of a survivor annuity payable from the Fund unless the survivor elects to receive it instead of any other survivor annuity to which he or she may be entitled under this or any other retirement system for Government employees on the basis of a marriage to someone other than that participant.

(i)(1) Any married annuitant who reverts to retired status with entitlement to a supplemental annuity under section 823 shall, unless the annuitant and his or her spouse jointly elect in writing to the contrary at that time, have the supplemental annuity reduced by 10 percent to provide a supplemental survivor annuity for his or her spouse. Such supplemental survivor annuity shall be equal to 55 percent of the supplemental annuity of the annuitant and shall be payable to a surviving spouse to whom the annuitant was married at the time of reversion to retired status or whom the annuitant subsequently married.

(2) The Secretary of State shall issue regulations to provide for the application of paragraph (1) of this subsection and of section 823 in any case in which an annuitant has a former spouse who was married to the participant at any time during a period of recall service and who qualifies for an annuity under section 814(b).

(j) An annuity which is reduced under this section or any similar prior provision of law to provide a survivor benefit for a spouse shall, if the marriage of the participant to such spouse is dissolved, be recomputed and paid for each full month during which an annuitant is not married (or is remarried if there is no election in effect under the following sentence) as if the annuity had not been so reduced, subject to any reduction required to provide a survivor benefit under section 814 (b) or (c). Upon remarriage the retired participant may irrevocably elect, by means of a signed writing received by the Secretary within one year after such remarriage, to receive during such marriage a reduction in annuity for the purpose of allowing an annuity for the new spouse of the annuitant in the event such spouse survives the annuitant. Such reduction shall be equal to the reduction in effect immediately before the dissolution of the previous marriage (unless such reduction is adjusted under section 814(b)(5)), and shall be effective the first day of the first month beginning one year after the date of remarriage. A survivor annuity elected under this subsection shall be treated in all respects as a survivor annuity under subsection (b).

(k) The Secretary of State shall, on an annual basis—

(1) inform each participant of his or her right of election under subsections (g) and (j); and

(2) to the maximum extent practicable, inform spouses or former spouses of participants or former participants of their rights under this section and section 814.

(l)(1) The monthly rate of an annuity payable under this subchapter [72a] to an annuitant, other than a child, shall not be less than the smallest primary insurance amount, including any cost-of-living increase added to that amount, authorized to be paid from time to time under title II of the Social Security Act (42 U.S.C. 401 et seq.).

(2) The monthly rate of an annuity payable under this subchapter [72a] to a surviving child shall not be less than the smallest primary insurance amount, including any cost-of-living increase

added to that amount, authorized to be paid from time to time under title II of the Social Security Act (42 U.S.C. 401 et seq.) or three times such primary insurance amount divided by the number of surviving children entitled to an annuity, whichever is the lesser.

(3) This subsection does not apply to an annuitant or to a survivor who is or becomes entitled to receive from the United States an annuity or retired pay under any other civilian or military retirement system, benefits under title II of the Social Security Act (42 U.S.C. 401 et seq.), a pension, veterans' compensation, or any other periodic payment of a similar nature when the monthly rate thereof is equal to or greater than the smallest primary insurance amount, including any cost-of-living increase added to that amount, authorized to be paid from time to time under title II of the Social Security Act (42 U.S.C. 401 et seq.).

(4) This subsection shall not apply to the extent provided in section 814(d).

(m)[87] The annuity or survivor annuity payable to any individual subject to section 805(h) beginning with the first month for which such individual both—

(1) attains the minimum age for old-age benefits under title II of the Social Security Act, and

(2) first becomes entitled, or would upon proper application become entitled, for disability or survivor benefits under title II of the Social Security Act based on the service of any individual under this subchapter,

shall be computed as if section 8349 of title 5, United States Code, were applicable.".

(n)[87] (1)(A) A participant—

(i) who, at the time of retirement, is married; and

(ii) who elects at such time (in accordance with subsection (b)) to waive a survivor annuity,

may, during the 18-month period beginning on the date of the retirement of such participant, elect to have a reduction under subsection (b) made in the annuity of the participant (or in such portion thereof as the participant may designate) in order to provide a survivor annuity for the spouse of such participant.

(B) A participant—

(i) who, at the time of retirement, is married, and

(ii) who at such time designates (in accordance with subsection (b)) that a limited portion of the annuity of such participant is to be used as the base for a survivor annuity,

may, during the 18-month period beginning on the date of the retirement of such participant, elect to have a greater portion of the annuity of such participant so used.

(2)(A) An election under subparagraph (A) or (B) of paragraph (1) of this subsection shall not be considered effective unless the amount specified in subparagraph (B) of this paragraph is deposited into the Fund before the expiration of the applicable 18-month period under paragraph (1).

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[87] Subsections (m) and (n) were added respectively by secs. 406 and 407 of Public Law 99-335 (100 stat. 610, 611).

(B) The amount to be deposited with respect to an election under this subsection is an amount equal to the sum of—

(i) the additional cost to the System which is associated with providing a survivor annuity under subsection (b) of this section and results from such election taking into account (I) the difference (for the period between the date on which the annuity of the former participant commences and the date of the election) between the amount paid to such former participant under this subchapter and the amount which would have been paid if such election had been made at the time the participant or former participant applied for the annuity, and (II) the costs associated with providing the later election; and

(ii) interest on the additional cost determined under clause (i)(I) of this subparagraph computed using the interest rate specified or determined under section 805(d)(3) for the calendar year in which the amount to be deposited is determined.

(3) An election by a participant under this subsection voids prospectively any election previously made in the case of such participant under subsection (b).

(4) An annuity which is reduced in connection with an election under this subsection shall be reduced by the same percentage reductions as were in effect at the time of the retirement of the participant whose annuity is so reduced.

(5) Rights and obligations resulting from the election of a reduced annuity under this subsection shall be the same as the rights and obligations which would have resulted had the participant involved elected such annuity at the time of retiring.

Sec. 807.[88] **Payment of Annuity.**—(a) [89] (1) Except as otherwise provided in paragraph (2), the annuity of a participant who has met the eligibility requirements for an annuity shall commence on the first day of the month after—

(A) separation from the Service occurs; or

(B) pay ceases and the service and age requirements for entitlement to annuity are met.

(2) The annuity of—

(A) a participant who is retired and is eligible for benefits under section 609(a) or a participant who is retired under section 813 or is otherwise involuntarily separated from the Service, except by removal for cause on charges of misconduct or delinquency,

(B) a participant retiring under section 808 due to a disability, and

(C) a participant who serves 3 days or less in the month of retirement—

shall commence on the day after separation from the Service or the day after pay ceases and the requirements for entitlement to annuity are met.

(b) The annuity to a survivor shall become effective as otherwise specified but shall not be paid until the survivor submits an application for such annuity, supported by such proof of eligibility as the Secretary of State may require. If such application or proof of eligibility is not submitted during the lifetime of an otherwise eligible individual, no annuity shall be due or payable to his or her estate.

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[88] 22 U.S.C. 4047.

[89] Sec. 3(a) of Executive Order 12446 (Oct. 17, 1983; 48 F.R. 48443) amended and restated subsec. (a). This amendment became effective on Nov. 16, 1983.

(c) An individual entitled to annuity from the Fund may decline to accept all or any part of the annuity by submitting a signed waiver to the Secretary of State. The waiver may be revoked in writing at any time. Payment of the annuity waiver may not be made for the period during which the waiver was in effect.

(d) Recovery of overpayments under this chapter may not be made from an individual when, in the judgment of the Secretary of State, the individual is without fault and recovery would be against equity and good conscience or administratively infeasible.

(e)(1) [90] The Secretary of State shall prescribe regulations under which a participant may, at the time of retiring under this subchapter (other than under section 808), elect annuity benefits under this section instead of any other benefits under this subchapter (including survivor benefits) based on the service of the participant.

(2) Subject to paragraph (3), the Secretary of State shall by regulation provide for such alternative forms of annuities as the Secretary considers appropriate, except that among the alternatives offered shall be—

(A) an alternative which provides for—

(i) payment of the lump-sum credit (excluding interest) to the participant; and

(ii) payment of an annuity to the participant for life; and

(B) in the case of a participant who is married at the time of retirement, an alternative which provides for—

(i) payment of the lump-sum credit (excluding interest) to the participant; and

(ii) payment of an annuity to the participant for life, with a survivor annuity payable for the life of a surviving spouse.

(3) Each alternative provided for under paragraph (2) shall, to the extent practicable, be designed such that the total value of the benefits provided under such alternative (including any lump-sum credit) us actuarially equivalent to the value of the annuity which would otherwise be provided the participant under this subchapter, as computed under section 806(a).

(4) A participant who, at the time of retiring under this subchapter—

(A) is married, shall be ineligible to make an election under this section unless a waiver is made under section 806(b)(1)(B); or

(B) has a former spouse, shall be ineligible to make an election under this section if the former spouse is entitled to benefits under this subchapter (based on the service of the participant) unless a waiver has been made under section 806(b)(1)(C).

(5) A participant who is married at the time of retiring under this subchapter and who makes an election under this section may,

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[90] Subsec. (e) was added by sec. 408 of Public Law 99-335 (100 Stat. 612).

during the 18-month period beginning on the date of retirement, make the election provided for under section 806(n), subject to the deposit requirement thereunder.

(6) Notwithstanding any other provision of law, any lump-sum credit provided to an election under this subsection shall not preclude an individual from receiving any other benefits under this subsection.

Sec. 808.[90a] **Retirement for Disability or Incapacity.**—(a) Any participant who has at least 5 years of service credit toward retirement under the System (excluding military and naval service) and who becomes totally disabled or incapacitated for useful and efficient service by reason of disease, illness, or injury (not due to vicious habits, intemperance, or willful conduct of the participant) shall upon his or her own application or upon order of the Secretary, be retired on an annuity computed as prescribed in section 806. If the disabled or incapacitated participant has less than 20 years of service credit toward retirement under the System at the time of retirement, his or her annuity shall be computed on the assumption that the participant has had 20 years of service, except that the additional service credit that may accrue to a participant under this sentence shall in no case exceed the difference between his or her age at the time of retirement and age 65. However, if a participant retiring under this section is receiving retired pay or retainer pay for military service (except that specified in Section 8332(c) (1) or (2) of title 5 of the United States Code) or Veterans' Administration pension or compensation in lieu of such retired or retainer pay, the annuity of that participant shall be computed under this chapter excluding extra credit authorized by this subsection and excluding credit for military service from that computation. If the amount of the annuity so computed, plus the retired or retainer pay which is received, or which would be received but for the application of the limitation in Section 5532 of title 5 of the United States Code, or the Veterans' Administration pension or compensation in lieu of such retired pay or retainer pay, is less than the annuity that would be payable under this chapter in the absence of the previous sentence, an amount equal to the difference shall be added to the annuity computed under this subchapter.[91] [72a]

(b) Before being retired under this section, the participant shall be given a physical examination by one or more duly qualified physicians or surgeons designated by the Secretary of State to conduct examinations. Disability or incapacity shall be determined by the Secretary of State on the basis of the advice of such physicians or surgeons. Unless the disability or incapacity is permanent, like examinations shall be made annually until the annuitant has attained age 65. If the Secretary of State determines on the basis of the advice of one or more duly qualified physicians or surgeons conducting such examinations that an annuitant has recovered to the extent that he or she can return to duty, the annuitant may apply for reinstatement or reappointment in the Service within 1 year from the date recovery is determined. Upon application, the Secretary shall reinstate such recovered annuitant in the class in which the annuitant was serving at time of retirement, or the Secretary may, taking into consideration the age, qualifications, and experience of such annuitant, and the present class of his or her contemporaries in the Service, appoint or recommend that the President appoint the annuitant to a higher class. Payment of the annuity shall continue until a date of 6 months after the date of the examination showing recovery or until the date of reinstatement or reappointment in the Service, whichever is earlier. Fees for examinations under this section, together with reasonable traveling and other expenses incurred in order to submit to examination, shall be paid out of the Fund. If the annuitant fails to submit to examination as required under this subsection, payment of the annuity shall be suspended until continuance of the disability or incapacity is satisfactorily established.

[90a] 22 U.S.C. 4048.

[91] The final two sentences of subsection (a) of sec. 808 were added by sec. 2 of Executive Order 12289, Feb 14, 1981, 46 F.R. 12693.

(c) If a recovered annuitant whose annuity is discontinued is for any reason not reinstated or reappointed in the Service, he or she shall be considered to have been separated within the meaning of section 810 as of the date of retirement for disability or incapacity and shall, after the discontinuance of the annuity, be entitled to the benefits of that section or of section 815, except that he or she may elect voluntary retirement if eligible under section 811.

(d) No participant shall be entitled to receive an annuity under this subchapter [92] and compensation for injury or disability to himself or herself under subchapter I of chapter 81 of title 5, United States Code, covering the same period of time, except that a participant may simultaneously receive both an annuity under this section and scheduled disability payments under section 8107 of title 5, United States Code. This subsection shall not bar the right of any claimant to the greater benefit conferred by either this subchapter [92] or subchapter I of such chapter 8 [93] for any part of the same period of time. Neither this subsection nor any provision of subchapter I of such chapter 8 [93] shall be construed to deny the right of any participant to receive an annuity under this subchapter [92] and to receive concurrently any payment under such subchapter I of such chapter 8 [93] by reason of the death of any other individual.

(e) Notwithstanding any other law, the right of any individual entitled to an annuity under this subchapter [92] shall not be affected because such person has received an award of compensation in a lump sum under section 8135 of title 5, United States Code, except that where such annuity is payable on account of the same disability for which compensation under such section has been paid, so much of such compensation as has been paid for any period extended beyond the date such annuity becomes effective, as determined by the Secretary of Labor, shall be refunded to the Department of Labor, to be paid into the Federal Employees' Compensation Fund. Before such individual receives such annuity, he or she shall—

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[92] The word "subchapter" was substituted for the word "Act" by section 402(b) and (c) of Public Law 99-355 (100 Stat. 609).

[93] The words "subchapter I of such chapter 8" were substituted in lieu of the words "such subchapter" by sec. 402(b)(1)(A) of Public Law 99-355 (100 Stat. 609).

(1) refund to the Department of Labor the amount representing such commuted payments for such extended period, or

(2) authorize the deduction of such amount from the annuity payable under this subchapter [92] which amount shall be transmitted to the Department of Labor for reimbursement to such Fund.

Deductions from such annuity may be made from accrued and accruing payments, or may be prorated against and paid from accruing payments in such manner as the Secretary of Labor shall determine, whenever the Secretary of Labor finds that the financial circumstances of the annuitant warrant deferred refunding.

(f) A claim may be allowed under this section only if the application is filed with the Secretary of State before the participant is separated from the Service or within one year thereafter. This time limitation may be waived by the Secretary of State for a participant who at the date of separation from the Service or within one year thereafter is mentally incompetent, if the application is filed with the Secretary of State within one year from the date of restoration of the participant to competency or the appointment of a fiduciary, whichever is earlier.

Sec. 809.[94] **Death in Service.**—(a) If a participant dies and no claim for annuity is payable under this subchapter,[92] the lump-sum credit shall be paid in accordance with section 815.

(b) If a participant who has at least 18 months of civilian service credit toward retirement under the System dies before retirement or other separation from the Service and is survived by a spouse or former spouse qualifying for an annuity under section 814(b), such surviving spouse shall be entitled to an annuity equal to 55 percent of the annuity computed in accordance with subsections (e) and (g) of this section and section 806(a) and any surviving former spouse shall be entitled to an annuity under section 814(b) as if the participant died after being entitled to an annuity under this subchapter.[72a] If the participant had less than 3 years creditable civilian service at the time of death, the survivor annuity shall be computed on the basis of the average salary for the entire period of such service.

(c) If a participant who has at least 18 months of civilian service credit toward retirement under the System dies before retirement or other separation from the Service and is survived by a spouse and a child or children, each surviving child shall be entitled to an annuity computed in accordance with subsections (c)(1) and (d) of section 806.

(d) If a participant who has at least 18 months of civilian service credit toward retirement under the System dies before retirement or other separation from the Service and is not survived by a spouse, but by a child or children, each surviving child shall be entitled to an annuity computed in accordance with subsections (c)(2) and (d) of section 806.

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[94] 22 U.S.C. 4049.

(e) If, at the time of his or her death, the participant had less than 20 years of service credit toward retirement under the System, the annuity payable in accordance with subsection (b) shall be computed in accordance with section 806 on the assumption he or she has had 20 years of service, except that the additional service credit that may accrue to a deceased participant under this subsection shall in no case exceed the difference between his or her age on the date of death and age 65. In all cases arising under this subsection or subsection (b), (c), (d), or (g), it shall be assumed that the deceased participant was qualified for retirement on the date of death.

(f) If an annuitant entitled to a reduced annuity dies in service after being recalled under section 308 and is survived by a spouse or former spouse entitled to a survivor annuity based on the service of such annuitant, such survivor annuity shall be computed as if the recall service had otherwise terminated on the day of death and the annuity of the deceased had been resumed in accordance with section 823. If such death occurs after the annuitant had completed sufficient recall service to attain eligibility for a supplemental annuity, a surviving spouse or surviving former spouse who was married to the participant at any time during a period of recall service shall be entitled to elect, in addition to any other benefits and in lieu of a refund of retirement contributions made during the recall service, a supplemental survivor annuity computed and paid under section 806(i) as if the recall service had otherwise terminated. If the annuitant had completed sufficient recall service to attain eligibility to have his or her annuity determined anew, a surviving spouse or such a surviving former spouse may elect, in lieu of any other survivor benefit under this chapter, to have the rights of the annuitant redetermined and to receive a survivor annuity computed under subsection (b) on the basis of the total service of the annuitant.

(g) Notwithstanding subsection (b), if the participant or former participant had a former spouse qualifying for an annuity under section 814(b), the annuity of the spouse under this section shall be subject to the limitation of section 806(b)(3)(B).

(h) Annuities that become payable under this section shall commence, terminate, and be resumed in accordance with subsection (b)(4), (e), or (h) of section 806, as appropriate.

Sec. 810.[95] **Discontinued Service Retirement.**—Any participant who voluntarily separates from the Service after obtaining at least 5 years of service credit toward retirement under the System (excluding military and naval service) may upon separation from the Service or at any time prior to becoming eligible for an annuity elect to have his or her contributions to the Fund returned in accordance with section 815, or to leave his or her contributions in the Fund and receive an annuity, computed under section 806, commencing at age 60.

Sec. 811.[96] **Voluntary Retirement.**—Any participant who is at least 50 years of age and has 20 years of creditable service, including at least 5 years of service credit toward retirement under the System (excluding military and naval service), may on his or her own application and with the consent of the Secretary be retired from the Service and receive retirement benefits in accordance with section 806.

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[95] 22 U.S.C. 4050.

[96] 22 U.S.C. 4051.

Sec. 812.[97] **Mandatory Retirement.**—(a) Except as provided in subsection (b), any participant shall be retired from the Service at the end of the month in which the participant has reached age 65 and has at least 5 years of service credit toward retirement under the System (excluding military and naval service), and shall receive retirement benefits in accordance with section 806.

(b)(1) Any participant who is otherwise required to retire under subsection (a) while occupying a position to which he or she was appointed by the President, by and with the advice and consent of the Senate, may continue to serve until that appointment is terminated.

(2) Whenever the Secretary determines it to be in the public interest, any participant who is otherwise required to retire under subsection (a) may be retained on active service for a period not to exceed 5 years.

(3) Any participant who completed a period of service authorized by this subsection shall be retired at the end of the month in which such authorized service is completed.

Sec. 813.[98] **Retirement of Former Presidential Appointees.**—If a participant completes an assignment under section 302(b) in a position to which he or she was appointed by the President and has not been reassigned within 3 months after the termination of such assignment (plus any period of authorized leave), the participant shall be retired from the Service and receive retirement benefits in accordance with section 806.

Sec. 814.[99] **Former Spouses.**—(a)(1) Unless otherwise expressly provided by any spousal agreement or court order under section 820(b)(1), a former spouse of a participant or former participant is entitled to an annuity—

(A) if married to the participant throughout the creditable service of the participant, equal to 50 percent of the annuity of the participant; or

(B) if not married to the participant throughout such creditable service, equal to that former spouse's pro rata share of 50 percent of such annuity.[100]

For the purposes of this paragraph, the term "creditable service" means service which is creditable under subchapter I or II.

(2) A former spouse shall not be qualified for an annuity under this subsection if before the commencement of the annuity the former spouse remarries before becoming 60 years of age.

(3) The annuity of a former spouse under this subsection commences on the later of the day the participant upon whose service the annuity is based becomes entitled to an annuity under this

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[97] 22 U.S.C. 4052. Sec. 2403(d)(1) of this act specified that sec. 812 would be effective on the date of enactment of the act (Oct. 17, 1980).

[98] 22 U.S.C. 4053.

[99] 22 U.S.C. 4054.

[100] The sentence which follows was added by sec. 404(b)(1) of Public Law 99–335 (100 Stat. 610).

chapter on the first day of the month in which the divorce or annulment involved becomes final. The annuity of such former spouse and the right thereto terminate on—

(A) the last day of the month before the former spouse dies or remarries before 60 years of age; or

(B) the date the annuity of the participant terminates (except in the case of an annuity subject to paragraph (5)(B)).

(4) No spousal agreement or court order under section 820(b)(1) involving any participant may provide for an annuity or any combination of annuities under this subsection which exceeds the annuity of the participant, nor may any such court order relating to an annuity under this subsection be given effect if it is issued more than 12 months after the date the divorce or annulment involved becomes final.

(5)(A) The annuity payable to any participant shall be reduced by the amount of an annuity under this subsection paid to any former spouse based upon the service of that participant. Such reduction shall be disregarded in calculating the survivor annuity for any spouse, former spouse, or other survivor under this subchapter,[72a] and in calculating any reduction in the annuity of the participant to provide survivor benefits under subsection (b) or section 806(b)(3).

(B) If any annuitant whose annuity is reduced under subparagraph (A) is recalled to service under section 308, or reinstated or reappointed in the Service in the case of a recovered disability annuitant or if any annuitant is reemployed as provided for under section 824, the salary of that annuitant shall be reduced by the same amount as the annuity would have been reduced if it had continued. Amounts equal to the reductions under this subparagraph shall be deposited in the Treasury of the United States to the credit of the Fund.

(6) Notwithstanding paragraph (3), in the case of any former spouse of a disability annuitant—

(A) the annuity of the former spouse shall commence on the date the participant would qualify on the basis of his or her creditable service for an annuity under this subchapter[72a] (other than a disability annuity) or the date the disability annuity begins, whichever is later, and

(B) the amount of the annuity of the former spouse shall be calculated on the basis of the annuity for which the participant would otherwise so qualify.

(7) An annuity under this subsection shall be treated the same as a survivor annuity under subsection (b) for purposes of section 806(h) or any comparable provision of law.

(b)(1) Subject to any election under section 806(b)(1)(C) and unless otherwise expressly provided by any spousal agreement or court order under section 820(b)(1), if a former participant who is entitled to receive an annuity is survived by a former spouse, the former spouse shall be entitled to a survivor annuity—

(A) if married to the participant throughout the creditable service of the participant, equal to 55 percent of the full amount of the participant's annuity, as computed under section 806(a); or

(B) if not married to the participant throughout such creditable service, equal to that former spouse's pro rata share of 55 percent of the full amount of such annuity.[101] For the purposes of this paragraph, the term 'creditable service' means service which is creditable under subchapter I or II.

(2) A former spouse shall not be qualified for an annuity under this subsection if before the commencement of that annuity the former spouse remarries before becoming 60 years of age.

(3) An annuity payable from the Fund under this subchapter [72a] to a surviving former spouse under this subsection shall commence on the day after the annuitant dies and shall terminate on the last day of the month before the former spouse's death or remarriage before attaining age 60. If such a survivor annuity is terminated because of remarriage, it shall be restored at the same rate commencing on the date such remarriage is terminated if any lump sum paid upon termination of the annuity is returned to the Fund.

(4)(A) The maximum survivor annuity or combination of survivor annuities under this section (and section 806(b)(3)) with respect to any participant or former participant may not exceed 55 percent of the full amount of the participant's annuity, as calculated under section 806(a).

(B) Once a survivor annuity has been provided for under this subsection for any former spouse, a survivor annuity may thereafter be provided for under this subsection (or section 806(b)(3)) with respect to a participant or former participant only for that portion (if any) of the maximum available which is not committed for survivor benefits for any former spouse whose prospective right to such annuity has not terminated by reason of death or remarriage.

(C) After the death of a participant or former participant, a court order under section 820(b)(1) may not adjust the amount of the annuity of any former spouse under this section.

(5)(A) For each full month after a former spouse of a participant or former participant dies or remarries before attaining age 60, the annuity of the participant, if reduced to provide a survivor annuity for that former spouse, shall be recomputed and paid as if the annuity had not been so reduced, unless an election is in effect under subparagraph (B).

(B) Subject to paragraph (4)(B), the participant may elect in writing within one year after receipt of notice of the death or remarriage of the former spouse to continue the reduction in order to provide a higher survivor annuity under section 806(b)(3) for any spouse of the participant.

(c)(1) In the case of any participant or former participant providing a survivor annuity benefit under subsection (b) for a former spouse—

(A) such participant may elect, or

(B) a spousal agreement or court order under section 820(b)(1) may provide for,

an additional survivor annuity under this subsection for any other former spouse or spouse surviving the participant, if the participant satisfactorily passes a physical examination as prescribed by the Secretary of State.

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[101] The sentence which follows was added by sec. 404(b)(2) of Public Law 99-335 (100 Stat. 610).

(2) Neither the total amount of survivor annuity or annuities under this subsection with respect to any participant or former participant, nor the survivor annuity or annuities for any one surviving spouse or former spouse of such participant under this section and section 806, shall exceed 55 percent of the full amount of the participant's annuity, as computed under section 806(a).

(3)(A) In accordance with regulations which the Secretary of State shall prescribe, the participant involved may provide for any annuity under this subsection—

(i) by a reduction in the annuity or an allotment from the salary of the participant,

(ii) by a lump sum payment or installment payments to the Fund, or

(iii) by any combination thereof.

(B) The present value of the total amount to accrue to the Fund under subparagraph (A) to provide any annuity under this subsection shall be actuarially equivalent in value to such annuity, as calculated upon such tables of mortality as may from time to time be prescribed for this purpose by the Secretary of State.

(C) If a former spouse predeceases the participant or remarries before attaining age 60 (or, in the case of a spouse, the spouse does not qualify as a former spouse upon dissolution of the marriage)—

(i) if an annuity reduction or salary allotment under subparagraph (A) is in effect for that spouse or former spouse, the annuity shall be recomputed and paid as if it had not been reduced or the salary allotment terminated, as the case may be, and

(ii) any amount accruing to the Fund under subparagraph (A) shall be refunded, but only to the extent that such amount may have exceeded the actuarial cost of providing benefits under this subsection for the period such benefits were provided, as determined under regulations prescribed by the Secretary of State.

(D) Under regulations prescribed by the Secretary of State, an annuity shall be recomputed (or salary allotment terminated or adjusted), and a refund provided (if appropriate), in a manner comparable to that provided under subparagraph (C), in order to reflect a termination or reduction of future benefits under this subsection for a spouse in the event a former spouse of the participant dies or remarries before attaining age 60 and an increased annuity is provided for that spouse in accordance with this subchapter [72a].

(4) An annuity payable under this subsection to a spouse or former spouse shall commence on the day after the participant dies and shall terminate on the last day of the month before the former spouse's death or remarriage before attaining age 60.

(5) Section 826 shall not apply to any annuity under this subsection, unless authorized under regulations prescribed by the Secretary of State.

(d) Section 806(l) shall not apply—

(1) to any annuity payable under subsection (a) or (b) to any former spouse if the amount of that annuity varies by reason of a spousal agreement or court order under section 820(b)(1),

or an election under section 806(b)(1)(B), from the amount which would be calculated under subsection (a)(1) or (b)(1), as the case may be, in the absence of such spousal agreement, court order, or election; and

(2) to any annuity payable under subsection (c).

Sec. 815.[102] **Lump-Sum Payments.**—(a) Whenever a participant becomes separated from the Service without becoming eligible for an annuity or a deferred annuity under this subchapter [72a], a lump-sum credit shall be paid to the participant (and to any former spouse of the participant, in accordance with subsection (i)).[103] A participant who becomes subject to subchapter II shall be entitled to payment of the lump-sum credit if, and to the extent that, such lump-sum credit relates to service of a type described in clauses (i) through (iii) of section 302(a)(1)(C) of the Federal Employees' Retirement System Act of 1986.

(b) Whenever an annuitant becomes separated from the Service following a period of recall service without becoming eligible for a supplemental or recomputed annuity under section 823, the compulsory contributions of the annuitant to the Fund for such service, together with any special contributions the annuitant may have made for other service performed after the date of separation from the Service which forms the basis for annuity, shall be returned to the annuitant (and any former spouse of the annuitant who was married to the participant during the period of recall service, in accordance with subsection (i)).

(c) If all annuity rights under this chapter based on the service of a deceased participant or annuitant terminate before the total annuity paid equals the lump-sum credit to which the participant or annuitant is entitled, the difference shall be paid in accordance with subsection (f).

(d) If a participant or former participant dies and is not survived by an individual eligible for an annuity under this subchapter [72a] or by such an individual or individuals all of whose annuity rights terminate before a claim for survivor annuity is filed, the lump-sum credit to which the participant or annuitant is entitled shall be paid in accordance with subsection (f).

(e) If an annuitant who was a former participant dies, any annuity accrued and unpaid shall be paid in accordance with subsection (f).

(f) Payments under subsections (c) through (e) shall be paid in the following order of precedence to individuals surviving the participant and alive on the date entitlement to the payment arises, upon the establishment of a valid claim therefor, and such payment shall be a bar to recovery by any other person:

(1) To the beneficiary or beneficiaries last designated by the participant before or after retirement in a signed and witnessed writing filed with the Secretary of State prior to the death of the participant, for which purpose a designation, change, or cancellation of beneficiary in a will or other document which is not so executed and filed shall have no force or effect.

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[102] 22 U.S.C. 4055.

[103] The sentence which follows was added by sec. 413 of Public Law 99-335 (100 stat. 614).

(2) If there is no such beneficiary, to the surviving wife or husband of the participant.

(3) If none of the above, to the child (without regard to the definition in section 804(2)) or children of the participant (including adopted and natural children but not stepchildren) and descendants of deceased children by representation.

(4) If none of the above, to the parents of the participants or the survivor of them.

(5) If none of the above, to the duly appointed executor or administrator of the estate of the participant.

(6) If none of the above, to such other next of kin of the participant as may be determined in the judgment of the Secretary of State to be legally entitled to such payment, except that no payment shall be made under this paragraph until after the expiration of 30 days after the death of the participant or annuitant.

(g) Annuity accrued and unpaid on the death of a survivor annuitant shall be paid in the following order of precedence, and the payment bars recovery by any other person:

(1) To the duly appointed executor or administrator of the estate of the survivor annuitant.

(2) If there is no such executor or administrator, to such person as may be determined by the Secretary of State (after the expiration of 30 days from the date of death of the survivor annuitant) to be entitled under the laws of the domicile of the survivor annuitant at the time of death.

(h)[104] Amounts deducted and withheld from basic salary of a participant under section 805 from the beginning of the first pay period after the participant has completed 35 years of service computed under section 816 (excluding service credit for unused sick leave under section 816(b)), together with interest on the amounts at the rate of 3 percent a year compounded annually from the date of the deduction to the date of retirement or death, shall be applied toward any special contribution due under section 805(d), and any balance not so required shall be refunded in a lump sum to the participant after separation or, in the event of a death in service, to a beneficiary in the order of precedence specified in subsection (f).

(i) Unless otherwise expressly provided by any spousal agreement or court order under section 820(b)(1), the amount of a participant's or former participant's lump-sum credit payable to a former spouse of that participant shall be—

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[104] Sec. 1 of Executive Order 12446 (Oct. 17, 1983; 48 F.R. 48443) provides the following:

"Section 1. *Interest Rates, Deposits, Refunds, and Redeposits.* (a) The second sentence of Section 805(d)(3) of the Act (22 U.S.C. 4045(d)(3)), the first sentence of Section 815(h) (22 U.S.C. 4055(h)), and the first sentence of Section 825(a) (22 U.S.C. 4065(a)), are deemed to be amended to provide that interest shall be compounded at the annual rate of 3 percent per annum through December 31, 1984, and thereafter at a rate equal to the overall average yield to the Fund during the preceding fiscal year from all obligations purchased by the Secretary of the Treasury during such fiscal year under section 819, as determined by the Secretary of the Treasury.

"(b) * * *

"(c) The amendments deemed to be made by section 1 of this Order shall apply (i) to contributions for civilian service performed on or after the first day of the month following issuance of this Order, (ii) to contributions for prior refunds to participants for which application is received by the employing agency on and after such first day of the month, and (iii) to excess contributions under section 815(h) and voluntary contributions under section 825(a) from the first day of the month following issuance of this Order.".

(1) if the former spouse was married to the participant throughout the period of creditable service of the participant, 50 percent of the lump-sum credit to which such participant would be entitled in the absence of this subsection, or

(2) if such former spouse was not married to the participant throughout such creditable service, an amount equal to such former spouse's pro rata share of 50 percent of such lump-sum credit.

The lump-sum credit of the participant shall be reduced by the amount of the lump-sum credit payable to the former spouse.[105] For the purposes of this subsection, the term "creditable service" means service which is creditable under subchapter I or II.

Sec. 816.[106] **Creditable Service.**—(a)[107] (1)[108] Except as otherwise specified by law, all periods of civilian and military and naval service, and all other periods through the date of final separation of a participant from the Service that the Secretary of State determines would be creditable toward retirement under the Civil Service Retirement and Disability System (as determined in accordance with section 8332 of title 5, United States Code), shall be creditable for purposes of this subchapter.[72a] Conversely, any such service performed after December 31, 1976, that would not be creditable under specified conditions under section 8332 of title 5, United States Code, shall be excluded under this chapter under the same conditions.

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[105] The sentence which follows was added by sec. 404(c) of Public Law 99-335 (100 Stat. 610).

[106] 22 U.S.C. 4056.

[107] Sec. 5 of Executive Order 12446 (Oct. 17, 1983; 48 F.R. 48443) provides the following:

"Sec. 5. *Recomputation at Age 62 of Credit for Military Service of Current Annuitants.* (a) Section 816(a) of the Act (22 U.S.C. 4056(a)) is deemed to be further amended so that the provisions of section 8332(j) of Title 5 of the United States Code, relating to credit for military service, shall not apply with respect to any individual who is entitled to an annuity under such Act on or before the date of approval of this Order, or who is entitled to an annuity based on a separation from service occurring on or before such date.

"(b) Subject to subsection (c), in any case in which an individual described in subsection (a) is also entitled to old-age or survivors insurance benefits under section 202 of the Social Security Act (or would be entitled to such benefits upon filing application therefor), the amount of the annuity to which such individual is entitled under chapter 8 of the Act (after taking into account subsection (a)) which is payable for any month shall be reduced by an amount determined by multiplying the amount of such old-age or survivors insurance benefit for the determination month by a fraction—

"(1) the numerator of which is the total of the wages (within the meaning of section 209 of the Social Security Act) for service referred to in section 210(1) of such Act (relating to service in the uniformed services) and deemed additional wages (within the meaning of section 229 of such Act) of such individual credited for years after 1956 and before the calendar year in which the determination month occurs, up to the contribution and benefit base determined under section 280 of the Social Security Act (or other applicable maximum annual amount referred to in section 215(e)(1) of such Act) for each such year, and

"(2) the denominator of which is the total of all wages deemed additional wages described in paragraph (1) of this subsection plus all other wages (within the meaning of section 209 of the Social Security Act) and all self-employment income (within the meaning of section 211(b) of such Act) of such individual credited for years after 1936 and before the calendar year in which the determination month occurs, up to the contribution and benefit base (or such other amount referred to in such section 215(e)(1) of such Act) for each such year.

"(c) Subsection (b) shall not reduce the annuity of any individual below the amount of the annuity which would be payable under chapter 8 of the Act to the individual for the determination month if section 8332(j) of Title 5 of the United States Code applied to the individual for such month.

"(d) For purposes of this section, the term (determination month) means—

"(1) the first month the individual described in subsection (a) is entitled to old-age or survivors insurance benefits under section 202 of the Social Security Act (or would be entitled to such benefits upon filing application therefor); or

"(2) the first day of the month following the month in which this Order is issued in the case of any individual so entitled to such benefits for such month.

"(e) The preceding provisions of this section shall take effect with respect to any annuity payment payable under chapter 8 of the Act for calendar months beginning after the date of this Order.

"(f) The Secretary of Health and Human Services shall furnish such information to the Secretary of State as may be necessary to carry out the preceding provisions of this section.".

[108] Sec. 4(b) of Executive Order 12446 (Oct. 17, 1983; 48 F.R. 48443) inserted the para. designation "(1)" and added a new para. (2), (3), and (4), effective Oct. 17, 1983.

(2)[95] The service of an individual who first becomes a participant on or after the date of this Order without any credit under section 816 for civilian service performed prior to October 1, 1982, shall include credit for:

(A) each period of military or naval service performed before January 1, 1957, and

(B) each period of military or naval service performed after December 31, 1956, and before the separation on which the entitlement to annuity under this subchapter [72a] is based, only if a deposit (with interest if any is required) is made with respect to that period, as provided in section 805(e).

(3) [108] The service of an individual who first became a participant on or after the date of this Order with credit under section 816 for civilian service performed prior to October 1982, shall include credit for each period of military or naval service performed before the date of separation on which the entitlement to an annuity under this subchapter [72a] is based, subject, in the case of military or naval service performed after December 1956, to section 816(j), as deemed to be added by this Order.

(4) [108] The service of an individual who first became a participant before the date of this Order shall include credit for each period of military or naval service performed before the date of the separation on which the entitlement to an annuity under this subchapter [72a] is based, subject, in the case of military or naval service performed after December 1976, to section 816(j), as deemed to be added by this Order.

(b) In computing any annuity under this subchapter, the total service of a participant who retires on an immediate annuity or who dies leaving a survivor or survivors entitled to an annuity includes (without regard to the 35-year limitation imposed by section 806(a)) the days of unused sick leave to the credit of the participant, except that these days shall not be counted in determining average basic salary or annuity eligibility under this subchapter.[72a] A contribution to the Fund shall not be required from a participant for this service credit.

(c)(1) A participant who enters on approved leave without pay to serve as a full-time officer or employee of an organization composed primarily of Government employees may, within 60 days after entering on that leave without pay, file with the employing agency an election to receive full retirement credit for each such periods of leave without pay and arrange to pay concurrently into the Fund through the employing agency, amounts equal to the retirement deductions and agency contributions on the Foreign Service salary rate that would be applicable if the participant were in a pay status. If the election and all payments provided by this subsection are not made for the periods of such leave without pay occurring after November 7, 1976, the participant may not receive any credit for such periods of leave without pay occurring after such date.

(2) A participant may make a special contribution for any period or periods of approved leave without pay while serving before November 7, 1976, as a full-time officer or employee of an organization composed primarily of Government employees. Any such contribution shall be based upon the suspended Foreign Service salary rate and shall be computed in accordance with section 805. A participant who makes such contributions shall be allowed full retirement credit for the period or periods of leave without pay. If this contribution is not made, up to 6 months' retirement credit shall be allowed for such periods of leave without pay each calendar year.

(d) [109] A participant who has received a refund of retirement contributions (which has not been repaid) under this or any other retirement system for Government employees covering service which may be creditable may make a special contribution for such service under section 805. Credit may not be allowed for service covered by the refund unless the special contribution is made.

(e) No credit in annuity computation shall be allowed for any period of civilian service for which a participant made retirement contributions to another retirement system for Government employees unless—

(1) the right to any annuity under the other system which is based on such service is waived, and

(2) a special contribution is made under section 805 covering such service.

(f) A participant who during a period of war, or national emergency proclaimed by the President or declared by the Congress, leaves the Service to enter the military service is deemed, for the purpose of this subchapter,[72a] as not separated from the Service under section 815. However, the participant is deemed to be separated from the Service after the expiration of 5 years of such military service.

(g)(1) An annuity or survivor annuity based on the service of a participant of Japanese ancestry who would be eligible under section 8332(1) of title, 5, United States Code, for credit for civilian service for periods of internment during World War II shall, upon application to the Secretary of State, be recomputed to give credit for that service. Any such recomputation of an annuity shall apply with respect to months beginning more than 30 days after the date on which application for such recomputation is received by the Secretary of State.

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[109] Sec. 1 of Executive Order 12446 (Oct. 17, 1983; 48 F.R. 48443) provides the following:

"Section 1. *Interest Rates, Deposits, Refunds, and Redeposits.* (a) * * *

"(b) Sections 806(a) and 816(d) of the Act (22 U.S.C. 4046(a) and 4056(d)) are deemed to be amended to exclude from the computation of creditable civilian service under section 816(a) of the Act any period of civilian service for which retirement deductions or contribution have not been made under section 805(d) of the Act unless—

"(1) the participant makes a contribution for such period as provided in such section 805(d); or

"(2) no contribution is required for such service as provided under section 805(f) of the Act as deemed to be amended by this Order, or under any other statute.

"(c) The amendments deemed to be made by section 1 of this Order shall apply (i) to contributions for civilian service performed on or after the first day of the month following issuance of this Order, (ii) to contributions for prior refunds to participants for which application is received by the employing agency on and after such first day of the month, and (iii) to excess contributions under section 815(h) and voluntary contributions under section 825(a) from the first day of the month following issuance of this Order."

(2) The Secretary of State shall take such action as many be necessary and appropriate to inform individuals entitled to have any service credited or annuity recomputer under this subsection of their entitlement to such credit or recomputation.

(3) The Secretary of State shall, on request, assist any individual referred to in paragraph (1) in obtaining from any agency or other Government establishment information necessary to verify the entitlement of the individual to have any service credited or any annuity recomputed under this subsection.

(4) Any agency or other Government establishment shall, upon request, furnish to the Secretary of State any information it possesses with respect to the internment or other detention, as described in section 8332(l) of title 5, United States Code, of any participant.

(h) A participant who, while on approved leave without pay, serves as a full-time paid employee of a Member or office of the Congress shall continue to make contributions to the Fund based upon the Foreign Service salary rate that would be in effect if the participant were in a pay status. The participant's employing office in the Congress shall make a matching contribution (from the appropriation or fund which is used for payment of the salary of the participant) to the Treasury of the United States to the credit of the Fund. All periods of service for which full contributions to the Fund are made under this subsection shall be counted as creditable service for purposes of this subchapter [72a] and shall not, unless all retirement credit is transferred, be counted as creditable service under any other Government retirement system.

(i)(1) Service of a participant shall be considered creditable service for purposes of applying provisions of this subchapter [72a] relating to former spouses if such service would be creditable—

(A) under subsection (c) (1) or (2) but for the fact an election was not made under subsection (c)(1) or a special contribution was not made under subsection (c)(2), and

(B) under subsection (d) but for the fact that a refund of contributions has not been repaid unless the former spouse received under this subchapter [72a] a portion of the lump sum (or a spousal agreement or court order provided otherwise).

(2) A former spouse shall not be considered as married to a participant—

(A) for periods assumed to be creditable service under section 808(a) or section 809(e), or

(B) for any extra period of creditable service provided under section 817 for service of a participant at an unhealthful post unless the former spouse resided with the participant at that post during that period.

(j)[110] (1) Except as otherwise provided by statute or Executive Order, Section 8332(j) of Title 5, United States Code, relating to redetermination of credit for military and naval service, shall be applied to annuities payable under this subchapter.[72a] The Secretary of State shall redetermine service, and may request and obtain information from the Secretary of Health and Human Services, as the Office of Personnel Management is directed or authorized to do in Section 8332(j).

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[110] Sec. 4(c) of Executive Order 12466 (Oct. 17, 1983; 48 F.R. 48443) added subsec. (j), effective Oct. 17, 1983.

(2) Section 8332(j) of Title 5, United States Code, shall not apply with respect to:

(A) the service of any individual who first became a participant on or after the date of this Order without any credit under section 816 for civilian service performed prior to October 1982; or

(B) any military or naval service performed prior to 1957 by an individual who first became a participant on or after the date of this Order with credit under section 816 for civilian service performed prior to October 1982, or any period of military or naval service performed after 1956 with respect to which the participant has made a contribution (with interest if any is required) under section 805(e); or

(C) any military or naval service performed prior to 1977 by any individual who first became a participant before the date of this Order or any period of military or naval service performed after 1976 with respect to which the participant had made a contribution (with interest if any is required) under section 805(e).

Sec. 817.[111] **Extra Credit for Service at Unhealthful Posts.**—The Secretary of State may from time to time establish a list of places which by reason of climatic or other extreme conditions are to be classed as unhealthful posts. Each year of duty at such posts, inclusive of regular leaves of absence, shall be counted as one and a half years in computing the length of the service of a participant for the purpose of retirement, fractional months being considered as full months in computing such service. No such extra credit for service at such unhealthful posts shall be credited to any participant who is paid a differential under section 5925 or 5928 of title 5, United States Code, for such service.

Sec. 818.[112] **Estimate of Appropriations Needed.**—The Secretary of the Treasury shall prepare the estimates of the annual appropriations required to be made to the Fund, and shall make actuarial valuations of the System at intervals of not more than five years. The Secretary of State may expend from money to the credit of the Fund an amount not exceeding $5,000 per year for the incidental expenses necessary in administering the provisions of this subchapter,[72a] including actuarial advice.

Sec. 819.[113] **Investment of the Fund.**—The Secretary of the Treasury shall invest from time to time in interest-bearing securities of the United States such portions of the Fund as in the judgment of the Secretary of the Treasury may not be immediately required for the payment of annuities, cash benefits, refunds, and allowances. The income derived from such investments shall constitute a part of the Fund.

Sec. 820.[114] **Assignment and Attachment of Moneys.**—(a)(1) An individual entitled to an annuity from the Fund may make allotments or assignments of amounts from such annuity for such purposes as the Secretary of State in his or her sole discretion considers appropriate.

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[111] 22 U.S.C. 4057.

[112] 22 U.S.C. 4058.

[113] 22 U.S.C. 4059.

[114] 22 U.S.C. 4060.

(2) Notwithstanding section 3477 of the Revised Statutes of the United States (31 U.S.C. 203) or any other law, a member of the Service who is entitled to receive benefits under section 609(b)(1) may assign to any person the whole or any part of those benefits. Any such assignment shall be on a form approved by the Secretary of the Treasury and a copy of such assignment form shall be deposited with the Secretary of the Treasury by the member executing the assignment.

(b)(1)(A) In the case of any participant or annuitant who has a former spouse who is covered by a court order or who is a party to a spousal agreement—

(i) any right of the former spouse to any annuity under section 814(a) in connection with any retirement or disability annuity of the participant, and the amount of any such annuity;

(ii) any right of the former spouse to a survivor annuity under section 814 (b) or (c), and the amount of any such annuity; and

(iii) any right of the former spouse to any payment of a lump-sum credit under section 815 (a) or (b);

shall be determined in accordance with that spousal agreement or court order, if and to the extent expressly provided for in the terms of that spousal agreement or court order.

(B) This paragraph shall not apply in the case of any spousal agreement or court order which, as determined by the Secretary of State—

(i) would provide for a survivor annuity for a spouse or any former spouse of a participant with respect to which there has not been an annuity reduction (or a salary reduction or payment under section 814(c)(3)); or

(ii) is otherwise inconsistent with the requirements of this subchapter.[72a]

(2) Except with respect to obligations between participants and former spouses, payments under this subchapter[72a] which would otherwise be made to a participant or annuitant based upon his or her service shall be paid (in whole or in part) by the Secretary of State to another individual to the extent expressly provided for in the terms of any order or any court decree of legal separation, or the terms of any court order or court-approved property settlement agreement incident to any court decree of legal separation.

(3) Paragraphs (1) and (2) shall apply only to payments made under this subchapter[72a] for periods beginning after the date of receipt by the Secretary of State of written notice of such decree, order, or agreement, and such additional information and such documentation as the Secretary of State may require.

(4) Any payment under this subsection to an individual bars recovery by any other individual.

(5) The 10-year requirement of section 804(b)(6), or any other provision of this subchapter,[72a] shall not be construed to affect the rights any spouse or individual formerly married to a participant or annuitant may have, under any law or rule of law of any State

or the District of Columbia, with respect to an annuity of a participant or annuitant under this subchapter.[72a]

(c) None of the moneys mentioned in this subchapter [72a] shall be assignable either in law or equity, except under subsection (a) or (b) of this section, or subject to execution, levy, attachment, garnishment, or other legal process, except as otherwise may be provided by Federal law.

Sec. 821.[115] **Payments for Future Benefits.**—(a) Any statute which authorizes—

(1) new or liberalized benefits payable from the Fund, under this subchapter [72a], including annuity increases other than under section 825;

(2) extension of the benefits of the System to new groups of employees; or

(3) increases in salary on which benefits are computed;

is deemed to authorize appropriations to the Fund to finance the unfunded liability created by that statute, in 30 equal annual installments with interest computed at the rate used in the then most recent valuation of the System and with the first payment thereof due as of the end of the fiscal year in which each new or liberalized benefit, extension of benefits, or increase in salary is effective.

(b) There is authorized to be appropriated to the Fund for each fiscal year an amount equal to the amount of the Foreign Service normal cost for that year which is not met by contributions to the Fund under section 805(a).

Sec. 822.[116] **Unfunded Liability Obligations.**—(a) At the end of each fiscal year, the Secretary of State shall notify the Secretary of the Treasury of the amount equivalent to—

(1) interest on the unfunded liability computed for that year at the interest rate used in the then most recent valuation of the System, and

(2) that portion of disbursement for annuities for that year which the Secretary of State estimates is attributable to credit allowed for military and naval service, less an amount determined by the Secretary of State to be appropriate to reflect the value of the deposits made to the credit of the Fund under section 805(e).[117]

(b) Before closing the accounts for each fiscal year, the Secretary of the Treasury shall credit such amounts to the Fund, as a Government contribution, out of any money in the Treasury of the United States not otherwise appropriated.

(c) Requests for appropriations to the Fund under section 821(b) shall include reports to the Congress on the sums credited to the Fund under this section.

Sec. 823.[118] **Annuity Adjustment for Recall Service.**—(a) Any annuitant recalled to duty in the Service under section 308(a) shall, while so serving, be entitled in lieu of annuity to the full salary of the class in which serving. During such service the recalled annuitant shall make contributions to the Fund in accordance with section 805. On the day following termination of the recall service, the former annuity shall be resumed, adjusted by any cost-of-living increases under section 825 that became effective during the recall period.

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[115] 22 U.S.C. 4061.

[116] 22 U.S.C. 4062.

[117] Sec. 4(d) of Executive Order 12446 (Oct. 17, 1983; 48 F.R. 48443) added the words to this point beginning with ", less an amount determined * * *". This amendment became effective on Oct. 17, 1983.

[118] 22 U.S.C. 4063.

(b) If the recall service lasts less than one year, the contributions of the annuitant to the Fund during recall service shall be refunded in accordance with section 815. If the recall service lasts more than one year, the annuitant may, in lieu of such refund, elect a supplemental annuity computed under section 806 on the basis of service credit and average salary earned during the recall period irrespective of the number of years of service credit previously earned. If the recall service continues for at least 5 years, the annuitant may elect to have his or her annuity determined anew under section 806 in lieu of any other benefits under this section. Any annuitant who is recalled under section 308 may upon written application count as recall service any prior service that is creditable under section 816 that was performed after the separation upon which his or her annuity is based.

(c) [119] If an annuitant becomes subject to subchapter II of this chapter by reason of recall service—

(1) subsections (a) and (b) shall not apply to such annuitant; and

(2) section 824 shall apply to the recall service as if such service were reemployment.

Sec. 824.[119a] **Reemployment.**—(a)(1)(A) Except in the case of an annuitant who makes an election under subsection (b), if any former participant, who has retired and is receiving an annuity under this subchapter or subchapter II of this chapter, becomes employed in an appointive or elective position in the Government, payment of any annuity under either subchapter to the annuitant shall terminate effective on the date of the employment and the reemployment service shall be covered service under the rules of the system under which the appointment is made.

(B) If the annuity of an individual is terminated under subparagraph (A) and that individual becomes covered under the same retirement system from which that annuity is terminated, that individual shall be entitled to a redetermination of rights under that system upon termination of the employment.

(C) If the annuity is terminated and the individual becomes covered under another contributory retirement system for Government employees pursuant to paragraph (A), the individual shall be entitled to benefits under the rules of that system. In addition, the individual shall be entitled to a resumption of any annuity terminated by reason of the employment.

(b)(1) A participant who is entitled to an annuity under this subchapter or subchapter II of this chapter and becomes employed in an appointive or elective position in the Government on a part-time, intermittent, or temporary basis may elect to continue to receive either or both annuities as provided in this subsection.

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[119] Subsection (c) was added by sec. 409 of Public Law 99-335 (100 Stat 612).

[119a] 22 U.S.C. 4064. This section was comprehensively amended and restated by section 410 of Public Law 99-335 (100 Stat. 613).

Note: Paragraphs a(1)A, a(1)B and a(1)C presumably should read (a)(1), (a)(2) and (a)(3).

(2) The total annuity payable under this chapter to an annuitant making an election under paragraph (1) shall be reduced during the part-time, intermittent, or temporary employment referred to in paragraph (1) as necessary to meet the requirements of paragraph (3).

(3) The sum of—

(A) the total annuity payable under this chapter to an annuitant making an election under paragraph (1), and

(B) the annual rate of pay payable to the annuitant during the part-time, intermittent, or temporary employment referred to in paragraph (1),

may not exceed, in any calendar year, the highest annual rate of pay which is payable during such year for full-time employment in the position in which the annuitant is employed.

(4) Upon termination of the part-time, intermittent, or temporary employment referred to in paragraph (1), payment of the full annuity of an annuitant who has made an election under paragraph (1) of this subsection shall resume.

(c) The amount of annuity which has been terminated or reduced under this section by reason of the reemployment of the annuitant and is resumed under this section shall be the amount of the annuity which would have been payable if the annuitant had not accepted the reemployment. The amount of an annuity resulting from a redetermination of rights pursuant to subsection (a) shall not be less than the amount of an annuity resumed under the previous sentence.

(d) The annuity rights of any participant who is reemployed in the Government shall be determined under this section instead of section 8468 of title 5, United States Code.

(e) When any such retired participant is reemployed, the employer shall send a notice of such reemployment to the Secretary of State, together with all pertinent information relating to such employment, and shall pay directly to such participant the salary of the position in which he or she is serving.

(f) In the event of any overpayment under this section, such overpayment shall be recovered by withholding the amount involved from the salary payable to such reemployed participant or from any other moneys, including annuity payments, payable under this chapter.[120]

Sec. 825.[121] **Voluntary Contributions.**—(a)[122] The voluntary contribution account shall be the sum of unrefunded amounts volun-

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[120] The word "chapter" probably should read "subchapter". See footnote no. 72a.

[121] 22 U.S.C. 4065.

[122] Sec. 1 of Executive Order 12446 (Oct. 17, 1983; 48 F.R. 48443) provides the following:

"Section 1. *Interest Rates, Deposits, Refunds, and Redeposits.* (a) The second sentence of Section 805(d)(3) of the Act (22 U.S.C. 4045(d)(3)), the first sentence of Section 815(h) (22 U.S.C. 4055(h)), and the first sentence of Section 825(a) (22 U.S.C. 4065(a)), are deemed to be amended to provide that interest shall be compounded at the annual rate of 3 percent per annum through December 31, 1984, and thereafter at a rate equal to the overall average yield to the Fund during the preceding fiscal year from all obligations purchased by the Secretary of the Treasury during such fiscal year under section 819, as determined by the Secretary of the Treasury.

"(b) * * *

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tarily contributed prior to the effective date of this Act by any participant or former participant under any prior law authorizing such contributions to the Fund, plus interest compounded at the rate of 3 percent per year to the date of separation from the Service or (in case of participant or former participant separated with entitlement to a deferred annuity) to the date the voluntary contribution account is claimed, the commencing date fixed for the deferred annuity, or the date of death, whichever is earlier. Effective on the date the participant becomes eligible for an annuity or a deferred annuity and at the election of the participant, his or her account shall be—

(1) returned in a lump sum;

(2) used to purchase an additional life annuity;

(3) used to purchase an additional life annuity for the participant and to provide for a cash payment on his or her death to a beneficiary whose name shall be notified in writing to the Secretary of State by the participant; or

(4) used to purchase an additional life annuity for the participant and a life annuity commencing on his or her death payable to a beneficiary whose name shall be notified in writing to the Secretary of State by the participant, with a guaranteed return to the beneficiary or his or her legal representative of an amount equal to the cash payment referred to in paragraph (3).

(b) The benefits provided by subsection (a) (2), (3), or (4) shall be actuarially equivalent in value to the payment provided for by subsection (a)(1) and shall be calculated upon such tables of mortality as may be from time to time prescribed for this purpose by the Secretary of the Treasury.

(c) A voluntary contribution account shall be paid in a lump sum following receipt of an application therefor from a present or former participant if application is filed prior to payment of any additional annuity. If not sooner paid, the account shall be paid at such time as the participant separates from the Service for any reason without entitlement to an annuity or a deferred annuity or at such time as a former participant dies or withdraws compulsory contributions to the Fund. In case of death, the account shall be paid in the order of precedence specified in section 815(f).

Sec. 826.[123] **Cost-of-Living Adjustments of Annuities.**—(a) A cost-of-living annuity increase shall become effective under this section on the effective date of each such increase under section 8340(b) of title 5, United States Code. Each such increase shall be applied to each annuity payable from the Fund under this subchapter [72a] which has a commencing date not later than the effective date of the increase.

"(c) The amendments deemed to be made by section 1 of this Order shall apply (i) to contributions for civil service performed on or after the first day of the month following issuance of this Order, (ii) to contributions for prior refunds to participants for which application is received by the employing agency on and after such first day of the month, and (iii) to excess contributions under section 815(h) and voluntary contributions under section 825(a) from the first day of the month following issuance of this Order."

[123] 22 U.S.C. 4066. The first sentence of subsection (c)(1) of sec. 826 was deemed to be amended and restated by sec. 1 of Executive Order 12289, Feb. 14, 1981, 46 F.R. 12693.

(b) Each annuity increase under this section shall be identical to the corresponding percentage increase under section 8340(b) of title 5, United States Code.

(c) Eligibility for an annuity increase under this section shall be governed by the commencing date of each annuity payable from the Fund as of the effective date of an increase except as follows:

(1) The first increase (if any) made under this section to an annuity which is payable from the Fund under this subchapter [72a] to a participant or to the surviving spouse of a deceased participant who dies in service shall be equal to the product (adjusted to the nearest ⅒ of 1 percent) of—

(a) ⅙ of the applicable percent change determined under Subsection (b) of this Section, multiplied by

(b) the number of full months for which the annuity was payable from the Fund under this subchapter [72a] before the effective date of the increase (counting any portion of a month as a full month).

In the administration of this paragraph, the number of days of unused sick leave to the credit of a participant or deceased participant on the effective date of the then last preceding general annuity increase under this section shall be deemed to be equal to the number of days of unused sick leave to his or her credit on the day of separation from the Service.

(2) Effective from its commencing date, an annuity under this subchapter [72a] payable from the Fund to the survivor of an annuitant, except a child entitled to an annuity under section 806(c) or 809 (c) or (d), shall be increased by the total percentage increase the annuitant was receiving under this section at death.

(3) For purposes of computing or recomputing an annuity to a child under section 806 (c) or (d) or 809 (c) or (d), the items $900, $1,080, $2,700, and $3,240 appearing in section 806(c) shall be increased by the total percentage increases by which correspondence amounts are being increased under section 8340 of title 5, United States Code, on the date the annuity of the child becomes effective.

(d) No increase in annuity provided by this section shall be computed on any additional annuity purchased at retirement by voluntary contributions.

(e) The monthly installment of annuity after adjustment under this section shall be rounded to the next lowest dollar,[124] except such installment shall after adjustment reflect an increase of at least $1.

(f) Effective from its commencing date, there shall be an increase of 10 percent in the annuity of each surviving spouse whose entitlement to annuity resulted from the death of an annuitant who, prior to October 1, 1976, elected a reduced annuity in order to provide a spouse's survivor annuity.

(g) [125] (1) An annuity shall not be increased by reason of any adjustment under this section to an amount which exceeds the greater of—

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[124] Sec. 2(a) of Executive Order 12446 (Oct. 17, 1983; 38 F.R. 48443) substituted the words "rounded to the next lowest" in lieu of the words "fixed at the nearest". Sec. 2(b) of Executive Order 12446 further stated that this amendment "shall be effective with respect to any adjustment or redetermination of any annuity made on or after the date of this Order."

[125] Sec. 6(a) of Executive Order 12446 (Oct. 17, 1983; 48 F.R. 48443) added subsec. (g). Sec. 6(b) of Executive Order 12446 provided the following:

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(A) the maximum pay rate payable for class FS–1 under section 403, 30 days before the effective date of the adjustment under this section; or

(B) the final pay (or average pay, if higher) of the former participant with respect to whom the annuity is paid, increased by the overall annual average percentage adjustments (compounded) in rates of pay of the Foreign Service Schedule under such section 403 during the period—

(i) beginning on the date the annuity commenced (or, in the case of a survivor of the retired participant, the date the participant's annuity commenced), and

(ii) ending on the effective date of the adjustment under this section.

(2) For the purposes of paragraph (1) of this subsection, "pay" means the rate of salary or basic pay as payable under any provision of law, including any provisions of law limiting the expenditure of appropriated funds.

Sec. 827.[126] **Compatibility Between Civil Service and Foreign Service Retirement Systems.**—(a) In order to maintain existing conformity between the Civil Service Retirement and Disability System under subchapter III of chapter 83 of title 5, United States Code, and the Foreign Service Retirement and Disability System, whenever a law of general applicability is enacted which—

(1) affects the treatment of current or former participants, annuitants, or survivors under the Civil Service Retirement and Disability System; and

(2) affects treatment which, immediately prior to the enactment of such law, was substantially identical to the treatment accorded to participants, former participants, annuitants, or survivors under the Foreign Service Retirement and Disability System;

such law shall be extended in accordance with subsection (b) to the Foreign Service Retirement and Disability System so that it applies in like manner with respect to participants, former participants, annuitants, or survivors under that System.

(b) The President shall by Executive order prescribe regulations to implement this section and may make such extension retroactive to a date no earlier than the effective date of the provision of law applicable to the Civil Service Retirement and Disability System. Any provision of an Executive order issued under this section shall modify, supersede, or render inapplicable, as the case may be, to the extent inconsistent therewith—

(1) all provisions of law enacted prior to the effective date of that provision of the Executive order, and

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"(b) The amendment made by subsection (a) of this Section shall not cause any annuity to be reduced below the rate that is payable on the date of approval of this Order, but shall apply to any adjustment occurring on or after April 1, 1983 under Section 826 of the Act to any annuity payable from the Foreign Service Retirement and Disability Fund, whether such annuity has a commencing date before, on, or after the date of this Order."

[126] 22 U.S.C. 4067.

(2) any prior provision of an Executive order issued under this section.

(c)[127] The President shall maintain, under the same conditions and in the same manner as provided in subsections (a) and (b) existing conformity between the Federal Employees' Retirement System provided in chapter 84 of title 5, United States Code, and the Foreign Service Pension System provided in subchapter II of this chapter.

Sec. 828.[128] **Remarriage.**—Notwithstanding any other provision of this subchapter, any benefit payable under this subchapter to a suriving spouse, former spouse, or surviving former spouse that would otherwise terminate or be lost if the individual remarried before 60 years of age, shall not terminate or be lost if the remarriage occurred on or after November 8, 1984, and the individual was 55 years of age or over on the date of the remarriage.

SUBCHAPTER II—FOREIGN SERVICE PENSION SYSTEM[129]

Sec. 851.[129] **Establishment.**—(a) There is hereby established a Foreign Service Pension System.

(b) Except as otherwise specifically provided in this subchapter or any other provision of law, the provisions of chapter 84 of title 5, United States Code, shall apply to all participants in the Foreign Service Pension System and such participants shall be treated in all respects similar to persons whose participation in the Federal Employees' Retirement System provided in that chapter is required.

Sec. 852.[129] **Definitions.**—As used in this subchapter, unless otherwise specified—

(1) the term "court order" has the same meaning given in section 804(4);

(2) the term "Fund" means the Foreign Service Retirement and Disability Fund maintained by the Secretary of the Treasury pursuant to section 802;

(3) the term "normal cost" means the entry-age normal cost of the provisions of the System which relate to the Fund, computed by the Secretary of State in accordance with generally accepted actuarial practice and standards (using dynamic assumptions) and expressed as a level percentage of aggregate basic pay;

(4) the term "participant" means a person who participates in the Foreign Service Pension System;

(5) the term "pro rata share" in the case of any former spouse of any participant or former participant means the percentage which is equal to the percentage that (A) the number of years during which the former spouse was married to the participant during the service of the participant which is creditable under this chapter is of (B) the total number of years of such service, disregarding extra credit under section 817;

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[127] Subsection (c) was added by sec. 411 of Public Law 99-335 (100 Stat. 614).

[128] Section 828 was added by sec. 412 of Public Law 99-335 (100 Stat. 614).

[129] Subchapter II and the sections contained therein were added by section 415 of Public Law 99-335 (100 Stat. 615).

(6) the term "supplemental liability" means the estimated excess of—

(A) the actuarial present value of all future benefits payable from the Fund under this subchapter based on the service of participants or former participants, over

(B) the sum of—

(i) the actuarial present value of (I) deductions to be withheld from the future basic pay of participants pursuant to section 856 and (II) contributions for past civilian and military service;

(ii) the actuarial present value of future contributions to be made pursuant to section 857;

(iii) the Fund balance as of the date the supplemental liability is determined, to the extent that such balance is attributable—

(I) to the System, or

(II) to the contributions made under the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 (5 U.S.C. 8331 note); and

(iv) any other appropriate amount, as determined by the Secretary of State in accordance with generally accepted actuarial practices and principles; and

(7) the term "System" means the Foreign Service Pension System.

Sec. 853.[129] **Participants.**—(a) Except for persons excluded by subsection (b), (c), or (d), all members of the Foreign Service, any of whose service after December 31, 1983, is employment for the purpose of title II of the Social Security Act and chapter 21 of the Internal Revenue Code of 1954, who would, but for this section, be participants in the Foreign Service Retirement and Disability System pursuant to section 803 shall instead be participants in the Foreign Service Pension System.

(b) Members of the Service who were participants in the Foreign Service Retirement and Disability System on or before December 31, 1983, and who have not had a break in service in excess of one year since that date, are not made participants in the System by this section, without regard to whether they are subject to title II of the Social Security Act.

(c) Individuals who become members of the Service after having completed at least 5 years of civilian service creditable under subchapter I, subchapter III of chapter 83 of title 5, United States Code (the Civil Service Retirement System), or title II of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (determined without regard to any deposit or redeposit requirement under any such subchapter or title, any requirement that the individual become subject to such subchapter or title after performing the service involved, or any requirement that the individual give notice in writing to the official by whom such individual is paid of such individual's desire to become subject to such subchapter or title) are not participants in the System, except to the extent provided for under title III of the Federal Employees' Retirement System Act of 1986 pursuant to an election under such title to become subject to this subchapter (under regulations issued by the Secretary of State pursuant to section 860).

(d) The Secretary may exclude from the operation of this subchapter any member of the Foreign Service, or group of members, whose employment is temporary or intermittent, except a member whose employment is part-time career appointment or career candidate appintment under section 306.

Sec. 854.[129] **Creditable Service.**—(a) For purposes of this subchapter, creditable service of a participant includes—

(1) service as a participant after December 31, 1986;

(2) service with respect to which deductions and withholdings under section 204(a)(2) of the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 have been made; and

(3) except as provided in subsection (b), any civilian service performed before January 1, 1989 (other than service under paragraph (1) or (2)), which, but for the amendment made by section 414 of the Federal Employees' Retirement System Act of 1986, would be creditable under subchapter I (determined without regard to any deposit or redeposit requirement under such subchapter, subchapter III of chapter 83 of title 5, United States Code (the Civil Service Retirement System), or title II of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, any requirement that the individual become subject to such subchapter or title after performing the service involved, or any requirement that the individual give notice in writing to the official by whom such individual is paid of such individual's desire to become subject to such subchapter or title).

(b)(1) A participant who has received a refund of retirement deductions under subchapter I with respect to any service described in subsection (a)(3) may not be allowed credit for such service under this subchapter unless such participant deposits into the Fund an amount equal to 1.3 percent of basic pay for such service, with interest.

(2) A participant may not be allowed credit under this subchapter for any service described in subsection (a)(3) for which retirement deductions under subchapter I have not been made, unless such participant deposits into the Fund an amount equal to 1.3 percent of basic pay for such service, with interest.

(3) Interest under paragraph (1) or (2) shall be computed in accordance with section 805(d) and regulations issued by the Secretary of State.

(c) Credit shall be given under this System to a participant for a period of prior satisfactory service as—

(1) a volunteer or volunteer leader under the Peace Corps Act (22 U.S.C. 2501 et seq.),

(2) a volunteer under part A of title VIII of the Economic Opportunity Act of 1964, or

(3) a full-time volunteer for a period of service of at least one year's duration under part A, B, or C of title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.),

if the participant makes a payment to the Fund equal to 3 percent of pay received for the volunteer service (as determined in accordance with regulations of the Secretary of State consistent with regulations for making corresponding determinations under chapter

83, title 5, United States Code) together with interest determined under regulations issued by the Secretary of State.

(d) Credit shall be given under this System to a participant for a period of prior service under the Federal Employees' Retirement System (described in chapter 84 of title 5, United States Code) or under title III of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees if the participant waives credit under the other retirement system and makes a payment to the Fund equal to the amount which would have been deducted from pay under section 856(a) had the individual been a participant during the prior creditable service under the other retirement system together with interest on such amount computed in accordance with regulations issued by the Secretary of State.

Sec. 855.[129] **Entitlement to Annuity.**—(a)(1) Any participant may be retired under the conditions specified in section 811 and shall be retired under the conditions specified in sections 812 and 813 and receive benefits under this subchapter.

(2) For the purposes of this subsection—

(A) the term "participant", as used in the sections referred to in paragraph (1), means a participant in the Foreign Service Pension System; and

(B) the term "System", as used in those sections, means the Foreign Service Pension System.

(b)(1) Any participant who retires voluntarily or mandatorily under section 607, 608, 811, 812, or 813 under conditions authorizing an immediate annuity for participants in the Foreign Service Retirement and Disability System and who has completed at least 5 years of service subject to this chapter shall be entitled to an immediate annuity computed under paragraph (2).

(2) An annuity under paragraph (1) shall be computed—

(A) for all service earned while a participant in this System, at the rate stated in section 8415(d) of title 5, United States Code; and

(B) for all service earned while a participant in another retirement system creditable under section 854(d), at the rate which would have been applicable to the individual had the individual remained a participant in the other system; and

(C) for all volunteer service creditable under section 854(c), at the rate stated in section 8415(a) of title 5, United States Code.

(c) A participant who is entitled to an immediate annuity under subsection (b) shall be entitled to receive an annuity supplement while the annuitant is under 62 years of age. The annuity supplement shall be based on the total creditable service of the annuitant and shall be computed in accordance with sections 8421(b) and 8421a of title 5, United States Code, as if the participant were a law enforcement officer retired under section 8412(d) of such title.

(d) Any participant who is separated for cause under section 610 shall not be entitled to an annuity under this System when the Secretary determines that the separation was based in whole or in part on disloyalty to the United States.

Sec. 856.[129] **Deductions and Withholdings From Pay.**—(a) The employing agency shall deduct and withhold from basic pay of each participant a percentage of basic pay equal to 7½ percent minus the percentage then in effect under section 3101(a) of the Internal Revenue Code of 1954 (relating to the rate of tax for old age, survivors and disability insurance).

(b) Each participant is deemed to consent and agree to the deductions under subsection (a). Notwithstanding any law or regulation affecting the pay of a participant, payment less such deductions is a full and complete discharge and acquittance of all claims and demands for regular services during the period covered by the payment, except the right to any benefits under this subchapter based on the service of the participant.

(c) Amounts deducted and withheld under this section shall be deposited in the Treasury of the United States to the credit of the Fund under such procedures as the Comptroller General of the United States may prescribe.

(d) Under such regulations as the Secretary of State may issue, amounts deducted under subsection (a) shall be entered on individual retirement records.

Sec. 857.[129] **Government Contributions.**—(a) Each agency employing any participant shall contribute to the Fund the amount computed in a manner similar to that used under section 8423(a) of title 5, United States Code, pursuant to determinations of the normal cost percentage for the Foreign Service Pension System by the Secretary of State.

(b)(1) The Secretary of State shall compute the amount of the supplemental liability of the Fund as of the close of each fiscal year beginning after September 30, 1987. The amount of any such supplemental liability shall be amortized in 30 equal annual installments with interest computed at the rate used in the most recent valuation of the System.

(2) At the end of each fiscal year, the Secretary of State shall notify the Secretary of the Treasury of the amount of the installment computed under this subsection for such year.

(3) Before closing the accounts for a fiscal year, the Secretary of the Treasury shall credit to the Fund, as a Government contribution, out of any money in the Treasury of the United States not otherwise appropriated, the amount under paragraph (2) of this subsection for such year.

Sec. 858.[129] **Cost-of-Living Adjustments.**—Cost-of-living adjustments for annuitants under this System shall be granted under procedures in section 8462 of title 5, United States Code, in the same manner as such adjustments are made for annuitants referred to in subsection (c)(3)(B)(ii) of such section.

Sec. 859.[129] **General and Administrative Provisions.**—(a) The Secretary of State shall adminster the Foreign Service Pension System except for matters relating to the Thrift Savings Plan provided in subchapter III and VI of chapter 84 of title 5, United States Code. The Secretary of State shall, with respect to the Foreign Service Pension System, perform the functions and exercise the authority vested in the Office of Personnel Management or the Director of such Office by such chapter 84 and may issue regulations for such purposes.

(b) Determinations of the Secretary of State under the Foreign Service Pension System which, if made by the Office of Personnel Management under chapter 84 title 5, United States Code, or the

Director of such Office, would be appealable to the Merit Systems Protection Board, except that determinations of disability for participants shall be based upon the standards in section 808 (other than the exclusion for vicious habits, intemperance, or willful misconduct) and subject to review in the same manner as under that section.

(c) At least every 5 years, the Secretary of the Treasury shall prepare periodic valuations of the Foreign Service Pension System and shall advise the Secretary of State of (1) the normal cost of the System, (2) the supplemental liability of the System, and (3) the amounts necessary to finance the costs of the System.

Sec. 860.[129] **Transition Provisions.**—The Secretary of State shall issue regulations providing for the transition from the Foreign Service Retirement and Disability System to the Foreign Service Pension System in a manner comparable to the transition of employees subject to subchapter III of chapter 83 of title 5, United States Code (the Civil Service Retirement System), to the Federal Employees' Retirement System. For this and related purposes, references made to participation in subchapter III of chapter 83 of title 5, United States Code (the Civil Service Retirement System), the Social Security Act, and the Internal Revenue Code of 1954 shall be deemed to refer to participation in the Foreign Service Pension System or the Foreign Service Retirement and Disability System, as appropriate.

Sec. 861.[129] **Former Spouses.**—(a)(1)(A) Unless otherwise expressly provided by any spousal agreement or court order governing disposition of benefits under this subchapter, a former spouse of a participant or former participant is entitled, during the period described in subchapter (B), to a share (determined under paragraph (2)) of all benefits otherwise payable to such participant under this subchapter if such former spouse was married to the participant for at least 10 years during service of the participant which is creditable under this chapter with at least 5 of such years occurring while the participant was a member of the Foreign Service.

(B) The period referred to in subparagraph (A) is the period which begins on the first day of the month following the month in which the divorce or annulment becomes final and ends on the last day of the month before the former spouse dies or remarries before 55 years of age.

(2) The share referred to in paragraph (1) equals—

(A) 50 percent, if such former spouse was married to the participant throughout the actual years of service of the participant which are creditable under this chapter; or

(B) a pro rata share of 50 percent, if such former spouse was not married to the participant throughout such creditable service.

(3) A former spouse shall not be qualified for any benefit under this subsection if, before the commencement of any benefit, the former spouse remarries before becoming 55 years of age.

(4)(A) For purposes of the Internal Revenue Code of 1954, payments to a former spouse under this section shall be treated as income to the former spouse and not to the participant.

(B) Any reduction in payments to a participant or former participant as a result of payments to a former spouse under this subsection shall be disregarded in calculating—

(i) the survivor annuity for any spouse, former spouse, or other survivor under this subchapter, and

(ii) any reduction in the annuity of the participant to provide survivor benefits under this subchapter.

(5) Notwithstanding subsection (a)(1), in the case of any former spouse of a disability annuitant—

(A) the annuity of the former spouse shall commence on the date the participant would qualify, on the basis of his or her creditable service, for an annuity under this chapter (other than a disability annuity) or the date the disability annuity begins, whichever is later, and

(B) the amount of the annuity of the former spouse shall be calculated on the basis of the annuity for which the participant would otherwise so qualify.

(6)(A) Except as provided in subparagraph (B), any former spouse who becomes entitled to receive any benefit under this subchapter which would otherwise be payable to a participant or former participant shall be entitled to make any election regarding method of payment to such former spouse that such participant would have otherwise been entitled to elect, and the participant may elect an alternate method for the remaining share of such benefits. Such elections shall not increase the actuarial present value of benefits expected to be paid under this subchapter.

(B) A former spouse may not elect a method of payment under subchapter II, chapter 84 of title 5, United States Code, providing for payment of a survivor annuity to any survivor of the former spouse.

(7) The maximum amount payable to any former spouse pursuant to this subsection shall be the difference, if any, between 50 percent of the total benefits authorized to be paid to a former participant by this subchapter, disregarding any apportionment of these benefits to others, and the aggregate amount payable to all others at any one time.

(b)(1) Unless otherwise expressly provided for by any spousal agreement or court order governing survivorship benefits under this subchapter to a former spouse married to a participant or former participant for the periods specified in subsection (a)(1)(A), such former spouse is entitled to a share, determined under subsection (b)(2), of all survivor benefits that would otherwise be payable under this subchapter to an eligible surviving spouse of the participant.

(2) The share referred to in subsection (b)(1) equals—

(A) 100 percent if such former spouse was married to the participant throughout the entire period of service of the participant which is creditable under this chapter; or

(B) a pro rata share of 100 percent if such former spouse was not married to the participant throughout such creditable service.

(c) A participant or former participant may not make any election or modification of election under section 8417, 8418, or 8433 of title 5, United States Code, or other section relating to the participant's account in the Thrift Savings Plan or annuity under the basic plan that would diminish the entitlement of a former spouse to any benefit granted to the former spouse by this section or in a current spousal agreement.

(d) If a member becomes a participant under this subchapter after qualifying for benefits under subchapter I and, at the time of transfer, has a former spouse entitled to benefits under subchapter I which are determined under section 814 or 815 (as determined by the Secretary of State) and are similar in amount to a pro rata share division under section 814 or 815 and the service of the member as a participant under this subchapter is not recognized in determining that pro rata share, then subsections (a) and (b) of this section shall not apply to such former spouse. Otherwise, subsections (a) and (b) of this section shall apply.

(e) If a participant dies after completing at least 18 months of service or a former participant dies entitled to a deferred annuity, but before becoming eligible to receive the annuity, and such participant or former participant has left with the Secretary of State a spousal agreement promising a share of a survivor annuity under subchapter IV, chapter 84, title 5, United States Code, to a former spouse, such survivor annuity shall be paid under the terms of this subchapter as if the survivor annuity had been ordered by a court.

Sec. 862.[129] SPOUSAL AGREEMENTS.—A spousal agreement is any written agreement (properly authenticated as determined by the Secretary of State) between a participant or former participant and his or her spouse or former spouse on file with the Secretary of State. A spousal agreement shall be consistent with the terms of this Act and applicable regulations and, if executed at the time a participant or former participant is currently married, shall be approved by such current spouse. It may be used to fix the level of benefits payable under this subchapter to a spouse or former spouse.

CHAPTER 9--TRAVEL, LEAVE, AND OTHER BENEFITS

Sec. 901.[130] **Travel and Related Expenses.**—The Secretary may pay the travel and related expenses of members of the Service and their families, including costs or expenses incurred for—

(1) proceeding to and returning from assigned posts of duty;

(2) authorized or required home leave;

(3) family members to accompany, precede, or follow a member of the Service to a place of temporary duty;

(4) representational travel within the country to which the member of the Service is assigned or, when not more than one family member participates, outside such country;

(5) obtaining necessary medical care for an illness, injury, or medical condition while abroad in a locality where there is no suitable person or facility to provide such care (without regard to those laws and regulations limiting or restricting the furnishing or payment of transportation and traveling expenses), as well as expenses for—

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[130] U.S.C. 4081.

(A) an attendant or attendants for a member of the Service or a family member who is too ill to travel unattended or for a family member who is too young to travel alone, and

(B) a family member incapable of caring for himself or herself if he or she remained at the post at which the member of the Service is serving;

(6) rest and recuperation travel of members of the Service who are United States citizens, and members of their families, while serving at locations abroad specifically designated by the Secretary for purposes of this paragraph, to—

(A) other locations abroad having different social, climatic, or other environmental conditions than those at the post at which the member of the Service is serving, or

(B) locations in the United States;

except that, unless the Secretary otherwise specifies in extraordinary circumstances, travel expenses under this paragraph shall be limited to the cost for a member of the Service, and for each member of the family of the member, of 1 round trip during any continuous 2-year tour unbroken by home leave and of 2 round trips during any continuous 3-year tour unbroken by home leave;

(7) removal of the family members of a member of the Service, and the furniture and household and personal effects (including automobiles) of the family, from a Foreign Service post where there is imminent danger because of the prevalence of disturbed conditions, and the return of such individuals, furniture, and effects to such post upon the cessation of such conditions, or to such other Foreign Service post as may in the meantime have become the post to which the member of the Service has been reassigned;

(8) trips by a member of the Service for purposes of family visitation in situations where the family of the member is prevented by official order from accompanying the member to, or has been ordered from, the assigned post of the member because of imminent danger due to the prevalence of disturbed conditions, except that—

(A) with respect to any such member whose family is located in the United States, the Secretary may pay the costs and expenses for not to exceed two round trips in a 12-month period; and

(B) with respect to any such member whose family is located abroad, the Secretary may pay such costs and expenses for trips in a 12-month period as do not exceed the cost of 2 round trips (at less than first class) to the District of Columbia;

(9) round-trip travel from a location abroad for purposes of family visitation in emergency situations involving personal hardship;

(10) preparing and transporting to the designated home in the United States or to a place not more distant, the remains of a member of the Service, or of a family member of a member of the Service, who dies abroad or while in travel status;

(11) transporting the furniture and household and personal effects of a member of the Service (and of his or her family) to successive posts of duty and, on separation of a member from the Service, to the place where the member will reside (or if the member has died, to the place where his or her family will reside);

(12) packing and unpacking, transporting to and from a place of storage, and storing the furniture and household and personal effects of a member of the Service (and of his or her family)—

(A) when the member is absent from his or her post of assignment under orders or is assigned to a Foreign Service post to which such furniture and household and personal effects cannot be taken or at which they cannot be used, or when it is in the public interest or more economical to authorize storage;

(B) in connection with an assignment of the member to a new post, except that costs and expenses may be paid under this subparagraph only for the period beginning on the date of departure from his or her last post or (in the case of a new member) on the date of departure from the place of residence of the member and ending on the earlier of the date which is 3 months after arrival of the member at the new post or the date on which the member establishes residence quarters; and

(C) in connection with separation of the member from the Service, except that costs or expenses may not be paid under this subparagraph for storing furniture and household and personal effects for more than 3 months;

(13) transporting, for or on behalf of a member of the Service, a privately owned motor vehicle in any case in which the Secretary determines that water, rail, or air transportation of the motor vehicle is necessary or expedient for all or any part of the distance between points of origin and destination, but transportation may be provided under this paragraph for only one motor vehicle of a member during any 48-month period while the member is continuously serving abroad, except that another motor vehicle may be so transported as a replacement for such motor vehicle if such replacement—

(A) is determined, in advance, by the Secretary to be necessary for reasons beyond the control of the members and in the interest of the Government, or

(B) is incident to a reassignment when the cost of transporting the replacement motor vehicle does not exceed the cost of transporting the motor vehicle that is replaced;

(14) the travel and relocation of members of the Service, and members of their families, assigned to or within the United States (or any territory or possession of the United States or the Commonwealth of Puerto Rico), including assignments under subchapter VI of chapter 33 of title 5, United States Code (notwithstanding section 3375(a) of such title, if an agreement similar to that required by section 3375(b) of such title is executed by the member of the Service); and

(15) 1 round-trip per year for each child below age 21 of a member of the Service assigned abroad—

(A) to visit the member abroad if the child does not regularly reside with the member and the member is not receiving an education allowance or educational travel allowance for the child under section 5924(4) of title 5, United States Code; or

(B) to visit the other parent of the child if the other parent resides in a country other than the country to which the member is assigned and the child regularly resides with the member and does not regularly attend school in the country in which the other parent resides,

except that a payment under this paragraph may not exceed the cost of round-trip travel between the post to which the member is assigned and the port of entry in the contiguous 48 States which is nearest to that post.

Sec. 902.[131] **Loan of Household Effects.**—The Secretary may, as a means of eliminating transportation costs, provide members of the Service with basic household furnishing and equipment for use on a loan basis in personally owned or leased residences.

Sec. 903.[132] **Required Leave in the United States.**—(a) The Secretary may order a member of the Service who is a citizen of the United States to take a leave of absence under section 6305 of title 5, United States Code (without regard to the introductory clause of subsection (a) of that section), upon completion by that member of 18 months of continuous service abroad. The Secretary shall order on such a leave of absence a member of the Service who is a citizen of the United States as soon as possible after completion by that member of 3 years of continuous service abroad.

(b) Leave ordered under this section may be taken in the United States, its territories and possessions, or the Commonwealth of Puerto Rico.

(c) While on a leave of absence ordered under this section, the services of any member of the Service shall be available for such work or duties in the Department or elsewhere as the Secretary may prescribe, but the time of such work or duties shall not be counted as leave.

Sec. 904.[133] **Health Care.**—(a) The Secretary of State shall establish a health care program to promote and maintain the physical and mental health of members of the Service, and (when incident to service abroad) other designated eligible Government employees, and members of the families of such members and employees.

(b) Any such health care program may include (1) medical examinations for applicants for employment, (2) medical examinations and inoculations or vaccinations, and other preventive and remedial care and services as necessary, for members of the Service and employees of the Department who are citizens of the United States and for members of their families, and (3) examinations necessary in order to establish disability or incapacity of participants in the Foreign Service Retirement and Disability System or to provide survivor benefits under chapter 8.

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[131] 22 U.S.C. 4082.

[132] 22 U.S.C. 4083.

[133] 22 U.S.C. 4084. Sec. 122 of Public Law 99-93 [99 Stat. 405] amended subsection (a), by striking out "may" and inserting in lieu thereof "shall"; and subsection (b), by inserting ", and other preventive and remedial care and services as necessary," after "inoculations or vaccinations"; and by amending subsection (d) which previously read as follows:

(d) If an individual eligible for health care under this section incurs an illness, injury, or medical condition while abroad which requires hospitalization or similar treatment, the Secretary may pay all or part of the cost of such treatment. Limitations on such payments established by regulation may be waived whenever the Secretary determines that the illness, injury, or medical condition clearly was caused or materially aggravated by the fact that the individual concerned is or has been located abroad.

(c) The Secretary of State may establish health care facilities and provide for the services of physicians, nurses, or other health care personnel at Foreign Service posts abroad at which, in the opinion of the Secretary of State, a sufficient number of Government employees are assigned to warrant such facilities or services.

(d) If an individual eligible for health care under this section incurs an illness, injury, or medical condition which requires treatment while assigned to a post abroad located overseas pursuant to Government authorization, the Secretary may pay the cost of such treatment.

(e) Health care may be provided under this section to a member of the Service or other designated eligible Government employee after the separation of such member or employee from Government service. Health care may be provided under this section to a member of the family of a member of the Service or of a designated eligible Government employee after the separation from Government service or the death of such member of the Service or employee or after dissolution of the marriage.

(f) The Secretary of State shall review on a continuing basis the health care program provided for in this section. Whenever the Secretary of State determines that all or any part of such program can be provided for as well and as cheaply in other ways, the Secretary may, for such individuals, locations, and conditions as the Secretary of State deems appropriate, contract for health care pursuant to such arrangements as the Secretary deems appropriate.

Sec. 905.[134] **Representation Expenses.**—Notwithstanding section 5536 of title 5, United States Code, the Secretary may provide for official receptions and may pay entertainment and representational expenses (including expenses of family members) to enable the Department and the Service to provide for the proper representation of the United States and its interests. In carrying out this section, the Secretary shall, to the maximum extent practicable, provide for the use of United States products, including American wine.

Sec. 906.[135] **Entitlement To Vote in a State in a Federal Election.**—(a) Except as provided in subsection (b) and in such manner as shall be otherwise authorized by a State or other jurisdiction within the territory of the United States, a member of the Service residing outside the United States shall, in addition to any entitlement to vote in a State in a Federal election under section 3 of the Overseas Citizens Voting Rights Act (42 U.S.C. 1973dd-1), be entitled to vote in a Federal election in the State in which such member was last domiciled immediately before entering the Service if such member—

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[134] 22 U.S.C. 4085.

[135] 22 U.S.C. 4086. Sec. 129(a) of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (Public Law 98-164; 97 Stat. 1027) added sec. 906.

(1) makes an election of that State;

(2) notifies that State of such election and notifies any other States in which he or she is entitled to vote of such election; and

(3) otherwise meets the requirements of such Act.

(b) The provisions of subsection (a) shall apply only to an individual who becomes a member of the Service on or after the date of enactment of this section and shall not apply to an individual who registers to vote in a State in which he is entitled to vote under section 3 of Overseas Citizens Voting Rights Act.

CHAPTER 10—LABOR-MANAGEMENT RELATIONS

Sec. 1001.[136] **Labor-Management Policy.**—The Congress finds that—

(1) experience in both private and public employment indicates that the statutory protection of the right of workers to organize, bargain collectively, and participate through labor organizations of their own choosing in decisions which affect them—

(A) safeguards the public interest,

(B) contributes to the effective conduct of public business, and

(C) facilitates and encourages the amicable settlement of disputes between workers and their employers involving conditions of employment;

(2) the public interest demands the highest standards of performance by members of the Service and the continuous development and implementation of modern and progressive work practices to facilitate improved performance and efficiency; and

(3) the unique conditions of Foreign Service employment require a distinct framework for the development and implementation of modern, constructive, and cooperative relationships between management officials and organizations representing members of the Service.

Therefore, labor organizations and collective bargaining in the Service are in the public interest and are consistent with the requirement of an effective and efficient Government. The provisions of this chapter should be interpreted in a manner consistent with the requirement of an effective and efficient Government.

Sec. 1002.[137] **Definitions.**—As used in this chapter, the term—

(1) "Authority" means the Federal Labor Relations Authority, described in section 7104(a) of title 5, United States Code;

(2) "Board" means the Foreign Service Labor Relations Board, established by section 1006(a);

(3) "collective bargaining" means the performance of the mutual obligation of the management representative of the De-

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[136] 22 U.S.C. 4101.

[137] 22 U.S.C. 4102.

partment and of the exclusive representative of employees to meet at reasonable times and to consult and bargain in a good-faith effort to reach agreement with respect to the conditions of employment affecting employees, and to execute, if requested by either party, a written document incorporating any collective bargaining agreement reached, but this obligation does not compel either party to agree to a proposal or to make a concession;

(4) "collective bargaining agreement" means an agreement entered into as a result of collective bargaining under the provisions of this chapter;

(5) "conditions of employment" means personnel policies, practices, and matters, whether established by regulation or otherwise, affecting working conditions, but does not include policies, practices, and matters—

(A) relating to political activities prohibited abroad or prohibited under subchapter III of chapter 73 of title 5, United States Code;

(B) relating to the designation or classification of any position under section 501;

(C) to the extent such matters are specifically provided for by Federal statute; or

(D) relating to Government-wide or multiagency responsibility of the Secretary affecting the rights, benefits, or obligations of individuals employed in agencies other than those which are authorized to utilize the Foreign Service personnel system;

(6) "confidential employee" means an employee who acts in a confidential capacity with respect to an individual who formulates or effectuates management policies in the field of labor-management relations;

(7) "dues" means dues, fees, and assessments;

(8) "employee" means—

(A) a member of the Service who is a citizen of the United States, wherever serving, other than a management official, a confidential employee, a consular agent, or any individual who participates in a strike in violation of section 7311 of title 5, United States Code; or

(B) a former member of the Service as described in subparagraph (A) whose employment has ceased because of an unfair labor practice under section 1015 and who has not obtained any other regular and substantially equivalent employment, as determined under regulations prescribed by the Board;

(9) "exclusive representative" means any labor organization which is certified as the exclusive representative of employees under section 1011;

(10) "General Counsel" means the General Counsel of the Authority;

(11) "labor organization" means an organization composed in whole or in part of employees, in which employees participate and pay dues, and which has as a purpose dealing with the Department concerning grievances (as defined in section 1101) and conditions of employment, but does not include—

(A) an organization which, by its constitution, bylaws, tacit agreement among its members, or otherwise, denies membership because of race, color, creed, national origin, sex, age, preferential or nonpreferential civil service status, political affiliation, marital status, or handicapping condition;

(B) an organization which advocates the overthrow of the constitutional form of government of the United States;

(C) an organization sponsored by the Department; or

(D) an organization which participates in the conduct of a strike against the Government or any agency thereof or imposes a duty or obligation to conduct, assist, or participate in such a strike;

(12) "management official" means an individual who—

(A) is a chief of mission or principal officer;

(B) is serving in a position to which appointed by the President, by and with the advice and consent of the Senate, or by the President alone;

(C) occupies a position which in the sole judgment of the Secretary is of comparable importance to the offices mentioned in subparagraph (A) or (B);

(D) is serving as a deputy to any individual described by subparagraph (A), (B), or (C);

(E) is assigned to carry out functions of the Inspector General of the Department of State and the Foreign Service under section 209; or

(F) is engaged in the administration of this chapter or in the formulation of the personnel policies and programs of the Department;

(13) "Panel" means the Foreign Service Impasse Disputes Panel, established by section 1010(a); and

(14) "person" means an individual, a labor organization, or an agency to which this chapter applies.

Sec. 1003.[138] **Application.**—(a) This chapter applies only with respect to the Department of State, the International Communication Agency, the United States International Development Cooperation Agency, the Department of Agriculture, and the Department of Commerce.

(b) The President may by Executive order exclude any subdivision of the Department from coverage under this chapter if the President determines that—

(1) the subdivision has as a primary function intelligence, counterintelligence, investigative, or national security work, and

(2) the provisions of this chapter cannot be applied to that subdivision in a manner consistent with national security requirements and considerations.

(c) The President may by Executive order suspend any provision of this chapter with respect to any post, bureau, office, or activity of the Department, if the President determines in writing that the suspension is necessary in the interest of national security because of an emergency.

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[138] 22 U.S.C. 4103.

Sec. 1004.[139] **Employee Rights.**—(a) Every employee has the right to form, join, or assist any labor organization, or to refrain from any such activity, freely and without fear of penalty or reprisal. Each employee shall be protected in the exercise of such right.

(b) Except as otherwise provided under this chapter, such right includes the right—

(1) to act for a labor organization in the capacity of a representative and, in that capacity, to present the views of the labor organization to the Secretary and other officials of the Government, including the Congress, or other appropriate authorities; and

(2) to engage in collective bargaining with respect to conditions of employment through representatives chosen by employees under this chapter.

Sec. 1005.[140] **Management Rights.**—(a) Subject to subsection (b), nothing in this chapter shall affect the authority of any management official of the Department, in accordance with applicable law—

(1) to determine the mission, budget, organization, and internal security practices of the Department, and the number of individuals in the Service or in the Department;

(2) to hire, assign, direct, lay off, and retain individuals in the Service or in the Department, to suspend, remove, or take other disciplinary action against such individuals, and to determine the number of members of the Service to be promoted and to remove the name of or delay the promotion of any member in accordance with regulations prescribed under section 605(b);

(3) to assign work, to make determinations with respect to contracting out, and to determine the personnel by which the operations of the Department shall be conducted;

(4) to fill positions from any appropriate source;

(5) to determine the need for uniform personnel policies and procedures between or among the agencies to which this chapter applies; and

(6) to take whatever actions may be necessary to carry out the mission of the Department during emergencies.

(b) Nothing in this section shall preclude the Department and the exclusive representative from negotiating—

(1) at the election of the Department, on the numbers, types, and classes of employees or positions assigned to any organizational subdivision, work project, or tour of duty, or on the technology, methods, and means of performing work;

(2) procedures which management officials of the Department will observe in exercising any function under this section; or

(3) appropriate arrangements for employees adversely affected by the exercise of any function under this section by such management officials.

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[139] 22 U.S.C. 4104.

[140] 22 U.S.C. 4105.

Sec. 1006.[141] **Foreign Service Labor Relations Board.**—(a) There is established within the Federal Labor Relations Authority the Foreign Service Labor Relations Board. The Board shall be composed of 3 members, 1 of whom shall be the Chairman of the Authority, who shall be the Chairperson of the Board. The remaining 2 members shall be appointed by the Chairperson of the Board from nominees approved in writing by the agencies to which this chapter applies, and the exclusive representative (if any) of employees in each such agency. In the event of inability to obtain agreement on a nominee, the Chairperson shall appoint the remaining 2 members from among individuals the Chairperson considers knowledgeable in labor-management relations and the conduct of foreign affairs.

(b) The Chairperson shall serve on the Board while serving as Chairman of the Authority. Of the 2 original members of the Board other than the Chairperson, one shall be appointed for a 2-year term and one shall be appointed for a 3-year term. Thereafter, each member of the Board other than the Chairperson shall be appointed for a term of 3 years, except that an individual appointed to fill a vacancy occurring before the end of a term shall be appointed for the unexpired term of the member replaced. The Chairperson may at any time designate an alternate Chairperson from among the members of the Authority.

(c) A vacancy on the Board shall not impair the right of the remaining members to exercise the full powers of the Board.

(d) The members of the Board, other than the Chairperson, may not hold another office or position in the Government except as authorized by law, and shall receive compensation at the daily equivalent of the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day they are performing their duties (including traveltime).

(e) The Chairperson may remove any other Board member, upon written notice, for corruption, neglect of duty, malfeasance, or demonstrated incapacity to perform his or her functions, established at a hearing, except where the right to a hearing is waived in writing.

Sec. 1007.[142] **Functions of the Board.**—(a) The Board shall—

(1) supervise or conduct elections and determine whether a labor organization has been selected as the exclusive representative by a majority of employees who cast valid ballots and otherwise administer the provisions of this chapter relating to the according of exclusive recognition to a labor organization;

(2) resolve complaints of alleged unfair labor practices;

(3) resolve issues relating to the obligation to bargain in good faith;

(4) resolve disputes concerning the effect, the interpretation, or a claim of breach of a collective bargaining agreement, in accordance with section 1014; and

(5) take any action considered necessary to administer effectively the provisions of this chapter.

(b) Decisions of the Board under this chapter shall be consistent with decisions rendered by the Authority under chapter 71 of title

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[141] 22 U.S.C. 4106.

[142] 22 U.S.C. 4107.

5, United States Code, other than in cases in which the Board finds that special circumstances require otherwise. Decisions of the Board under this chapter shall not be construed as precedent by the Authority, or any court or other authority, for any decision under chapter 71 of title 5, United States Code.

(c) In order to carry out its functions under this chapter—

(1) the Board shall by regulation adopt procedures to apply in the administration of this chapter; and

(2) the Board may—

(A) adopt other regulations concerning its functions under this chapter;

(B) conduct appropriate inquiries wherever persons subject to this chapter are located;

(C) hold hearings;

(D) administer oaths, take the testimony or deposition of any individual under oath, and issue subpenas;

(E) require the Department or a labor organization to cease and desist from violations of this chapter and require it to take any remedial action the Board considers appropriate to carry out this chapter; and

(F) consistent with the provisions of this chapter, exercise the functions the Authority has under chapter 71 of title 5, United States Code, to the same extent and in the same manner as is the case with respect to persons subject to chapter 71 of such title.

Sec. 1008.[143] **Functions of the General Counsel.**—The General Counsel may—

(1) investigate alleged unfair labor practices under this chapter,

(2) file and prosecute complaints under this chapter, and

(3) exercise such other powers of the Board as the Board may prescribe.

Sec. 1009.[144] **Judicial Review and Enforcement.**—(a) Except as provided in section 1014(d), any person aggrieved by a final order of the Board may, during the 60-day period beginning on the date on which the order was issued, institute an action for judicial review of such order in the United States Court of Appeals for the District of Columbia.

(b) The Board may petition the United States Court of Appeals for the District of Columbia for the enforcement of any order of the Board under this chapter and for any appropriate temporary relief or restraining order.

(c) Subsection (c) of section 7123 of title 5, United States Code, shall apply to judicial review and enforcement of actions by the Board in the same manner that it applies to judicial review and enforcement of actions of the Authority under chapter 71 of title 5, United States Code.

(d) The Board may, upon issuance of a complaint as provided in section 1016 charging that any person has engaged in or is engaging in an unfair labor practice, petition the United States District Court for the District of Columbia, for appropriate temporary relief

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[143] 22 U.S.C. 4108.
[144] 22 U.S.C. 4109.

(including a restraining order). Upon the filing of the petition, the court shall cause notice thereof to be served upon the person, and thereupon shall have jurisdiction to grant any temporary relief (including a temporary restraining order) it considers just and proper. A court shall not grant any temporary relief under this section if it would interfere with the ability of the Department to carry out its essential functions or if the Board fails to establish probable cause that an unfair labor practice is being committed.

Sec. 1010.[145] **Foreign Service Impasse Disputes Panel.**—(a) There is established within the Federal Labor Relations Authority the Foreign Service Impasse Disputes Panel, which shall assist in resolving negotiating impasses arising in the course of collective bargaining under this chapter. The Chairperson shall select the Panel from among individuals the Chairperson considers knowledgeable in labor-management relations or the conduct of foreign affairs. The Panel shall be composed of 5 members, as follows:

(1) 2 members of the Service (other than a management official, a confidential employee or a labor organization official);

(2) one individual employed by the Department of Labor;

(3) one member of the Federal Service Impasses Panel; and

(4) one public member who does not hold any other office or position in the Government.

The Chairperson of the Board shall set the terms of office for Panel members and determine who shall chair the Panel.

(b) Panel members referred to in subsection (a) (3) and (4) shall receive compensation for each day they are performing their duties (including traveltime) at the daily equivalent of the maximum rate payable for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code, except that the member who is also a member of the Federal Service Impasses Panel shall not be entitled to pay under this subsection for any day for which he or she receives pay under section 7119(b)(4) of title 5, United States Code. Members of the Panel shall be entitled to travel expenses as provided under section 5703 of title 5, United States Code.

(c)(1) The Panel or its designee shall promptly investigate any impasse presented to it by a party. The Panel shall consider the impasse and shall either—

(A) recommend to the parties to the negotiation procedures for the resolution of the impasse; or

(B) assist the parties in resolving the impasse through whatever methods and procedures, including factfinding and recommendations, it may consider appropriate to accomplish the purpose of this section.

(2) If the parties do not arrive at a settlement after assistance by the Panel under paragraph (1), the Panel may—

(A) hold hearings;

(B) administer oaths, take the testimony or deposition of any individual under oath, and issue subpenas as provided in section 7132 of title 5, United States Code; and

(C) take whatever action is necessary and not inconsistent with this chapter to resolve the impasse.

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[145] 22 U.S.C. 4110.

(3) Notice of any final action of the Panel under this section shall be promptly served upon the parties, and the action shall be binding on such parties during the term of the collective bargaining agreement unless the parties agree otherwise.

Sec. 1011.[146] **Exclusive Recognition.**—(a) The Department shall accord exclusive recognition to a labor organization if the organization has been selected as the representative, in a secret ballot election, by a majority of the employees in a unit who cast valid ballots in the election.

(b) If a petition is filed with the Board—

(1) by any person alleging—

(A) in the case of a unit for which there is no exclusive representative, that 30 percent of the employees in the unit wish to be represented for the purpose of collective bargaining by an exclusive representative, or

(B) in the case of a unit for which there is an exclusive representative, that 30 percent of the employees in the unit alleged that the exclusive representative is no longer the representative of the majority of the employees in the unit; or

(2) by any person seeking clarification of, or an amendment to, a certification then in effect or a matter relating to representation;

the Board shall investigate the petition, and if it has reasonable cause to believe that a question of representation exists, it shall provide an opportunity for a hearing (for which a transcript shall be kept) after reasonable notice. If the Board finds on the record of the hearing that a question of representation exists, the Board shall supervise or conduct an election on the question by secret ballot and shall certify the results thereof. An election under this subsection shall not be conducted in any unit within which a valid election under this subsection has been held during the preceding 12 calendar months or with respect to which a labor organization has been certified as the exclusive representative during the preceding 24 calendar months.

(c) A labor organization which—

(1) has been designated by at least 10 percent of the employees in the unit; or

(2) is the exclusive representative of the employees involved;

may intervene with respect to a petition filed pursuant to subsection (b) and shall be placed on the ballot of any election under subsection (b) with respect to the petition.

(d)(1) The Board shall determine who is eligible to vote in any election under this section and shall establish regulations governing any such election, which shall include regulations allowing employees eligible to vote the opportunity to choose—

(A) from labor organizations on the ballot, that labor organization which the employees wish to have represent them; or

(B) not to be represented by a labor organization.

(2) In any election in which more than two choices are on the ballot, the regulations of the Board shall provide for preferential

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[146] 22 U.S.C. 4111.

voting. If no choice receives a majority of first preferences, the Board shall distribute to the two choices having the most first preferences the preferences as between those two of the other valid ballots cast. The choice receiving a majority of preferences shall be declared the winner. A labor organization which is declared the winner of the election shall be certified by the Board as the exclusive representative.

(e) A labor organization seeking exclusive recognition shall submit to the Board and to the Department a roster of its officers and representatives, a copy of its constitution and bylaws, and a statement of its objectives.

(f) Exclusive recognition shall not be accorded to a labor organization—

(1) if the Board determines that the labor organization is subject to corrupt influences or influence opposed to democratic principles; or

(2) in the case of a petition filed under subsection (b)(1)(A), if there is not credible evidence that at least 30 percent of the employees wish to be represented for the purpose of collective bargaining by the labor organization seeking exclusive recognition.

(g) Nothing in this section shall be construed to prohibit the waiving of hearings by stipulation for the purpose of a consent election in conformity with regulations and rules or decisions of the Board.

Sec. 1012.[147] **Employees Represented.**—The employees of the Department shall constitute a single and separate worldwide bargaining unit, from which there shall be excluded—

(1) employees engaged in personnel work in other than a purely clerical capacity; and

(2) employees engaged in criminal or national security investigations or who audit the work of individuals to insure that their functions are discharged honestly and with integrity.

Sec. 1013.[148] **Representation Rights and Duties.**—(a) A labor organization which has been accorded exclusive recognition is the exclusive representative of, and is entitled to act for, and negotiate collective bargaining agreements covering, all employees in the unit described in section 1012. An exclusive representative is responsible for representing the interests of all employees in that unit without discrimination and without regard to labor organization membership.

(b)(1) An exclusive representative shall be given the opportunity to be represented at—

(A) any formal discussion between one or more representatives of the Department and one or more employees in the unit (or their representatives), concerning any grievance (as defined in section 1101) or any personnel policy or practice or other general condition of employment; and

(B) any examination of an employee by a Department representative in connection with an investigation if—

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[147] 22 U.S.C. 4112.

[148] 22 U.S.C. 4113.

(i) the employee reasonably believes that the examination may result in disciplinary action against the employee, and

(ii) the employee requests such representation.

(2) The Department shall annually inform employees of their rights under paragraph (1)(B).

(c) The Department and the exclusive representative, through appropriate representatives, shall meet and negotiate in good faith for the purposes of arriving at a collective bargaining agreement. In addition, the Department and the exclusive representative may determine appropriate techniques, consistent with the provisions of section 1010, to assist in any negotiation.

(d) The rights of an exclusive representative under this section shall not preclude an employee from—

(1) being represented by an attorney or other representative of the employee's own choosing, other than the exclusive representative, in any grievance proceeding under chapter 11; or

(2) exercising grievance or appeal rights established by law, rule, or regulation.

(e) The duty of the Department and the exclusive representative to negotiate in good faith shall include the obligation—

(1) to approach the negotiations with a sincere resolve to reach a collective bargaining agreement;

(2) to be represented at the negotiations by duly authorized representatives prepared to discuss and negotiate on any condition of employment;

(3) to meet at reasonable times and convenient places as frequently as may be necessary and to avoid unnecessary delays;

(4) for the Department to furnish to the exclusive representative, or its authorized representative, upon request and to the extent not prohibited by law, data—

(A) which is normally maintained by the Department in the regular course of business;

(B) which is reasonably available and necessary for full and proper discussion, understanding, and negotiation of subjects within the scope of collective bargaining; and

(C) which does not constitute guidance, advice, counsel, or training provided for management officials or confidential employees, relating to collective bargaining;

(5) to negotiate jointly with respect to conditions of employment applicable to employees in more than one of the agencies authorized to utilize the Foreign Service personnel system, as determined by the heads of such agencies; and

(6) if agreement is reached, to execute, upon the request of any party to the negotiation, a written document embodying the agreed terms, and to take the steps necessary to implement the agreement.

(f)(1) An agreement between the Department and the exclusive representative shall be subject to approval by the Secretary.

(2) The Secretary shall approve the agreement within 30 days after the date of the agreement unless the Secretary finds in writing that the agreement is contrary to applicable law, rule, or regulation.

(3) Unless the Secretary disapproves the agreement by making a finding under paragraph (2), the agreement shall take effect after 30 days from its execution and shall be binding on the Department and the exclusive representative subject to all applicable laws, orders, and regulations.

(g) The Department shall consult with the exclusive representative with respect to Government-wide or multiagency matters affecting the rights, benefits, or obligations of individuals employed in agencies not authorized to utilize the Foreign Service personnel system. The exclusive representative shall be informed of any change proposed by the Department with respect to such matters, and shall be permitted reasonable time to present its views and recommendations regarding such change. The Department shall consider the views and recommendations of the exclusive representative before taking final action on any such change, and shall provide the exclusive representative a written statement of the reasons for taking the final action.

Sec. 1014.[149] Resolution of Implementation Disputes.—(a) Any dispute between the Department and the exclusive representative concerning the effect, interpretation, or a claim of breach of a collective bargaining agreement shall be resolved through procedures negotiated by the Department and the exclusive representative. Any procedures negotiated under this section shall—

(1) be fair and simple,

(2) provide for expeditious processing, and

(3) include provision for appeal to the Foreign Service Grievance Board by either party of any dispute not satisfactorily settled.

(b) Either party to an appeal under subsection (a)(3) may file with the Board an exception to the action of the Foreign Service Grievance Board in resolving the implementation dispute. If, upon review, the Board finds that the action is deficient—

(1) because it is contrary to any law, rule, or regulation; or

(2) on other grounds similar to those applied by Federal courts in private sector labor-management relations;

the Board may take such action and make such recommendations concerning the Foreign Service Grievance Board action as it considers necessary, consistent with applicable laws, rules, and regulations.

(c) If no exception to a Foreign Service Grievance Board action is filed under subsection (b) within 30 days after such action is communicated to the parties, such action shall become final and binding and shall be implemented by the parties.

(d) Resolutions of disputes under this section shall not be subject to judicial review.

Sec. 1015.[150] Unfair Labor Practices.—(a) It shall be an unfair labor practice for the Department—

(1) to interfere with, restrain, or coerce any employee in the exercise by the employee of any right under this chapter;

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[149] 22 U.S.C. 4114.

[150] 22 U.S.C. 4115.

(2) to encourage or discourage membership in any labor organization by discrimination in connection with hiring, tenure, promotion, or other conditions of employment;

(3) to sponsor, control, or otherwise assist any labor organization, other than to furnish upon request customary and routine services and facilities on an impartial basis to labor organizations having equivalent status;

(4) to discipline or otherwise discriminate against an employee because the employee has filed a complaint or petition, or has given any information, affidavit, or testimony under this chapter;

(5) to refuse to consult or negotiate in good faith with a labor organization, as required under this chapter;

(6) to fail or refuse to cooperate in impasse procedures and impasse decisions, as required under this chapter;

(7) to enforce any rule or regulation (other than a rule or regulation implementing section 2302 of title 5, United States Code) which is in conflict with an applicable collective bargaining agreement if the agreement was in effect before the date the rule or regulation was prescribed; or

(8) to fail or refuse otherwise to comply with any provision of this chapter.

(b) It shall be an unfair labor practice for a labor organization—

(1) to interfere with, restrain, or coerce any employee in the exercise by the employee of any right under this chapter;

(2) to cause or attempt to cause the Department to discriminate against any employee in the exercise by the employee of any right under this chapter;

(3) to coerce, discipline, fine, or attempt to coerce a member of the labor organization as punishment or reprisal, or for the purpose of hindering or impeding the member's work performance or productivity as an employee or the discharge of the member's functions as an employee;

(4) to discriminate against an employee with regard to the terms and conditions of membership in the labor organization on the basis of race, color, creed, national origin, sex, age, preferential or nonpreferential civil service status, political affiliation, marital status, or handicapping condition;

(5) to refuse to consult or negotiate in good faith with the Department, as required under this chapter;

(6) to fail or refuse to cooperate in impasse procedures and impasse decisions, as required under this chapter;

(7)(A) to call, or participate in, a strike, work stoppage, or slowdown, or to picket the Department in a labor-management dispute (except that any such picketing in the United States which does not interfere with the Department's operations shall not be an unfair labor practice); or

(B) to condone any unfair labor practice described in subparagraph (A) by failing to take action to prevent or stop such activity;

(8) to deny membership to any employee in the unit represented by the labor organization except—

(A) for failure to tender dues uniformly required as a condition of acquiring and retaining membership, or

(B) in the exercise of disciplinary procedures consistent with the organization's constitution or bylaws and this chapter; or

(9) to fail or refuse otherwise to comply with any provision of this chapter.

(c) The expression of any personal view, argument, or opinion, or the making of any statement, which—

(1) publicizes the fact of a representational election and encourages employees to exercise their right to vote in such an election;

(2) corrects the record with respect to any false or misleading statement made by any person; or

(3) informs employees of the Government's policy relating to labor-management relations and representation,

if the expression contains no threat of reprisal or force or promise of benefit and was not made under coercive conditions shall not—

(A) constitute an unfair labor practice under this chapter, or

(B) constitute grounds for the setting aside of any election conducted under this chapter.

(d) Issues which can properly be raised under an appeals procedure may not be raised as unfair labor practices prohibited under this section. Except for matters wherein, under section 1109(b), an employee has an option of using the grievance procedure under chapter 11 or an appeals procedure, issues which can be raised under section 1014 or chapter 11 may, in the discretion of the aggrieved party, be raised either under section or chapter or else raised as an unfair labor practice under this section, but may not be raised both under this section and under section 1014 or chapter 11.

Sec. 1016.[151] **Prevention of Unfair Labor Practices.**—(a) If the Department or labor organization is charged by any person with having engaged in or engaging in an unfair labor practice, the General Counsel shall investigate the charge and may issue and cause to be served upon the Department or labor organization a complaint. In any case in which the General Counsel does not issue a complaint because the charge fails to state an unfair labor practice, the General Counsel shall provide the person making the charge a written statement of the reasons for not issuing a complaint.

(b) Any complaint under subsection (a) shall contain a notice—

(1) of the charge;

(2) that a hearing will be held before the Board (or any member thereof or before an individual employed by the Board and designated for such purpose); and

(3) of the time and place fixed for the hearing.

(c) The labor organization or Department involved shall have the right to file an answer to the original and any amended complaint and to appear in person or otherwise and give testimony at the time and place fixed in the complaint for the hearing.

(d)(1) Except as provided in paragraph (2), no complaint shall be issued based on any alleged unfair labor practice which occurred more than 6 months before the filing of the charge with the Board.

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[151] 22 U.S.C. 4116.

(2) If the General Counsel determines that the person filing any charge was prevented from filing the charge during the 6-month period referred to in paragraph (1) by reason of—

(A) any failure of the Department or labor organization against which the charge is made to perform a duty owed to the person, or

(B) any concealment which prevented discovery of the alleged unfair labor practice during the 6-month period,

the General Counsel may issue a complaint based on the charge if the charge was filed during the 6-month period beginning on the day of the discovery by the person of the alleged unfair labor practice.

(e) The General Counsel may prescribe regulations providing for informal methods by which the alleged unfair labor practice may be resolved prior to the issuance of a complaint.

(f) The Board (or any member thereof or any individual employed by the Board and designated for such purpose) shall conduct a hearing on the complaint not earlier than 5 days after the date on which the complaint is served. In the discretion of the individual or individuals conducting the hearing, any person involved may be allowed to intervene in the hearing and to present testimony. Any such hearing shall, to the extent practicable, be conducted in accordance with the provisions of subchapter II of chapter 5 of title 5, United States Code, except that the parties shall not be bound by rules of evidence, whether statutory, common law, or adopted by a court. A transcript shall be kept of the hearing. After such a hearing the Board, in its discretion, may upon notice receive further evidence or hear argument.

(g) If the Board (or any member thereof or any individual employed by the Board and designated for such purpose) determines after any hearing on a complaint under subsection (f) that the preponderance of the evidence received demonstrates that the Department or labor organization named in the complaint has engaged in or is engaged in an unfair labor practice, then the individual or individuals conducting the hearing shall state in writing their findings of fact and shall issue and cause to be served on the Department or labor organization an order—

(1) to cease and desist from any such unfair labor practice in which the Department or labor organization is engaged;

(2) requiring the parties to renegotiate a collective bargaining agreement in accordance with the order of the Board and requiring that the agreement, as amended, be given retroactive effect;

(3) requiring reinstatement of an employee with backpay in accordance with section 5596 of title 5, United States Code; or

(4) including any combination of the actions described in paragraphs (1) through (3) or such other action as will carry out the purpose of this chapter.

If any such order requires reinstatement of an employee with backpay, backpay may be required of the Department (as provided in section 5596 of title 5, United States Code) or of the labor organization, as the case may be, which is found to have engaged in the unfair labor practice involved.

(h) If the individual or individuals conducting the hearing determine that the preponderance of the evidence received fails to demonstrate that the Department or labor organization named in the complaint has engaged in or is engaged in an unfair labor practice, the individual or individuals shall state in writing their findings of fact and shall issue an order dismissing the complaint.

Sec. 1017.[152] **Standards of Conduct for Labor Organizations.**—(a) The Department shall accord recognition only to a labor organization that is free from corrupt influences and influences opposed to basic democratic principles. Except as provided in subsection (b), an organization is not required to prove that it is free from such influences if it is subject to a governing requirement adopted by the organization or by a national or international labor organization or federation of labor organizations with which it is affiliated, or in which it participates, containing explicit and detailed provisions to which it subscribes calling for—

(1) the maintenance of democratic procedures and practices, including—

(A) provisions for periodic elections to be conducted subject to recognized safeguards, and

(B) provisions defining and securing the right of individual members to participate in the affairs of the organization, to receive fair and equal treatment under the governing rules of the organization, and to receive fair process in disciplinary proceedings;

(2) the exclusion from office in the organization of persons affiliated with Communist or other totalitarian movements and persons identified with corrupt influences;

(3) the prohibition of business or financial interests on the part of organization officers and agents which conflict with their duty to the organization and its members; and

(4) the maintenance of fiscal integrity in the conduct of the affairs of the organization, including provisions for accounting and financial controls and regular financial reports or summaries to be made available to members.

(b) A labor organization may be required to furnish evidence of its freedom from corrupt influences opposed to basic democratic principles if there is reasonable cause to believe that—

(1) the organization has been suspended or expelled from, or is subject to other sanction by, a parent labor organization, or federation of organizations with which it has been affiliated, because it has demonstrated an unwillingness or inability to comply with governing requirements comparable in purpose to those required by subsection (a); or

(2) the organization is in fact subject to influences that would preclude recognition under this chapter.

(c) A labor organization which has or seeks recognition as a representative of employees under this chapter shall file financial and other reports with the Assistant Secretary of Labor for Labor Management Relations, provide for bonding of officials and others employed by the organization, and comply with trusteeship and election standards.

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[152] 22 U.S.C. 4117.

(d) The Assistant Secretary of Labor shall prescribe such regulations as are necessary to carry out this section. Such regulations shall conform generally to the principles applied to labor organizations in the private sector. Complaints of violations of this section shall be filed with the Assistant Secretary. In any matter arising under this section, the Assistant Secretary may require a labor organization to cease and desist from violations of this section and require it to take such actions as the Assistant Secretary considers appropriate to carry out the policies of this section.

(e) This chapter does not authorize participation in the management of a labor organization or acting as a representative of a labor organization by a management official, a confidential employee, or any other employee if the participation or activity would result in a conflict or apparent conflict of interest or would otherwise be incompatible with law or with the official functions of such management official or such employee.

(f) If the Board finds that any labor organization has willfully and intentionally violated section 1015(b)(7) by omission or commission with regard to any strike, work stoppage, slowdown, the Board shall—

(1) revoke the exclusive recognition status of the labor organization, which shall then immediately cease to be legally entitled and obligated to represent employees in the unit; or

(2) take any other appropriate disciplinary action.

Sec. 1018.[153] **Administrative Provisions.**—(a) If the Department has received from any individual a written assignment which authorizes the Department to deduct from the salary of that individual amounts for the payment of regular and periodic dues of the exclusive representative, the Department shall honor the assignment. Any such assignment shall be made at no cost to the exclusive representative or the individual. Except as provided in subsection (b), any such assignment may not be revoked for a period of one year from its execution.

(b) An assignment for deduction of dues shall terminate when—

(1) the labor organization ceases to be the exclusive representative;

(2) the individual ceases to receive a salary from the Department as a member of the Service; or

(3) the individual is suspended or expelled from membership in the exclusive representative.

(c) During any period when no labor organization is certified as the exclusive representative of employees in the Department, the Department shall have the duty to negotiate with a labor organization which has filed a petition under section 1011(b)(1)(A) alleging that 10 percent of the employees in the Department have membership in the organization if the Board has determined that the petition is valid. Negotiations under this subsection shall be concerned solely with the deduction of dues of the labor organization from the salary of the individuals who are members of the labor organization and who make a voluntary allotment for that purpose. Any agreement between the Department and a labor organization under this subsection shall terminate upon the certification of an exclusive representative of any employees to whom the agreement applies.

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[153] 22 U.S.C. 4118.

(d) The following provisions shall apply to the use of official time:

(1) Any employee representing an exclusive representative in the negotiation of a collective bargaining agreement under this chapter shall be authorized official time for such purposes, including attendance at impasse proceedings, during the time the employee otherwise would be in a duty status. The number of employees for whom official time is authorized under this paragraph shall not exceed the number of individuals designated as representing the Department for such purposes.

(2) Any activities performed by any employee relating to the internal business of the labor organization, including the solicitation of membership, elections of labor organization officials, and collection of dues, shall be performed during the time the employee is in a nonduty status.

(3) Except as provided in paragraph (1), the Board shall determine whether any employee participating for, or on behalf of, a labor organization in any phase of proceedings before the Board shall be authorized official time for such purpose during the time the employee would otherwise be in a duty status.

(4) Except as provided in paragraphs (1), (2), and (3), any employee representing an exclusive representative, or engaged in any other matter covered by this chapter, shall be granted official time in any amount the Department and the exclusive representative agree to be reasonable, necessary, and in the public interest.

CHAPTER 11—GRIEVANCES

Sec. 1101.[154] **Definition of Grievance.**—(a)(1) Except as provided in subsection (b), for purposes of this chapter, the term "grievance" means any act, omission, or condition subject to the control of the Secretary which is alleged to deprive a member of the Service who is a citizen of the United States of a right or benefit authorized by law or regulation or which is otherwise a source of concern or dissatisfaction to the member, including—

(A) separation of the member allegedly contrary to laws or regulations, or predicated upon alleged inaccuracy, omission, error, or falsely prejudicial character of information in any part of the official personnel record of the member;

(B) other alleged violation, misinterpretation, or misapplication of applicable laws, regulations, or published policy affecting the terms and conditions of the employment or career status of the member;

(C) allegedly wrongful disciplinary action against the member;

(D) dissatisfaction with respect to the working environment of the member;

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[154] 22 U.S.C. 4131.

(E) alleged inaccuracy, omission, error, or falsely prejudicial character of information in the official personnel record of the member which is or could be prejudicial to the member;

(F) action alleged to be in the nature of reprisal or other interference with freedom of action in connection with participation by the member in procedures under this chapter; and

(G) alleged denial of an allowance, premium pay, or other financial benefit to which the member claims entitlement under applicable laws or regulations.

(2) The scope of grievances described in paragraph (1) may be modified by written agreement between the Department and the labor organization accorded recognition as the exclusive representative under chapter 10 (hereinafter in this chapter referred to as the "exclusive representative").

(b) For purposes of this chapter, the term "grievance" does not include—

(1) an individual assignment of a member under chapter 5, other than an assignment alleged to be contrary to law or regulation;

(2) the judgment of a selection board established under section 602, a tenure board established under section 306(b), or any other equivalent body established by laws or regulations which similarly evaluates the performance of members of the Service on a comparative basis;

(3) the expiration of a limited appointment, the termination of a limited appointment under section 611, or the denial of a limited career extension or of a renewal of a limited career extension under section 607(b); or

(4) any complaint or appeal where a specific statutory hearing procedure exists, except as provided in section 1109(b).

(c) This chapter applies only with respect to the Department of State, the International Communication Agency, the United States International Development Cooperation Agency, the Department of Agriculture, and the Department of Commerce.

Sec. 1102.[155] Grievances Concerning Former Members.—Within the time limitations of section 1104, a former member of the Service or the surviving spouse (or, if none, another member of the family) of a deceased member or former member of the Service may file a grievance under this chapter only with respect to allegations described in section 1101(a)(1)(G).

Sec. 1103.[156] Freedom of Action.—(a) Any individual filing a grievance under this chapter (hereinafter in this chapter referred to as the "grievant"), and any witness, labor organization, or other person involved in a grievance proceeding, shall be free from any restraint, interference, coercion, harassment, discrimination, or reprisal in those proceedings or by virtue of them.

(b)(1) The grievant has the right to a representative of his or her own choosing at every stage of the proceedings under this chapter.

(2) In any case where the grievant is a member of a bargaining unit represented by an exclusive representative, but is not represented in the grievance by that exclusive representative, the exclu-

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[155] 22 U.S.C. 4132.
[156] 22 U.S.C. 4133.

sive representative shall have the right to appear during the grievance proceedings.

(3) The grievant, and any representative of the grievant who is a member of the Service or employee of the Department, shall be granted reasonable periods of administrative leave to prepare and present the grievance and to attend proceedings under this chapter.

(c) Any witness who is a member of the Service or employee of the Department shall be granted reasonable periods of administrative leave to appear and testify at any proceedings under this chapter.

(d)(1) No record of—

(A) a determination by the Secretary to reject a recommendation of the Foreign Service Grievance Board,

(B) a finding by the Grievance Board against the grievant, or

(C) the fact that a grievance proceeding is pending or has been held,

shall be entered in the personnel records of the grievant (except by order of the Grievance Board as a remedy for the grievance) or those of any other individual connected with the grievance.

(2) The Department shall maintain records pertaining to grievances under appropriate safeguards to preserve confidentiality.

(3) The Foreign Service Grievance Board may enforce compliance with the requirements of paragraphs (1) and (2).

(e) The Department will use its best endeavors to expedite security clearance procedures whenever necessary to assure a fair and prompt resolution of a grievance.

Sec. 1104.[157] **Time Limitations.**—(a) A grievance is forever barred unless it is filed with the Department within a period of 3 years after the occurrence or occurrences giving rise to the grievance or such shorter period as may be agreed to by the Department and the exclusive representative. There shall be excluded from the computation of any such period any time during which, as determined by the Foreign Service Grievance Board, the grievant was unaware of the grounds for the grievance and could not have discovered such grounds through reasonable diligence.

(b) If a grievance is not resolved under Department procedures (which have been negotiated with the exclusive representative, if any) within ninety days after it is filed with the Department, the grievant or the exclusive representative (on behalf of a grievant who is a member of the bargaining unit) shall be entitled to file a grievance with the Foreign Service Grievance Board for its consideration and resolution.

Sec. 1105.[158] **Foreign Service Grievance Board.**—(a) There is established the Foreign Service Grievance Board (hereinafter in this chapter referred to as the "Board"). The Board shall consist of no fewer than 5 members who shall be independent, distinguished citizens of the United States, well known for their integrity, who are not employees of the Department or members of the Service.

(b) The Chairperson and other members of the Board shall be appointed by the Secretary of State, from nominees approved in writing by the agencies to which this chapter applies and the exclusive representative (if any) for each such agency. Each member of the Board shall be appointed for a term of 2 years, subject to renewal with the same written approvals required for initial appointment. In the event of a vacancy on the Board, an appointment for the unexpired term may be made by the Secretary of State in accordance with the procedures specified in this section. In the event of inability to obtain agreement on a nominee, each such agency and exclusive representative shall select 2 nominees and shall, in an order determined by lot, in turn strike a name from a list of such nominees until only one name remains. For purposes of this section, the nominee whose name remains shall be deemed to be approved in writing by each such agency head and exclusive representative.

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[157] 22 U.S.C. 4134.

[158] 22 U.S.C. 4135.

(c) Members of the Board who are not employees of the Government shall be paid for each day they are performing their duties (including traveltime) at the daily equivalent of the maximum rate payable for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code.

(d) The Secretary of State may, upon written notice, remove a Board member for corruption, neglect of duty, malfeasance, or demonstrated incapacity to perform his or her functions, established at a hearing (unless the right to a hearing is waived in writing by the Board member).

(e) The Board may obtain facilities, services, and supplies through the general administrative services of the Department of State. All expenses of the Board, including necessary costs of the travel and travel-related expenses of a grievant, shall be paid out of funds appropriated to the Department for obligation and expenditure by the Board. At the request of the Board, employees of the Department and members of the Service may be assigned as staff employees for the Board. Within the limits of appropriated funds, the Board may appoint and fix the compensation of such other employees as the Board considers necessary to carry out its functions. The individuals so appointed or assigned shall be responsible solely to the Board, and the Board shall prepare the performance evaluation reports for such individuals. The records of the Board shall be maintained by the Board and shall be separate from all other records of the Department of State under appropriate safeguards to preserve confidentiality.

Sec. 1106.[159] **Board Procedures.**—The Board may adopt regulations concerning its organization and procedures. Such regulations shall include provision for the following:

(1) The Board shall conduct a hearing at the request of a grievant in any case which involves—

(A) disciplinary action or the retirement of a grievant from the Service under section 607 or 608, or

(B) issues which, in the judgment of the Board, can best be resolved by a hearing or presentation of oral argument.

(2) The grievant, the representatives of the grievant, the exclusive representative (if the grievant is a member of the bargaining unit represented by the exclusive representative), and

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[159] 22 U.S.C. 4136.

the representatives of the Department are entitled to be present at the hearing. The Board may, after considering the views of the parties and any other individuals connected with the grievance, decide that a hearing should be open to others. Testimony at a hearing shall be given under oath, which any Board member or individual designated by the Board shall have authority to administer.

(3) Each party (including an exclusive representative appearing in the proceedings) shall be entitled to examine and cross-examine witnesses at the hearing or by deposition and to serve interrogatories upon another party and have such interrogatories answered by the other party unless the Board finds such interrogatory irrelevant, immaterial, or unduly repetitive. Upon request of the Board, or upon a request of the grievant deemed relevant and material by the Board, an agency shall promptly make available at the hearing or by deposition any witness under its control, supervision, or responsibility, except that if the Board determines that the presence of such witness at the hearing is required for just resolution of the grievance, then the witness shall be made available at the hearing, with necessary costs and travel expenses paid by the Department.

(4) During any hearing held by the Board, any oral or documentary evidence may be received, but the Board shall exclude any irrelevant, immaterial, or unduly repetitious evidence, as determined under section 556 of title 5, United States Code.

(5) A verbatim transcript shall be made of any hearing and shall be part of the record of proceedings.

(6) In those grievances in which the Board does not hold a hearing, the Board shall afford to each party the opportunity to review and to supplement, by written submissions, the record of proceedings prior to the decision by the Board. The decision of the Board shall be based exclusively on the record of proceedings.

(7) The Board may act by or through panels or individual members designated by the Chairperson, except that hearings within the continental United States shall be held by panels of at least three members unless the parties agree otherwise. References in this chapter to the Board shall be considered to be references to a panel or member of the Board where appropriate. All members of the Board shall act as impartial individuals in considering grievances.

(8) If the Board determines that the Department is considering the involuntary separation of the grievant, disciplinary action against the grievant, or recovery from the grievant of alleged overpayment of salary, expenses, or allowances, which is related to a grievance pending before the Board and that such action should be suspended, the Department shall suspend such action until the Board has ruled upon the grievance. Notwithstanding such suspension of action, the head of the agency concerned or a chief of mission or principal officer may exclude the grievant from official premises or from the performance of specified functions when such exclusion is determined in writing to be essential to the functioning of the post or office to which the grievant is assigned.

(9) The Board may reconsider any decision upon presentation of newly discovered or previously unavailable material evidence.

Sec. 1107.[160] **Board Decisions.**—(a) Upon completion of its proceedings, the Board shall expeditiously decide the grievance on the basis of the record of proceedings. In each case the decision of the Board shall be in writing, and shall include findings of fact and a statement of the reasons for the decision of the Board.

(b) If the Board finds that the grievance is meritorious, the Board shall have the authority to direct the Department—

(1) to correct any official personnel record relating to the grievant which the Board finds to be inaccurate or erroneous, to have an omission, or to contain information of a falsely prejudicial character;

(2) to reverse a decision denying the grievant compensation or any other perquisite of employment authorized by laws or regulations when the Board finds that such decision was arbitrary, capricious, or contrary to laws or regulations;

(3) to retain in the Service a member whose separation would be in consequence of the matter by which the member is aggrieved;

(4) to reinstate the grievant, and to grant the grievant back pay in accordance with section 5596(b)(1) of title 5, United States Code;

(5) to pay reasonable attorney fees to the grievant to the same extent and in the same manner as such fees may be required by the Merit Systems Protection Board under section 7701(g) of title 5, United States Code; and

(6) to take such other remedial action as may be appropriate under procedures agreed to by the Department and the exclusive representative (if any).

(c) Except as provided in subsection (d), decisions of the Board under this chapter shall be final, subject only to judicial review as provided in section 1110.

(d) If the Board finds that the grievance is meritorious and that remedial action should be taken that relates directly to promotion or assignment of the grievant or to other remedial action not otherwise provided for in this section, or if the Board finds that the evidence before it warrants disciplinary action against any employee of the Department or member of the Service, it shall make an appropriate recommendation to the Secretary. The Secretary shall make a written decision on the recommendation of the Board within 30 days after receiving the recommendation. The Secretary shall implement the recommendation of the Board except to the extent that, in a decision made within that 30-day period, the Secretary rejects the recommendation in whole or in part on the basis of a determination that implementation of the recommendation would be contrary to law or would adversely affect the foreign policy or national security of the United States. If the Secretary rejects the recommendation in whole or in part, the decision shall specify the reasons for such action. Pending the decision of the Secretary, there shall be no ex parte communication concerning the grievance between the Secretary, and any person involved in the proceedings of the Board. The Secretary shall, however, have access to the entire record of the proceedings of the Board.

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[160] 22 U.S.C. 4137.

Sec. 1108.[161] **Access to Records.**—(a) If a grievant is denied access to any agency record prior to or during the consideration of the grievance by the Department, the grievant may raise such denial before the Board in connection with the grievance.

(b) In considering a grievance, the Board shall have access to any agency record as follows:

(1)(A) The Board shall request access to any agency record which the grievant requested to substantiate the grievance if the Board determines that such record may be relevant and material to the grievance.

(B) The Board may request access to any other agency record which the Board determines may be relevant and material to the grievance.

(2) Any agency shall make available to the Board any agency record requested under paragraph (1) unless the head or deputy head of such agency personally certifies in writing to the Board that disclosure of the record to the Board and the grievant would adversely affect the foreign policy or national security of the United States or that such disclosure is prohibited by law. If such a certification is made with respect to any record, the agency shall supply to the Board a summary or extract of such record unless the reasons specified in the preceding sentence preclude such a summary or extract.

(c) If the Board determines that an agency record, or a summary or extract of a record, made available to the Board under subsection (b) is relevant and material to the grievance, the agency concerned shall make such record, summary, or extract, as the case may be, available to the grievant.

(d) In considering a grievance, the Board may take into account the fact that the grievant or the Board was denied access to an agency record which the Board determines is or may be relevant and material to the grievance.

(e) The grievant in any case decided by the Board shall have access to the record of the proceedings and the decision of the Board.

Sec. 1109.[162] **Relationship to Other Remedies.**—(a) A grievant may not file a grievance with the Board if the grievant has formally requested, prior to filing a grievance, that the matter or matters which are the basis of the grievance be considered or resolved and relief be provided under another provision of law, regulation, or Executive order, other than under section 1206 of title 5, United States Code, and the matter has been carried to final decision under such provision on its merits or is still under consideration.

(b) If a grievant is not prohibited from filing a grievance under subsection (a), the grievant may file with the Board a grievance which is also eligible for consideration, resolution, and relief under chapter 12 of title 5, United States Code, or a regulation or Executive order other than under this chapter. An election of remedies under this section shall be final upon the acceptance of jurisdiction by the Board.

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[161] 22 U.S.C. 4138.

[162] 22 U.S.C. 4139.

Sec. 1110.[163] **Judicial Review.**—Any aggrieved party may obtain judicial review of a final action of the Secretary or the Board on any grievance in the district courts of the United States in accordance with the standards set forth in chapter 7 of title 5, United States Code. Section 706 of title 5, United States Code, shall apply without limitation or exception.

TITLE II—TRANSITION, AMENDMENTS TO OTHER LAWS, AND MISCELLANEOUS PROVISIONS

CHAPTER 1—TRANSITION

Sec. 2101.[164] **Pay and Benefits Pending Conversion.**—Until converted under the provisions of this chapter, any individual who is in the Foreign Service before the effective date of this Act and is serving under an appointment as a Foreign Service officer, Foreign Service information officer, Foreign Service Reserve officer with limited or unlimited tenure, or Foreign Service staff officer or employee, shall be treated for purposes of salary, allowances, and other matters as if such individual had been converted under section 2102 or 2103, as the case may be, on the effective date of this Act, except that any adjustment of salary under this section shall take effect—

(1) in the case of an individual who is in the Foreign Service on the date of enactment of this Act, on the first day of the first pay period which begins on or after October 1, 1980, and

(2) in the case of an individual who is appointed to the Foreign Service after the date of enactment of this Act, on the date such appointment becomes effective.

Sec. 2102.[165] **Conversion to the Foreign Service Schedule.**—(a) Not later than 120 days after the effective date of this Act, the Secretary shall, in accordance with section 2106, convert to the appropriate class in the Foreign Service Schedule established under section 403 of this Act those individuals in the Foreign Service who are serving immediately before the effective date of this Act under appointments at or below class 3 of the schedule established under section 412 or 414 of the Foreign Service Act of 1946, or at any class in the schedule established under section 415 of such Act, as—

(1) Foreign Service officers, or

(2) Foreign Service Reserve officers with limited or unlimited tenure, and Foreign Service staff officers or employees, who the Secretary determines are available for worldwide assignment.

(b) Not later than 3 years after the effective date of this Act, Foreign Service Reserve officers and staff officers and employees who the Secretary determines under subsection (a)(2) are not available for worldwide assignment shall also be converted, in accordance with section 2106, to the appropriate class in the Foreign Service Schedule established under section 403 if—

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[163] 22 U.S.C. 4140.
[164] 22 U.S.C. 4151.
[165] 22 U.S.C. 4152.

(1) the Secretary certifies that there is a need for their services in the Foreign Service; and

(2) they agree in writing to accept availability for worldwide assignment as a condition of continued employment.

Sec. 2103.[166] **Conversion to the Senior Foreign Service.**—(a) Foreign Service officers and Foreign Service Reserve officers with limited or unlimited tenure who, immediately before the effective date of this Act, are serving under appointments at class 2 or a higher class of the schedule established under section 412 or 414 of the Foreign Service Act of 1946 may at any time within 120 days after such date submit to the Secretary a written request for appointment to the Senior Foreign Service.

(b) Except as provided in subsection (d), if a request is submitted under subsection (a) by a Foreign Service Reserve officer with limited tenure, the Secretary shall grant to such officer a limited appointment to the Senior Foreign Service in the appropriate class established under section 402 of this Act.

(c) If a request is submitted under subsection (a) by a Foreign Service officer or, except as provided in subsection (d), a Foreign Service Reserve officer with unlimited tenure, the Secretary shall recommend to the President a career appointment of such officer, by and with the advice and consent of the Senate, to the Senior Foreign Service in the appropriate class established under section 402 of this Act.

(d) If the Secretary determines that a Foreign Service Reserve officer with limited or unlimited tenure who submits a request under subsection (a) is not available for worldwide assignment, an appointment under subsection (b) or a recommendation for appointment under subsection (c) shall be made only if—

(1) the Secretary certifies that there is a need for the services of such officer in the Senior Foreign Service; and

(2) such officer agrees in writing to accept availability for worldwide assignment as a condition of continued employment.

(e) If a Foreign Service officer or a Foreign Service Reserve officer who is eligible to submit a request under subsection (a) submits a written request for appointment to the Senior Foreign Service to the Secretary more than 120 days after the effective date of this Act and before the end of the 3-year period beginning on such effective date, the Secretary (in the case of a Foreign Service Reserve officer with limited tenure) may grant a limited appointment to, or (in the case of a Foreign Service officer or Foreign Service Reserve officer with unlimited tenure) may recommend to the President a career appointment of, the requesting officer to the appropriate class established under section 402 of this Act, subject to the conditions specified in subsection (d) and such other conditions as the Secretary may prescribe consistent with the provisions of chapter 6 of title I of this Act relating to promotion into the Senior Foreign Service.

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[166] 22 U.S.C. 4153.

(f) Any officer of the Foreign Service who is eligible to submit a request under subsection (a) and—

(1) who does not submit a request under subsection (a), or

(2) who submits such a request more than 120 days after the effective date of this Act and is not appointed to the Senior Foreign Service for any reason other than failure to meet the conditions specified in subsection (d),

may not remain in the Foreign Service for more than 3 years after the effective date of this Act. During such period, the officer shall be subject to the provisions of title I of this Act applicable to members of the Senior Foreign Service, except that such officer shall not be eligible to compete for performance pay under section 405 and shall not be eligible for a limited career extension as described in section 607(b). Upon separation from the Service, any such officer who is a participant in the Foreign Service Retirement and Disability System shall be entitled to retirement benefits on the same basis as a member retired from the Senior Foreign Service under section 607(c)(1), and section 609(a)(2)(B) shall be deemed to apply to such officer.[167]

Sec. 2104.[168] Conversion From the Foreign Service.—(a) In the case of any individual in the Foreign Service who, immediately before the effective date of this Act, is serving under an appointment described in section 2102(a) or 2103(a) and who is not converted under section 2102 or section 2103 because such individual does not meet the conditions specified in section 2102(b) or 2103(d), the Secretary shall, not later than 3 years after the effective date of this Act, provide that—

(1) the position such individual holds shall be subject to chapter 51 and subchapter III of chapter 53 of title 5, United States Code;

(2) such individual shall be appointed to such position without competitive examination; and

(3) such position shall be considered to be in the competitive service so long as the individual continues to hold that position;

except that any such individual who meets the eligibility requirements for the Senior Executive Service and who elects to join that Service shall be converted by the Secretary to the Senior Executive Service in the appropriate rate of basic pay established under section 5382 of title 5, United States Code.

(b) In the case of individuals in the Foreign Service in the International Communication Agency who immediately before the date of enactment of this Act are covered by a collective bargaining agreement between the Agency and the exclusive representative of those individuals, the 3-year period referred to in subsection (a) shall begin on July 1, 1981.

(c) [169] The three-year period referred to in subsection (a) shall be extended for an additional period not to exceed one year from the date of enactment of this section in the case of Department of State security officers who are members of the Service and who were initially ineligible for conversion under that subsection because they were available for worldwide assignment and there was a need for their services in the Service, but as to whom subsequent events require the services of these members (and of those later employed who are similarly situated) only or primarily for domestic functions.

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[167] Sec. 128 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (Public Law 98-164; 97 Stat. 1027) substituted the words to this point beginning with "on the same basis as a member retired * * *" in lieu of the words "determined in accordance with chapter 8 of title I of this Act."

[168] 22 U.S.C. 4154.

[169] Sec. 132 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (Public Law 98-164; 97 Stat. 1028) added subsec. (c).

Sec. 2105.[170] **Conversion of Certain Positions in the Department of Agriculture.**—(a) Not later than 15 days after the effective date of this Act, the Secretary of Agriculture shall—

(1) designate and classify under section 501 of this Act those positions in the Foreign Agricultural Service under the General Schedule described in section 5332 of title 5, United States Code, which the Secretary of Agriculture determines are to be occupied by career members of the Foreign Service, and

(2) provide written notice to individuals holding those positions of such designation and classification of the personnel category under section 103 which will apply to such individual.

(b) Each employee serving in a position at the time it is designated under subsection (a) shall, not later than 120 days after notice of such designation, elect—

(1) to accept conversion to the Foreign Service, in which case such employee shall be converted in accordance with the provisions of subsection (c); or

(2) to decline conversion to the Foreign Service and have the provisions of subsection (d) apply.

(c)(1) The Secretary of Agriculture shall recommend to the President for appointment to the appropriate class (as determined under paragraph (2)), by and with the advice and consent of the Senate, those employees who elect conversion under subsection (a)(1).

(2) The Secretary of Agriculture shall appoint as Foreign Service personnel those employees who elect to accept conversion and who are not eligible for appointment under paragraph (1).

(d) Any employee who declines conversion under subsection (b)(2) shall for so long as that employee continues to hold the designated position be deemed to be a member of the Foreign Service for purposes of allowances, differentials, and similar benefits (as determined by the Secretary of Agriculture).

Sec. 2106.[171] **Preservation of Status and Benefits.**—(a)(1) Every individual who is converted under this chapter shall be converted to the class or grade and pay rate that most closely corresponds to the class or grade and step at which the individual was serving immediately before conversion. No conversion under this chapter shall cause any individual to incur a reduction in his or her class, grade, or basic rate of salary.

(2) An individual converted under section 2104 to a position in the competitive service shall be entitled to have that position, or any other position to which the individual is subsequently assigned (other than at the request of the individual), be considered for all purposes as at the grade which corresponds to the class in which

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[170] 22 U.S.C. 4155.

[171] 22 U.S.C. 4156.

the individual served immediately before conversion so long as the individual continues to hold that position.

(b)(1) Any participant in the Foreign Service Retirement and Disability System who would, but for this paragraph, participate in the Civil Service Retirement and Disability System by virtue of conversion under this chapter shall remain a participant in the Foreign Service Retirement and Disability System for 120 days after participation in the Foreign Service Retirement and Disability System would otherwise cease. During such 120-day period, the individual may elect in writing to continue to participate in the Foreign Service Retirement and Disability System instead of the Civil Service Retirement and Disability System so long as he or she is employed in an agency which is authorized to utilize the Foreign Service personnel system. If such an election is not made, the individual shall then be covered by the Civil Service Retirement and Disability System and contributions made by the participant to the Foreign Service Retirement and Disability Fund shall be transferred to the Civil Service Retirement and Disability Fund.

(2) Any Foreign Service Reserve officer with limited tenure who has reemployment rights to a personnel category in the Foreign Service in which he or she would be a participant in the Foreign Service Retirement and Disability System and who would, but for this paragraph, continue to participate in the Civil Service Retirement and Disability System by virtue of conversion under section 2104 may elect, during the 120-day period beginning on the date of such conversion, to become a participant in the Foreign Service Retirement and Disability System so long as he or she is employed in an agency which is authorized to utilize the Foreign Service personnel system. If such an election is made, the individual shall be transferred to the Foreign Service Retirement and Disability System and contributions made by that individual to the Civil Service Retirement and Disability Fund shall be transferred to the Foreign Service Retirement and Disability Fund.

(c) Individuals who are converted under this chapter shall be converted to the type of appointment which corresponds most closely in tenure to the type of appointment under which they were serving immediately prior to such conversion, except that this chapter shall not operate to extend the duration of any limited appointment or previously applicable time in class.

(d) Any individual who on the effective date of this Act is serving—

(1) under an appointment in the Foreign Service, or

(2) in any other office or position continued by this Act,

may continue to serve under such appointment, subject to the provisions of this Act, and need not be reappointed by virtue of the enactment of this Act.

(e) Any individual in the Foreign Service—

(1) who is serving under a career appointment on the date of enactment of this Act, and

(2) who was not subject to section 633(a)(2) of the Foreign Service Act of 1946 immediately before the effective date of this Act,

may not be retired under section 608 of this Act until 10 years after the effective date of this Act or when such individual first becomes eligible for an immediate annuity under chapter 8 of title I of this Act, whichever occurs first.

Sec. 2107.[172] **Regulations.**—Under the direction of the President, the Secretary shall prescribe regulations for the implementation of this chapter.

Sec. 2108.[173] **Authority of Other Agencies.**—The heads of agencies other than the Department of State which utilize the Foreign Service personnel system shall perform functions under this chapter in accordance with regulations prescribed by the Secretary of State under section 2107. Such agency heads shall consult with the Secretary of State in the exercise of such functions.

Sec. 2109.[174] **Survivor Benefits for Certain Former Spouses.**—(a) Any participant or former participant in the Foreign Service Retirement and Disability System who on February 15, 1981, has a former spouse may, by a spousal agreement, elect to receive a reduced annuity and provide a survivor annuity for such former spouse under section 814(b).

(b)(1) If the participant or former participant has not retired under such system on or before February 15, 1981, an election under this section may be made at any time before retirement.

(2) If the participant or former participant has retired under such system on or before February 15, 1981, an election under this section may be made within such period after February 15, 1981, as the Secretary of State may prescribe.

(3) For purposes of applying chapter 8 of title I, any such election shall be treated the same as if it were a spousal agreement under section 820(b)(1).

(c) An election under this section may provide for a survivor benefit based on all or any portion of that part of the annuity of the participant which is not designated or committed as a base for survivor benefits for a spouse or any other former spouse of the participant. The participant and his or her spouse may make an election under section 806(b)(1)(B) prior to the time of retirement for the purpose of allowing an election to be made under this section.

(d) The amount of the reduction in the participant's annuity shall be determined in accordance with section 806(b)(2). Such reduction shall be effective as of—

(1) the commencing date of the participant's annuity, in the case of an election under subsection (b)(1), or

(2) February 15, 1981, in the case of an election under subsection (b)(2).

(e) For purposes of this section, the terms "former spouse", "participant", and "spousal agreement" have the meanings given such terms in sections 803 and 804.

CHAPTER 2—PROVISIONS RELATING TO FOREIGN AFFAIRS AGENCIES

Sec. 2201.[175] **Basic Authorities of the Department of State.**—

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[172] 22 U.S.C. 4157.
[173] 22 U.S.C. 4158.
[174] 22 U.S.C. 4159.
[175] Sec. 2201 consists of amendments to the State Department Basic Authorities Act of 1956.

Sec. 2202.[176] **Peace Corps Act.**—* * *

Sec. 2203.[177] **Foreign Assistance Act.**—* * *

Sec. 2204.[178] **Arms Control and Disarmament Act.**—* * *

Sec. 2205. Repealed Provisions.—The following are repealed:

(1) The Act entitled "An Act to improve, strengthen, and expand the Foreign Service of the United States and to consolidate and revise the laws relating to its administration", approved August 13, 1946, titles I through X of such Act being the Foreign Service Act of 1946, (22 U.S.C. 801–810, 816, 817, 821, 826, 827, 841–843, 846, 861, 866–873, 876, 877, 881, 882, 886, 889, 890, 896, 900, 901, 902, 906–915, 921–924, 926–928, 936–939, 946, 947, 951, 961–966, 968, 981, 986, 987, 991–996, 1001–1009, 1016, 1017, 1021, 1022, 1026–1028, 1031, 1036, 1037–1037c, 1041–1048, 1061–1065, 1071, 1076, 1076a, 1081, 1082, 1084, 1086, 1091, 1093, 1095, 1101, 1103–1106, 1111, 1112, 1116, 1121, 1131, 1136–1138a, 1139, 1148–1151, and 1156–1160).

(2) Sections 401 and 413 of the Foreign Relations Authorization Act, Fiscal Year 1979 (92 Stat. 981, 986).

(3) Section 413 of the Foreign Relations Authorization Act, Fiscal Year 1978 (91 Stat. 857).

(4) Sections 117, 120, and 522 of the Foreign Relations Authorization Act, Fiscal Year 1977 (90 Stat. 827, 829, 846).

(5) Section 6 of the Department of State Appropriations Authorization Act of 1973 (87 Stat. 452).

(6) The Act entitled "An Act to promote the foreign policy of the United States by strengthening and improving the Foreign Service personnel system of the International Communication Agency through establishment of a Foreign Service Information Officer Corps", approved August 20, 1968 (22 U.S.C. 929–932, 1221–1234).

(7) Section 104(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2454(c)).

(8) Subsections (e), (g), (j), and (k) of section 625 of the Foreign Assistance Act of 1961 (22 U.S.C. 2385 (e), (g), (j), and (k)).

(9) Section 7(b) of the Peace Corps Act (22 U.S.C. 2506(b)).

(10) Sections 14 and 16 of the Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956 (22 U.S.C. 2679a, 2680a).

(11) Section 124(a)(2) of the International Development and Food Assistance Act of 1977 (91 Stat. 542).

(12) The Act entitled "An Act to make certain increases in the annuities of annuitants under the Foreign Service retirement and disability system", approved May 21, 1952 (22 U.S.C. 1077, 1078).

(13) The Act entitled "An Act to make certain increases in the annuities of annuitants under the Foreign Service retirement and disability system", approved May 1, 1956 (22 U.S.C. 1079–1079f).

(14) The Act entitled "An Act to provide for adjustment in the annuities under the Foreign Service retirement and dis-

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[176] Sec. 2202 consists of amendments to the Peace Corps Act.

[177] Sec. 2203 consists of amendments to the Foreign Assistance Act of 1961.

[178] Sec. 2204 consists of amendments to the Arms Control and Disarmament Act.

ability system", approved September 2, 1958 (22 U.S.C. 1079g-1079j).

(15) The Act entitled "An Act to provide for adjustments in the annuities under Foreign Service retirement and disability system", approved July 12, 1960 (22 U.S.C. 1079l).

(16) The Foreign Service Annuity Adjustment Act of 1965 (22 U.S.C. 1079m-1079s).

Sec. 2206. Other Conforming Amendments.—(a)(1) Section 3(b) of the Asian Development Bank Act (22 U.S.C. 285a(b)) is amended by striking out "a Chief of Mission, class 2, within the meaning of the Foreign Service Act of 1946, as amended" and inserting in lieu thereof "a chief of mission under the Foreign Service Act of 1980".

(2) The United Nations Participation Act of 1945 is amended—

(A) in section 2(g) (22 U.S.C. 287(g)) by striking out "sections 411 and 412 of the Foreign Service Act of 1946 (Public Law 724, Seventy-ninth Congress) for chiefs of mission" and inserting in lieu thereof "sections 401, 402 and 403 of the Foreign Service Act of 1980 for chiefs of mission, members of the Senior Foreign Service,"; and

(B) in section 8 (22 U.S.C. 287e) by striking out "section 901(3) of the Foreign Service Act of 1946 (Public Law 724, Seventy-ninth Congress)" and inserting in lieu thereof "section 905 of the Foreign Service Act of 1980".

(3) Section 2 of the joint resolution entitled "Joint Resolution providing for membership and participation by the United States in the United Nations Educational, Scientific, and Cultural Organization, and authorizing an appropriation therefor", approved July 30, 1946 (22 U.S.C. 287n), is amended by striking out "Foreign Service officers in the schedule contained in section 412 of the Foreign Service Act of 1946, as amended," and inserting in lieu thereof "members of the Senior Foreign Service under section 402 of the Foreign Service Act of 1980, or provided for Foreign Service officers under section 403 of that Act,".

(4) Section 2 of the joint resolution entitled "Joint Resolution providing for membership and participation by the United States in the World Health Organization and authorizing an appropriation therefor", approved June 14, 1948 (22 U.S.C. 290a), is amended by striking out "provided by section 412 of the Foreign Service Act of 1946, as amended," and inserting in lieu thereof "established under section 402 or 403 of the Foreign Service Act of 1980".

(5) Section 203(b) of the African Development Fund Act (22 U.S.C. 290g-1(b)) is amended by striking out "a Chief of Mission, class 2, within the meaning of the Foreign Service Act of 1946, as amended and inserting in lieu thereof "a chief of mission under the Foreign Service Act of 1980".

(6) Section 408 of the Mutual Security Act of 1954 (22 U.S.C. 1928) is amended—

(A) in subsection (a) by striking out "Foreign Service Act of 1946, as amended (22 U.S.C. 801)," and inserting in lieu thereof "Foreign Service Act of 1980";

(B) in subsection (b) by striking out "chief of mission, class 1, within the meaning of the Foreign Service Act of 1946, as amended (22 U.S.C. 801)" and inserting in lieu thereof "chief of mission under the Foreign Service Act of 1980"; and

(C) in subsection (c) by striking out "section 529 of this Act who are appointed as Foreign Service Reserve officers may serve for periods of more than five years notwithstanding the limitation in section 522 of the Foreign Service Act of 1946, as amended (22 U.S.C. 922)" and inserting in lieu thereof "section 628 of the Foreign Assistance Act of 1961 who are members of the Foreign Service serving under limited appointments may serve for periods of more than five years notwithstanding the limitation in section 309 of the Foreign Service Act of 1980".

(7) The International Atomic Energy Agency Participation Act of 1957 is amended—

(A) in section 2(d) (22 U.S.C. 2021(d))—

(i) in the first sentence by striking out "section 411 and 412 of the Foreign Service Act of 1946, as amended (22 U.S.C. 866, 867), for Chiefs of Mission" and inserting in lieu thereof "sections 401, 402, and 403 of the Foreign Service Act of 1980 for chiefs of mission, members of the Senior Foreign Service,", and

(ii) in the second sentence by striking out "by Chiefs of Mission" and inserting in lieu thereof "under the Foreign Service Act of 1980 by chiefs of mission, members of the Senior Foreign Service,"; and

(B) in section 5 (22 U.S.C. 2024)—

(i) by striking out "Foreign Service Act of 1946, as amended," and inserting in lieu thereof "Foreign Service Act of 1980", and

(ii) by striking out "Foreign Service Act of 1946, as amended," and inserting in lieu thereof "Foreign Service Act of 1980", and

(8) Section 704(b) of the Center for Cultural and Technical Interchange Between East and West Act of 1960 (22 U.S.C. 2056(b)) is amended by striking out "title X, part C of the Foreign Service Act of 1946, as amended" and inserting in lieu thereof "section 25 of the State Department Basic Authorities Act of 1956".

(9) Section 104(d) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 245(d)) is amended by striking out "section 528" and all that follows through "such persons" and inserting in lieu thereof "section 310 of the Foreign Service Act of 1980 for individuals appointed to the Foreign Service".

(10) Section 5(a) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2605(a)) is amended—

(A) in paragraph (1) by striking out "Foreign Service personnel" and inserting in lieu thereof "members of the Foreign Service";

(B) in paragraph (2) by striking out "Foreign Service Reserve officers" and inserting in lieu thereof "members of the Foreign Service serving under limited appointments"; and

(C) in paragraph (4) by striking out "Foreign Service Act of 1946, as amended (22 U.S.C. 801 et seq.)" and inserting in lieu thereof "Foreign Service Act of 1980".

(11) Section 403(c) of the International Development Cooperation Act of 1979 (22 U.S.C. 3503(c)) is amended by striking out "Foreign Service Act of 1946" and inserting in lieu thereof "Foreign Service Act of 1980".

(b)(1) Section 605A(h) of the Act entitled "An Act to provide for greater stability in agriculture; to augment the marketing and disposal of agricultural products; and for other purposes", approved August 28, 1954 (7 U.S.C. 176a(h)), is amended by striking out "Foreign Service personnel" and inserting in lieu thereof "members of the Foreign Service".

(2) Section 606D of such Act (7 U.S.C. 1766c) is amended by striking out "title IX of the Foreign Service Act of 1946" and inserting in lieu thereof "chapter 9 of title I of the Foreign Service Act of 1980".

(c)(1) Section 2002(a) of title 10, United States Code, is amended—

(A) in the text preceding paragraph (1) by striking out "section 1041 of title 22" and inserting in lieu thereof "section 701(b) of the Foreign Service Act of 1980"; and

(B) in paragraph (2) by striking out "section 1041 of title 22" and inserting in lieu thereof "section 701(a) of the Foreign Service Act of 1980".

(d) Section 8(a)(1) of the Defense Department Overseas Teachers Pay and Personnel Practices Act (20 U.S.C. 906(a)(1)) is amended by striking out "section 901(2) of the Foreign Service Act of 1946 (22 U.S.C. 1131(2))" and inserting in lieu thereof "section 5924 of title 5, United States Code.

(e)(1) Section 104(a)(4) of the Internal Revenue Code of 1954 (26 U.S.C. 104(a)(4)) is amended by striking out "section 831 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1081)" and inserting in lieu thereof "section 808 of the Foreign Service Act of 1980".

(2) Section 170(i) of the Internal Revenue Code of 1954 (26 U.S.C. 170(i)) is amended by amending paragraph (6) to read as follows:

> **"(6) For treatment of gifts accepted by the Secretary of State, the Director of the International Communication Agency, or the Director of the United States International Development Cooperation Agency, as gifts to or for the use of the United States, see section 25 of the State Department Basic Authorities Act of 1956.".**

(3) Section 912(1)(A) of the Internal Revenue Code of 1954 (26 U.S.C. 912(1)(A)) is amended to read as follows:

"(A) chapter 9 of title I of the Foreign Service Act of 1980,".

(4) Section 2055(f)(5) of the Internal Revenue Code of 1954 (26 U.S.C. 2055(f)(5)) is amended to read as follows:

> **"(5) For treatment of gifts, devises, or bequests accepted by the Secretary of State, the Director of the International Communication Agency, or the Director of the United States International Development Cooperation Agency as gifts, devises, or bequests to or for the use of the United States, see section 25 of the State Department Basic Authorities Act of 1956.".**

(f) Section 10(d) of the Gold Reserve Act of 1934 (31 U.S.C. 822a(d)) is amended by striking out "title IX of the Foreign Service Act of 1946, as amended" and inserting in lieu thereof "chapter 9 of title I of the Foreign Service Act of 1980".

(g) Section 235 of title 38, United States Code, is amended—

(1) in paragraph (1) by striking out "Section 1131 of title 22" and inserting in lieu thereof "Section 905 of the Foreign Service Act of 1980";

(2) in paragraph (2) by striking out "Section 1136 (1), (2), (3), (4), (5), (7), and (11) of title 22" and inserting in lieu thereof

"Sections 901 (1), (2), (3), (4), (7), (8), (9), (11), and (12) of the Foreign Service Act of 1980";

(3) in paragraph (3) by striking out "Section 1138 of title 22" and inserting in lieu thereof "Section 901(13) of the Foreign Service Act of 1980";

(4) in paragraph (4) by striking out "Section 1148 of title 22" and inserting in lieu thereof "Section 903 of the Foreign Service Act of 1980"; and

(5) in paragraph (5) by striking out "Section 1156 of title 22" and inserting in lieu thereof "Section 904(d) of the Foreign Service Act of 1980".

(h) Section 415(c) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5055(c)) is amended—

(1) in paragraph (1) by striking out "section 852(a)(1) of the Foreign Service Act of 1946, as amended (22 U.S.C. 1092(a)(1)), and every other" and inserting in lieu thereof "any"; and

(2) in paragraph (2) by striking out "Foreign Service Act of 1946" and inserting in lieu thereof "Foreign Service Act of 1980".

Sec. 2207.[179] **Model Foreign Language Competence Posts.**—(a) In order to carry out the purposes of section 702 and to help ascertain the relationship between foreign language competence and the effectiveness of representation of the United States abroad, the Secretary of State shall designate as model foreign language competence posts at least two Foreign Service posts in countries where English is not the common language. Such designation shall be made no later than October 1, 1981, and shall be implemented so that no later than October 1, 1983, each Government employee permanently assigned to those posts shall possess an appropriate level of competence in the language common to the country where the post is located. The Secretary of State shall determine appropriate levels of language competence for employees assigned to those posts by reference to the nature of their functions and the standards employed by the Foreign Service Institute.

(b) The posts designated under subsection (a) shall continue as model foreign language competence posts at least until September 30, 1985. The Secretary of State shall submit no later than January 31, 1986, a report to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate describing the operation of such posts and the costs, advantages and disadvantages associated with meeting the foreign language competence requirements of this section.

(c) The Secretary of State may authorize exceptions to the requirements of this section if he determines that unanticipated exigencies so require. Such exceptions shall be annually reported to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate.

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[179] 22 U.S.C. 4171.

CHAPTER 3—AMENDMENTS TO TITLE 5, UNITED STATES CODE

Sec. 2301. Reemployment Rights.—(a) Chapter 35 of title 5, United States Code, is amended by adding at the end thereof the following new subchapter:

"SUBCHAPTER VI—REEMPLOYMENT FOLLOWING LIMITED APPOINTMENT IN THE FOREIGN SERVICE

"§ 3597. Reemployment following limited appointment in the Foreign Service

"An employee of any agency who accepts, with the consent of the head of that agency, a limited appointment in the Foreign Service under section 309 of the Foreign Service Act of 1980 is entitled, upon the expiration of that appointment, to be reemployed in that employee's former position or in a corresponding or higher position in that agency. Upon reemployment under this section, an employee shall be entitled to any within-grade increases in pay which the employee would have received if the employee had remained in the former position in the agency.".

(b) The analysis for chapter 35 of title 5, United States Code, is amended by adding at the end thereof the following:

"SUBCHAPTER VI—REEMPLOYMENT FOLLOWING LIMITED APPOINTMENT IN THE FOREIGN SERVICE

"§ 3597. Reemployment following limited appointment in the Foreign Service.".

Sec. 2302. Salary for Ambassadors at Large.—Section 5313 of title 5, United States Code, is amended by adding the following at the end thereof:

"Ambassadors at Large.".

Sec. 2303. Advances of Pay Incident to Departures From Posts Abroad.—(a) Section 5522(a) of title 5, United States Code, is amended—

(1) by striking out "evacuation" and inserting in lieu thereof "departure"; and

(2) by striking out "is ordered for military or other reasons which create imminent danger to the life or lives of the employee or of his dependents or immediate family" and inserting in lieu thereof "is officially authorized or ordered—

"(1) from a place outside the United States from which the Secretary of State determines it is in the national interest to require the departure of some or all employees, their dependents, or both; or

"(2) from any place where there is imminent danger to the life of the employee or the lives of the dependents or immediate family of the employee".

(b) Section 5522(b) of title 5, United States Code, is amended by striking out "evacuation" and inserting in lieu thereof "departure".

(c) Section 5523(a)(1) of title 5, United States Code, is amended—

(1) by amending subparagraph (A) to read as follows:

"(A) whose departure is authorized or ordered under section 5522(a) of this title; and"; and

(2) in subparagraph (B) by striking out "evacuation" and inserting in lieu thereof "departure".

(d) Section 5523(b) of title 5, United States Code, is amended by striking out "evacuation" both places it appears and inserting in lieu thereof "departure".

(e) Section 405a(a) of title 37, United States Code, is amended by striking out "evacuated" and "evacuation" wherever they appear and inserting in lieu thereof "to depart" and "departure", respectively.

Sec. 2304. Premium Pay.—Paragraph (2) of section 5541 of title 5, United States Code, is amended by striking out clauses (xiv) and (xv) and inserting in lieu thereof the following:

"(xiv) a Foreign Service officer;

"(xv) a member of the Senior Foreign Service; or".

Sec. 2305. Severance Pay.—Section 5595(a)(2)(vi) of title 5, United States Code, is amended by inserting after "to receive" the following: "benefits under section 609(b)(1) of the Foreign Service Act of 1980 or any".

Sec. 2306. Attorneys Fees in Backpay Cases.—Section 5596(b) of title 5, United States Code, is amended—

(1) in paragraph (1)(A)(ii) by inserting "or under chapter 11 of title I of the Foreign Service Act of 1980," immediately after "chapter 71 of this title,"; and

(2) in paragraph (3)—

(A) by inserting "and (with respect to members of the Foreign Service) in sections 1101 and 1002 of the Foreign Service Act of 1980" immediately after "section 7103 of this title"; and

(B) by inserting "and (with respect to members of the Foreign Service) in section 1015 of the Foreign Service Act of 1980" immediately after "section 7116 of this title".

Sec. 2307. Separate Maintenance Allowance.—Section 5924(3) of title 5, United States Code, is amended—

(1) by inserting "or authorized" immediately after "compelled"; and

(2) by inserting "or who requests such an allowance because of special needs or hardship involving the employee or the employee's spouse or dependents," immediately after "for the convenience of the Government,".

Sec. 2308. Education Allowance.—Section 5924(4)(B) of title 5, United States Code, is amended by striking out "(i)" and all that follows through "each type of education" and inserting in lieu thereof "one annual trip each way for each dependent".

Sec. 2309. Posts Requiring Special Incentives.—Section 5925 of title 5, United States Code, is amended—

(1) by striking out "A post" in the first sentence and inserting in lieu thereof "(a) A post";

(2) by inserting "under this subsection" immediately after "differential" in the last sentence; and

(3) by adding at the end thereof the following new subsection:

"(b) Any employee granted a differential under subsection (a) of this section may be granted an additional differential for an assignment to a post determined to have especially adverse conditions of environment which warrant additional pay as a recruitment and retention incentive for the filling of positions at that post. An additional differential for any employee under this subsection—

"(1) may be paid for each assignment to a post determined to have such conditions;

"(2) may be paid periodically or in a lump sum; and

"(3) may not exceed 15 percent of the rate of basic pay of that employee for the period served under that assignment.".

Sec. 2310. Advances of Pay.—(a) Subchapter III of chapter 59 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 5927. Advances of pay

"Up to three month's pay may be paid in advance to an employee upon the assignment of the employee to a post in a foreign area.".

(b) The analysis of chapter 59 of title 5, United States Code, is amended by inserting after the item relating to section 5926 the following:

"5927. Advances of pay.".

Sec. 2311. Danger Pay Allowance.—Subchapter III of chapter 59 of title 5, United States Code, as amended by section 2301(a), is further amended by adding at the end thereof the following new section:

"§ 5928. Danger pay allowance

"An employee serving in a foreign area may be granted a danger pay allowance on the basis of civil insurrection, civil war, terrorism, or wartime conditions which threaten physical harm or imminent danger to the health or well-being of the employee. A danger pay allowance may not exceed 25 percent of the basic pay of the employee, except that if an employee is granted an additional differential under section 5925(b) of this title with respect to an assignment, the sum of that additional differential and any danger pay allowance granted to the employee with respect to that assignment may not exceed 25 percent of the basic pay of the employee.".

(b) The analysis for chapter 59 of title 5, United States Code, as amended by section 2301(b), is further amended by inserting after the item relating to section 5927 the following:

"5928. Danger pay allowance.".

Sec. 2312. Leave.—(a) Section 6301 of title 5, United States Code, is amended by adding at the end thereof the following new sentence: "Notwithstanding clauses (x)–(xii) of paragraph (2), the term 'employee' includes any member of the Senior Foreign Service or any Foreign Service officer (other than a member or officer serving as chief of mission or in a position which requires appointment by and with the advice and consent of the Senate) and any member of the Foreign Service commissioned as a diplomatic or consular officer, or both, under section 321 of the Foreign Service Act of 1980.".

(b) Section 6304 of title 5, United States Code, is amended—

(1) in subsection (a) by striking out "and (f)" and inserting in lieu thereof "(f), and (g)"; and

(2) by adding at the end thereof the following new subsection:

"(g) Annual leave accrued by a member of the Senior Foreign Service shall not be subject to the limitation on accumulation otherwise imposed by this section.".

(c) Section 6305(a) of title 5, United States Code, is amended by inserting immediately after "States" in the first sentence "(or after a shorter period of such service if the employee's assignment is terminated for the convenience of the Government)".

Sec. 2313. Retirement Credit for Imprisoned Foreign Nationals and for Service With Certain Overseas Broadcasting Organizations.—(a) Section 8332(b) of title 5, United States Code, is amended by striking out "and" at the end of paragraph (8), by striking out the period at the end of paragraph (9) and inserting in lieu thereof a semicolon, and by inserting immediately after paragraph (9) the following new paragraphs:

"(10) periods of imprisonment of a foreign national for which compensation is provided under section 410 of the Foreign Service Act of 1980, if the individual (A) was subject to this subchapter during employment with the Government last preceding imprisonment, or (B) is qualified for an annuity under this subchapter on the basis of other service of the individual; and

"(11) subject to sections 8334(c) and 8339(i) of this title, service in any capacity of at least 130 days (or its equivalent) per calendar year performed after July 1, 1946, for the National Committee for a Free Europe; Free Europe Committee, Incorporated; Free Europe, Incorporated; Radio Liberation Committee; Radio Liberty Committee; subdivisions of any of those organizations; Radio Free Europe/Radio Liberty, Incorporated, Radio Free Asia; the Asia Foundation; or the Armed Forces Network, Europe (AFN–E), but only if such service is not credited for benefits under any other retirement system which is established for such entities and funded in whole or in part by the Government and only if the individual later becomes subject to this subchapter.".

(b) Such section 8332(b) is further amended by adding at the end thereof the following new sentence: "The Office of Personnel Management shall accept the certification of the Executive Director of the Board for International Broadcasting concerning services for the purposes of this subchapter of the type described in paragraph (11) of this subsection.".

Sec. 2314. Conforming Amendments to Title 5.—(a) Section 3323(c) of title 5, United States Code, is amended by striking out "Foreign Service officer retired under section 1001 or 1002 of title 22 or a Foreign Service Staff officer or employee retired under section 1063 of title 22" and inserting in lieu thereof "member of the Foreign Service retired under section 812 of the Foreign Service Act of 1980".

(b) Section 5102(c)(2) of title 5, United States Code, is amended by striking out "employees in the Foreign Service of the United States whose pay is fixed under chapter 14 of title 22" and insert in lieu thereof "members of the Foreign Service whose pay is fixed under the Foreign Service Act of 1980".

(c)(1) Section 5301(c)(2) of title 5, United States Code, is amended by striking out "subchapter IV of chapter 14 of title 22" and inserting in lieu thereof "section 403 of the Foreign Service Act of 1980".

(2) Section 5303(a)(4) of title 5, United States Code, is amended by striking out "sections 867 and 870 of title 22" and inserting in lieu thereof "section 403 of the Foreign Service Act of 1980".

(3) Section 5304 of title 5, United States Code, is amended by striking out "chapter 14 of title 22" and inserting in lieu thereof "the Foreign Service Act of 1980".

(d) Section 5724(g) of title 5, United States Code, is amended by striking out "chapter 14 of title 22" and inserting in lieu thereof "the Foreign Service Act of 1980".

(e) Section 5727(e)(2) of title 5, United States Code, is amended to read as follows:

"(2) This section, except subsection (a), does not affect section 403e(4) of title 50.".

(f)(1) Section 6301(2)(xii) of title 5, United States Code, is amended by striking out "an officer who receives pay under section 866 of title 22" and inserting in lieu thereof "a chief of mission (as defined in section 102(a)(3) of the Foreign Service Act of 1980)".

(2) Section 6305(b) of title 5, United States Code, is amended by striking out "an officer" and inserting in lieu thereof "a chief of mission".

(g) Section 7103(a)(2)(iv) of title 5, United States Code, is amended by striking out "the Agency for International Development, or" and inserting before the semicolon ", the United States International Development Cooperation Agency, the Department of Agriculture, or the Department of Commerce".

(h) Section 8501(1)(C) of title 5, United States Code, is amended by striking out "Foreign Service personnel for whom special separation allowances are provided under chapter 14 of title 22" and inserting in lieu thereof "members of the Foreign Service for whom payments are provided under section 609(b)(1) of the Foreign Service Act of 1980".

CHAPTER 4—SAVING PROVISIONS, CONGRESSIONAL OVERSIGHT, AND EFFECTIVE DATE

Sec. 2401.[180] **Saving Provisions.**—(a) All determinations, authorizations, regulations, orders, agreements, exclusive recognition of an organization or other actions made, issued, undertaken, entered into or taken under the authority of the Foreign Service Act of 1946 or any other law repealed, modified, or affected by this Act shall continue in full force and effect until modified, revoked, or superseded by appropriate authority. Any grievances, claims, or appeals which were filed or made under any such law and are pending resolution on the effective date of this Act shall continue to be governed by the provisions repealed, modified, or affected by this Act.

(b) This Act shall not affect any increase in annuity or other right to benefits, which was provided by any provision amended or repealed by this Act, with respect to any individual who became entitled to such benefit prior to the effective date of this Act.

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[180] 22 U.S.C. 4172.

(c) References in law to provisions of the Foreign Service Act of 1946 or other law superseded by this Act shall be deemed to include reference to the corresponding provisions of this Act.

Sec. 2402. Congressional Oversight of Implementation.—(a) Not later than February 1, 1982, the Secretary of State shall submit to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate a report describing the implementation of this Act during the fiscal year 1981 by the agencies utilizing the Foreign Service personnel system. Such report shall—

(1) describe the steps taken and planned in furtherance of (A) maximum compatibility among such agencies, as provided for in section 203, and (B) the development of uniform policies and procedures and consolidated personnel functions, as provided for in section 204;

(2) indicate the progress made by each such agency in the conversion of personnel and position classifications in accordance with chapter 1 of this title;

(3) specify the upper and lower limits planned by each such agency for recruitment, advancement, and retention of members of the Service, as provided for in section 601(c)(2), including with respect to each of the relevant promotion competition groups the projected ranges of rates of appointment, promotion, and attrition over each of the five fiscal years 1981 through 1985; and

(4) specify the numbers of members of the Service who are assigned to positions classified under section 501 which are more than one grade higher or lower than the personal rank of the member (except that the names and grades of such members shall be transmitted to the Congress in a confidential manner to assure privacy and to safeguard national security).

(b) Beginning in 1982, the Secretary of State shall submit each year to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate a supplemental report containing—

(1) a description of any relevant developments with respect to the matters reported on under paragraphs (1) and (2) of subsection (a);

(2) with respect to paragraph (3) of such subsection, a revised projection of the ranges of rates of appointment, promotion, and attrition over each of the next five years, as well as a comparison of such projections with the projections for the preceding year and with actual rates of appointment, promotion, and attrition, including a full explanation of any deviations from projections reported in the preceding year; and

(3) the information specified in paragraph (4) of such subsection.

(c) The Secretary shall consult, in accordance with the procedures set out in section 1013(g), with the exclusive representative (if any) of members of the Foreign Service in each agency specified in section 1003(a) with respect to steps to be taken in implementing this Act and reported under this section. To that end, each such exclusive representative will have timely access to all relevant information at each stage. Each such report shall include the views of each such exclusive representative on any and all aspects of the report and the information contained in such report.

Sec. 2403.[181] **Effective Date.**—(a) Except as otherwise provided, this Act shall take effect on February 15, 1981.

(b) Personnel actions may be taken on and after the effective date of this Act on the basis of any then current Foreign Service evaluation cycle as if this Act had been in effect at the beginning of that cycle.

(c) [181] * * * [Repealed—1985]

(d)(1) Section 812 of this Act, and the repeal of sections 631 and 632 of the Foreign Service Act of 1946 and section 625(k) of the Foreign Assistance Act of 1961, shall be effective as of the date of enactment of this Act.

(2) For purposes of implementing section 2101, sections 402(a) and 403 shall be effective as of the date of enactment of this Act.

(e)(1) The provisions of chapter 8 of title I regarding the rights of former spouses to any annuity under section 814(a) shall apply in the case of any individual who after the effective date of this Act becomes a former spouse of an individual who separates from the Service after such date.

(2) Except to the extent provided in section 2109, the provisions of such chapter regarding the rights of former spouses to receive survivor annuities under chapter 8 shall apply in the case of any individual who after the effective date of this Act becomes a former spouse of a participant or former participant in the Foreign Service Retirement and Disability System.

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[181] 22 U.S.C. 3901 note. Section 2403(c) was repealed effective October 1, 1985 by sec. 119(b) Public Law 99-93 [99 Stat. 405].

The repealed provision read as follows:

(c) Appointments to the Senior Foreign Service by the Secretary of Commerce shall be excluded in the calculation and application of the limitation in section 305(b) until October 1, 1985. Prior to that date, the number of members serving in the Senior Foreign Service under limited appointments by the Secretary of Commerce may not exceed 10 at any one time (excluding individuals with reemployment rights under section 310 as career appointees in the Senior Executive Service).

b. Strengthening the Organization and Administration of the Department of State

Public Law 81-73 [S. 1704], 63 Stat. 111; 22 U.S.C. 2652 et seq., approved May 26, 1949, as amended by Public Law 84-250 [S. 2237], 69 Stat. 536, approved August 5, 1955; Public Law 85-477 [H.R. 12181], 72 Stat. 274, approved June 30, 1958; Public Law 85-524 [S. 1832], 72 Stat. 363, approved July 18, 1958; Public Law 86-117 [S. 1877], 73 Stat. 265, approved July 30, 1959; Public Law 88-426 [H.R. 11049], 78 Stat. 424, approved August 14, 1964; Public Law 92-352 [H.R. 14734], 86 Stat. 489, approved July 13, 1972; Public Law 95-105 [H.R. 6689], 91 Stat. 844 at 847, approved August 17, 1977; Public Law 95-426 [Foreign Relations Authorization Act, Fiscal Year 1979; H.R. 12598], 92 Stat. 963 at 968, approved October 7, 1978; Public Law 98-164 [Department of State Authorization Act, Fiscal Years 1984 and 1985; H.R. 2915], 97 Stat. 1017, approved November 22, 1983; by Public Law 99-93 [H.R. 2068], 99 Stat. 405, approved August 16, 1985; and by Public Law 99-399 [Omnibus Diplomatic Security and Antiterrorism Act of 1986; H.R. 4151], 100 Stat. 856, approved August 27, 1986.

AN ACT To strengthen and improve the organization and administration of the Department of State, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be in the Department of State in addition to the Secretary of State, a Deputy Secretary of State, an Under Secretary of State for Political Affairs, an Under Secretary of State for Economic and Cultural Affairs, an Under Secretary of State for Management and fifteen Assistant Secretaries of State.[1]

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[1] 22 U.S.C. 2652. Public Law 81-73 provided for a Secretary of State, an Under Secretary of State, and ten Assistant Secretaries, two of which might be designated as Deputy Under Secretaries. Public Law 83-2 (67 Stat. 4) provided for an Under Secretary of State for Administration at $17,500 until Dec. 31, 1954. Public Law 84-250 provided for a Secretary of State, an Under Secretary of State, three Deputy Under Secretaries of State, and ten Assistant Secretaries of State. The designated number of Deputy Under Secretaries of State was changed to two by sec. 502(j)(1) of Public Law 85-477, and the number of Assistant Secretaries was increased from ten to eleven by Public Law 85-524. Sec. 109(c) of Public Law 95-105 increased the number of Assistant Secretaries from eleven to thirteen (one of the offices of Assistant Secretary of State was abolished pursuant to sec. 9(a)(2) of Reorganization Plan No. 2 of 1977). Secs. 115(a) and 116(a) of Public Law 99-93 [99 Stat. 405] increased the number of Assistant Secretaries from thirteen to fourteen and renamed the position of the Under Secretary of State for Economic Affairs the "Under Secretary of State for Economic and Cultural Affairs". Sec. 104(b) of Public Law 99-399; 100 Stat. 856 increased the number of Assistant Secretaries of State from fourteen to fifteen. Sec. 403 of the Foreign Assistance Act of 1971, Public Law 92-226 established an Under Secretary of State for Coordinating Security Assistance Programs. Sec. 103(a)(1) of Public Law 92-352 established a Deputy Secretary of State, an Under Secretary of State for Political Affairs, an Under Secretary of State for Economic Affairs, and a Deputy Under Secretary of State replacing an Under Secretary of State and two Deputy Under Secretaries of State. Sec. 103(b) also provided that: "The duties of the Under Secretary of State are transferred to the Deputy Secretary of State. The individual holding, on the date of enactment of this Act, the office of the Under Secretary of State may assume the duties of the Deputy Secretary of State. The individual assuming such duties shall not be required to be reappointed by reason of the enactment of this section." Sec. 114(a)(1) of Public Law 95-426 (92 Stat. 968) established an Under Secretary of State for Management, replacing the Deputy Under Secretary of State with this position and made the appropriate changes in this section, effective Oct. 1, 1978. Such sec. 114(a) also provided: "The individual holding the office of Deputy Under Secretary of State on the effective date of

Continued

Sec. 2.[2] (a) The Secretary of State and the officers referred to in section 1 of this Act, as amended, shall be appointed by the President, by and with the advice and consent of the Senate. The Legal Adviser [3] who is required to be appointed by the President, by and with the advice and consent of the Senate, shall rank equally with the Assistant Secretaries of State. Any such officer holding office at the time the provisions of this Act, as amended, become effective shall not be required to be reappointed by reason of the enactment of this Act, as amended.

(b) [4] * * *

Sec. 3.[5] The Secretary of State, or such person or persons designated by him, notwithstanding the provisions of the Foreign Service Act of 1946 (60 Stat. 999) or any other law, except where authority is inherent in or vested in the President of the United States, shall administer, coordinate, and direct the Foreign Service of the United States and the personnel of the State Department. Any provisions in the Foreign Service Act of 1946, or in any other law, vesting authority in the "Assistant Secretary of State for Administration", the "Assistant Secretary of State in Charge of the Administration of the Department", the "Director General", or any

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this section shall assume the duties of Under Secretary of State for Management and shall not be required to be reappointed by reason of the enactment of this section."

Sec. 9 of Public Law 93-126 established within the Department of State a Bureau of Oceans and International Environmental and Scientific Affairs, providing for an Assistant Secretary of State to head the Bureau.

Sec. 104(b) of the Act of June 27, 1952, (66 Stat. 174) established a Bureau of Security and Consular Affairs, headed by an administrator with rank equal to that of an Assistant Secretary of State. Sec. 109(b) of Public Law 95-105 renamed the Bureau as the Bureau for Consular Affairs and redesignated the administrator of such Bureau as the Assistant Secretary of State for Consular Affairs.

Sec. 624(e) of Public Law 87-195, as amended, provided for an officer in the Department of State with the title of Inspector General, Foreign Assistance.

Sec. 301(b) of Public Law 94-329 (90 Stat. 750) established within the Department of State a Coordinator for Human Rights and Humanitarian Affairs to be responsible for matters "pertaining to human rights and humanitarian affairs * * * in the conduct of foreign policy." Sec. 109(a) of Public Law 95-105 redesignated such Coordinator as an Assistant Secretary of State for Human Rights and Humanitarian Affairs.

Sec. 115 of Public Law 95-426 (92 Stat. 969) established an Assistant Secretary of State for International Narcotics Matters, effective Oct. 1, 1978, to "be responsible for the overall coordination of the role of the Department of State in the international aspects of narcotics problems."

There is also in the Department of State a Policy Planning Staff, a Bureau of Politico-Military Affairs, and a Bureau of Intelligence and Research, all of which are headed by Directors.

See also the organizational chart of the Department of State in the *United States Government Manual*, 1985-86.

[2] 22 U.S.C. 2653. The original text of sec. 2 was designated as subsec. (a) and a new subsec. (b) was added by sec. 502(j)(2) of Public Law 85-477. The words "and shall receive the same salary as" in the second sentence and the last sentence as added by Public Law 84-250, reading "Unless otherwise provided for by law, the rate of basic compensation of the Deputy Under Secretaries of State shall be the same as that of Assistant Secretaries of State", were deleted by sec. 305(14) of Public Law 88-426.

[3] Sec. 125 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (Public Law 98-164; 97 Stat. 1026) deleted a reference to the Counselor of the Department of State which previously appeared at this point.

[4] Subsec. (b) as amended by Public Law 86-117 (73 Stat. 265) and Public Law 88-426, was repealed by sec. 103(a)(2) of Public Law 92-352. It formerly read: "There is established in the Department of State an Office which shall be entitled as designated by the President, either Under Secretary of State for Political Affairs or Under Secretary of State for Economic Affairs, which Office shall be filled by appointment by the President, by and with the advice and consent of the Senate. The incumbent of such Office shall perform such duties as may be prescribed by the Secretary of State. Any provision of law vesting authority in the 'Under Secretary of State for Economic Affairs,' or any other reference with respect thereto, is hereby amended to vest such authority in the Secretary of State." Refer to 22 U.S.C. 2653.

[5] 22 U.S.C. 811a.

other reference with respect thereto, are hereby amended to vest such authority in the Secretary of State.

Sec. 4.[6] The Secretary of State may promulgate such rules and regulations as may be necessary to carry out the functions now or hereafter vested in the Secretary of State or the Department of State, and he may delegate authority to perform any of such functions, including if he shall so specify the authority successively to redelegate any of such functions,[7] to officers and employees under his direction and supervision.

Sec. 5. The following statutes or parts of statutes are hereby repealed:

Section 200 of the Revised Statutes, as amended and amplified by the Acts authorizing the establishment of additional Assistant Secretaries of State, including section 22 of the Act of May 24, 1924 (ch. 182, and the Act of December 8, 1944, R.S. 200; 43 Stat. 146; 58 Stat. 798; 5 U.S.C. 152, as amended by Public Law 767, Eightieth Congress).

Section 202 of the Foreign Service Act of 1946 (60 Stat. 1000) and any other reference in such Act to the "Deputy Director General".

Section 1041 of the Foreign Service Act of 1946 (60 Stat. 1032).

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[6] 22 U.S.C. 2658.

[7] The phrase ", including if he shall so specify the authority successfully to redelegate any of such functions," was added by sec. 11(a) of Public Law 84-726 (70 Stat. 563).

c. Executive Order 12293, February 23, 1981, 46 F.R. 13969 as amended by Executive Order 12363, May 21, 1982, 47 F.R. 22497; Executive Order 12388, October 14, 1982, 47 F.R. 46245; and by Executive Order 12536, October 9, 1985, 50 F.R. 41477

THE FOREIGN SERVICE OF THE UNITED STATES

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Foreign Service Act of 1980 (94 Stat. 2071, 22 U.S.C. 3901 *et seq.*), Section 202 of the Revised Statutes (22 U.S.C. 2656), and Section 301 of Title 3 of the United States Code, and in order to provide for the administration of the Foreign Service of the United States, it is hereby ordered as follows:

Section 1. There are hereby delegated to the Secretary of State those functions vested in the President by Sections 205, 401(a), 502(c), 613, and 801 of the Foreign Service Act of 1980, hereinafter referred to as the Act (22 U.S.C. 3925, 3942(a)(1), 3892(c), 4013, and 4041).

Sec. 2. The Secretary of State shall, in accord with Section 205 of the Act (22 U.S.C. 3925), consult with the Secretary of Agriculture, the Secretary of Commerce, the Director of the United States Information Agency,[1] the Director of the United States International Development Corporation Agency, the Director of the Office of Personnel Management, and the Director of the Office of Management and Budget, in order to ensure compatibility between the Foreign Service personnel system and other government personnel systems.

Sec. 3. The Secretary of State shall make recommendations to the President through the Director of the Office of Management and Budget whenever action is appropriate under Section 827 of the Act (22 U.S.C. 4067) to maintain existing conformity between the Civil Service Retirement and Disability System and the Foreign Service Retirement and Disability System.

Sec. 4. In accord with Section 402 of the Act (22 U.S.C. 3962), there are established the following salary classes with titles for the Senior Foreign Service (SFS), at basic rates of pay equivalent to that established from time to time for the Senior Executive Service (ES) under Section 5382 of Title 5 of the United States Code.

Career Minister

(a) Basic rate of pay equivalent to ES 6.

Minister-Counselor

(a) Basic rate of pay equivalent to ES 6, or
(b) Basic rate of pay equivalent to ES 5, or

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[1] The reference to the United States Information Agency was substituted in lieu of a reference to the International Communication Agency by sec. 4 of E.O. 12388.

(c) Basic rate of pay equivalent to ES 4.

Counselor

(a) Basic rate of pay equivalent to ES 6, or
(b) Basic rate of pay equivalent to ES 5, or
(c) Basic rate of pay equivalent to ES 4, or
(d) Basic rate of pay equivalent to ES 3, or
(e) Basic rate of pay equivalent to ES 2, or
(f) Basic rate of pay equivalent to ES 1.

Sec. 5. There is hereby delegated to the Secretary of State, without further action by the President, the authority vested in the President by Section 2107 of the Act to the extent necessary to implement the provisions of Section 2101 of the Act, relating to pay and benefits pending conversion.

Sec. 6. (a) Pursuant to Section 211 of the Act (22 U.S.C. 3931), there is established in the Department of State the Board of Examiners for the Foreign Service.

(b) The Board shall be appointed by, and in accordance with regulations prescribed by, the Secretary of State, except that not less than five shall be career members of the Foreign Service and not less than seven shall be appointed as follows:

(1) not less than five shall be appointed by the heads of the agencies utilizing the Foreign Service personnel system;

(2) not less than one shall be a representative appointed by the Director of the Office of Personnel Management; and

(3) not less than one shall be a representative appointed by the Secretary of Labor.

(c) The Secretary of State shall designate from among the members of the Board a Chairman who is a member of the Service.

(d) The Secretary of State shall provide all necessary administrative services and facilities for the Board.

Sec. 7. For the purpose of ensuring the accuracy of information used in the administration of the Foreign Service Retirement and Disability System, the Secretary of State may request from the Secretary of Defense and the Administrator of Veterans Affairs such information as the Secretary deems necessary. To the extent permitted by law: (a) The Secretary of Defense shall provide information on retired or retainer pay provided under Title 10, United States Code; and, (b) the Administrator of Veterans Affairs shall provide information on pensions or compensation provided under Title 38 of the United States Code. The Secretary, in consultation with the officials from whom information is requested, shall ensure that information made available under this Order is used only for the purpose authorized.

Sec. 8. The first seven Sections of this Order shall be effective as of February 15, 1981.

Sec. 9.[2] (a) Pursuant to Section 210 of the Act there is established in the Department of State the Board of the Foreign Service (22 U.S.C. 3930).

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[2] Secs. 9 and 10 were added by E.O. 12363. E.O. 12536 revoked section 9(e) and redesignated sec. 9(j) as 9(e). Sec. 9(e) previously read as follows:

(e) The Secretary of State shall designate a Chairman of the Board from among those members who are career members of the Senior Foreign Service.

(b) The Board shall be composed of the designated number of representatives of the heads of the following agencies:

(1) Department of State, four members, at least three of whom must be career members of the Senior Foreign Service;

(2) United States Information Agency,[3] two members, one of whom must be a career member of the Senior Foreign Service;

(3) United States International Development Cooperation Agency, two members, one of whom must be a career member of the Senior Foreign Service;

(4) Department of Agriculture, two members, one of whom must be a career member of the Senior Foreign Service;

(5) Department of Commerce, two members, one of whom must be a career member of the Senior Foreign Service;

(6) Department of Labor, one member;

(7) Office of Personnel Management, one member;

(8) Office of Management and Budget, one member; and,

(9) Equal Employment Opportunity Commission, one member;

(c) The membership of the Board shall be selected from among officials who are knowledgeable in matters concerning the management of the Foreign Service. Except for the career members of the Senior Foreign Service from the Department of Agriculture, the Department of Commerce, the United States Information Agency,[3] and the United States International Development Cooperation Agency, the members of the Board shall be selected from among those who have the rank of Assistant Secretary or higher or a position of comparable responsibility.

(d) The Secretary of State may from time to time request the heads of other agencies to designate representatives to participate in the functions of the Board on a regular or occasional basis.

(e) The Secretary of State shall provide all necessary administrative services and facilities for the Board.

Sec. 10.[3] Pursuant to section 202(a)(2)(B) and (a)(3)(B) of the Act (22 U.S.C. 3922(a)(2)(B), (a)(3)(B)), it is hereby determined to be necessary, in order to enable the Department of Agriculture and the Department of Commerce to carry out functions which require service abroad, for the respective Secretaries, in consultation with the Office of Personnel Management and the Office of Management and Budget, to be able to utilize the Foreign Service personnel system with respect to personnel of the following:

(a) The Animal and Plant Health Inspection Service of the Department of Agriculture, not to exceed 125 positions, without the prior approval of the Director of the Office of Personnel Management;

(b) The United States Travel and Tourism Administration, and the International Trade Administration of the Department of Commerce, not to exceed 30 positions without the prior approval of the Director of the Office of Personnel Management, and providing that assignments to such positions be administered consistent with policies of the Foreign Commercial Service established under Executive Order No. 12188.

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[3] The reference to the United States Information Agency was substituted in lieu of a reference to the International Communication Agency by sec. 5 of E.O. 12388.

d. Executive Order 12343, January 27, 1982, 47 F.R. 4225

DESIGNATION OF CERTAIN OFFICERS TO ACT AS SECRETARY OF STATE

By the authority vested in me as President of the United States of America by Section 3347 of Title 5 and Section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

Section 1. During any period when, by reason of absence, disability, or vacancy in office, neither the Secretary of State nor the Deputy Secretary of State, is available to exercise the powers or perform the duties of the Office of the Secretary, an officer from the Department of State who has been appointed by the President, by and with the advice and consent of the Senate, in such order as the Secretary of State may from time to time prescribe, shall act as Secretary. If no such order of succession is in effect at that time, then such officers shall act as Secretary in descending order of rank, as established by the listing of their offices in Sections 5314 or 5315 of Title 5 of the United States Code, and at each level of the Executive Schedule in the order in which they shall have taken the oath as such officers.

Sec. 2. The President may at any time, pursuant to law but without regard to the foregoing provisions of this Order, direct that an officer specified by the President shall act as Secretary of State.

Sec. 3. Executive Order No. 10839 is revoked.

e. Foreign Service Retirement Amendments of 1976

Partial text of Public Law 94-350 [Foreign Relations Authorization Act, Fiscal Year 1977; S. 3168], 90 Stat. 834, approved July 12, 1976; as amended by Public Law 96-465 [Foreign Service Act of 1980; H.R. 6790], 94 Stat. 2071 at 2160, approved October 17, 1980

AN ACT To authorize fiscal year 1977 appropriations for the Department of State, the United States Information Agency, and the Board for International Broadcasting, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Foreign Relations Authorization Act, Fiscal Year 1977".

> NOTE.—See also Title I, Chapter 8 of the Foreign Service Act of 1980 (page 1212) for additional legislation concerning the Foreign Service Retirement and Disability System. Sections within Title V of this Act which have not been reproduced here are amendments to the Foreign Service Act of 1946, an Act which was repealed and replaced by the Foreign Service Act of 1980.

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TITLE V—FOREIGN SERVICE RETIREMENT

SHORT TITLE

Sec. 500. This title may be cited as the "Foreign Service Retirement Amendments of 1976".

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CONVERSION TO FOREIGN SERVICE RETIREMENT SYSTEM

Sec. 522.[1] * * * [Repealed—1981]

GRANTS TO CERTAIN WIDOWS AND SURVIVOR ANNUITY ELECTIONS

Sec. 523.[2] (a) A Foreign Service annuitant who was married at the time of retirement, whose service terminated prior to October 16, 1960, and who has not elected any survivor benefit, may, within one hundred and twenty days after the effective date of this title, elect a reduction in his or her annuity of $300 per annum and provide a survivor benefit of $2,400 per annum payable to the annuitant's surviving spouse provided the marriage had been in effect for at least two years at the time of death or resulted in the birth of a child. The survivor annuity shall be treated in all respects as if it had been elected under section 821(b) of the Foreign Service Act of 1946,[3] as amended by this title.

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[1] Sec. 522 was repealed by sec. 2205(4) of the Foreign Service Act of 1980 (Public Law 96-465; 94 Stat. 2160).

[2] 22 U.S.C. 1076 note.

(b) An annuitant who makes an election under subsection (a) of this section shall pay into the Foreign Service Retirement and Disability Fund an amount equal to $25 times the number of full months between the commencing date of his or her annuity and the first of the month following receipt of notice of election by the Secretary of State. This amount may be paid into such Fund by deduction from annuity in multiples of $25 per month. The annuity reduction under subsection (a) of this section and the deduction under this subsection shall commence effective the first of the month following receipt of notice of the election by the Secretary of State. The deduction under this subsection shall continue until the required amount has been paid into such Fund or until the annuitant's death, whichever occurs first; and if the latter, any remaining portion of such required amount shall be deemed to have been paid.

(c) If a Foreign Service annuitant who separated from the Foreign Service prior to October 16, 1960, died before the effective date of this title, or dies within one hundred and twenty days after such effective date leaving a spouse to whom married at retirement who is not entitled to receive a survivor annuity under the terms of section 8133 of title 5, United States Code, or any law authorizing payment from the Foreign Service Retirement and Disability Fund and who qualifies under section 821(h) of the Foreign Service Act of 1946,[3] as amended by this title, the Secretary of State shall grant such surviving spouse, if not remarried prior to age sixty, an annuity, to be payable from such Fund in the amount of $2,400 per annum adjusted by all cost-of-living increases received by widows granted annuities under section 4 of the Act of October 31, 1965 (79 Stat. 1130). An annuity to a surviving spouse who remarried prior to age sixty may be initiated or resumed under this subsection in accordance with the provisions of subsections (b) and (h) of section 821 of the Foreign Service Act of 1946,[3] as amended by this title, if such remarriage has terminated or terminates in the future.

EFFECTIVE DATES

Sec. 524. (a) Unless otherwise specified, this title shall be effective upon enactment or on October 1, 1976, whichever is later.

(b) Section 522 of this title and sections 803 and 881 of the Foreign Service Act of 1946, as amended by this title,[3] shall be effective on the first day of the first pay period which begins more than ninety days after the effective date of this title.

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[3] Such section was repealed and replaced by the Foreign Service Act of 1980 (Public Law 96-465). Sec. 2401(c) of such act specified that any references in other Acts to the Foreign Service Act of 1946 would be deemed to be a reference to the corresponding provision of the Foreign Service Act of 1980.

(c) Effective on the last day of the first month which ends after the effective date of this title, all Foreign Service survivor annuities, including those then in effect, shall terminate on the last day of a month in accordance with the provisions of subsections (b)(2)(B), (e), and (f) of section 821 of the Foreign Service Act of 1946, as amended by this title.[3]

(d) The amendment of section 804 of the Foreign Service Act of 1946[3] made by this title broadening eligibility for children's survivor annuities shall apply to all surviving children regardless of the date of death of the principal.

(e) Subsection (g) of section 821 of the Foreign Service Act of 1946, as added by this title,[3] shall apply to both present and future Foreign Service annuitants. Any annuitant unmarried at retirement who married after retirement but prior to the effective date of this title may make an election under such subsection (g) if notice of the election is received by the Secretary of State within one year after such effective date.

(f) If an annuitant dies on or after January 8, 1971, who, prior to the effective date of this title, elected a reduced annuity with a benefit to a surviving spouse, and is survived by a spouse acquired after such election who qualifies under section 804(2) of the Foreign Service Act of 1946, as amended by this title,[3] such surviving spouse shall be entitled to an annuity computed under the law in effect at the time of such election and in accordance with all other applicable statutes. Such an annuity shall be treated in all other respects in the same manner as an annuity payable under section 821(b) of the Foreign Service Act of 1946, as amended by this title.[3] For purposes of section 882(c)(2) of the Foreign Service Act of 1946, as amended by this title,[3] the death of an annuitant who has died before the effective date of this title shall be deemed to have occurred on such effective date.

(g) The restrictions on payment of survivor annuities in subsection (b)(2)(A) and subsection (h) of section 821 of such Act[3] shall not apply to a supplemental survivor annuity provided under subsection (i) of section 821 or subsection (f) of section 832 of such Act[3] if the restrictions do not apply to a basic survivor annuity elected prior to commencement of the recall service.

(h) Subsection (a) of section 822 of the Foreign Service Act of 1946,[3] as added by this title,[3] shall be effective on the first day of the first month which begins on or after the effective date of this title.

(i) Subsection (a) of section 841 of the Foreign Service Act of 1946, as amended by this title,[3] shall not apply to participants separated from the Foreign Service prior to the effective date of this title nor to their survivors. All payments from the Foreign Service Retirement Fund that become due on and after such effective date shall be paid in the order of precedence specified in such section 841 irrespective of the date of separation.

(j) Subsection (c) of section 851 of the Foreign Service Act of 1946, as added by this title,[3] shall be effective on the first day of the first pay period that begins more than thirty days after the effective date of this title. A participant who is on approved leave without pay and is serving as a full-time officer or employee of an organization composed primarily of Government employees on the effective date of such section shall have sixty days from such date to file an election under subsection (c) of said section 851.

(k) Subsection (f) of section 851 of the Foreign Service Act of 1946, as added by this title, [3] shall apply, in addition to present participants, to former participants who separated from the Foreign Service to enter the Armed Forces within the five-year period immediately preceding the effective date of this title and who are members of the Armed Forces on such date.

(l) The annuity of a survivor who becomes immediately eligible for an annuity under subsection (c) of section 523 of this title or subsection (d) or (f) of this section shall become effective the first day of the first month which begins on or after the effective date of this title. However, payment shall be made only after receipt by the Department of State of such application for annuity and such proof of eligibility as the Secretary may require. If such application and proof of eligibility are not submitted during an otherwise eligible person's lifetime, no annuity shall be due or payable to his or her estate.

(m) The amendment of subsections (a) and (b) of section 882 of the Foreign Service Act of 1946 [3] made by this title shall be effective on the fifteenth day of the third month which begins after the effective date of this title.

(n) Annuities which commenced between—

(A) the effective date of the last cost-of-living increase which became effective under section 882 of the Foreign Service Act of 1946 [3] prior to the effective date of this title, and

(B) such effective date,

shall be recomputed and, if necessary, adjusted retroactively to their commencing dates to apply the provisions of new subsections (c)(1) of section 882 of the Foreign Service Act of 1946, as added by section 515 of this title.[3]

(o) Any Foreign Service officer who is or becomes a career minister and who is not occupying a position to which appointed by the President, by and with the advice and consent of the Senate, shall be mandatorily retired for age in accordance with the schedule below and receive benefits under section 821 of the Foreign Service Act of 1946, [3] unless the Secretary determines it to be in the public interest to extend such officer's service for a period not to exceed five years:

RETIREMENT SCHEDULE

(1) Any career minister who reaches age sixty-five during the month this title becomes effective shall be retired at the end of such month.

(2) Other career ministers who are age sixty or over on such effective date shall be retired at the end of the month which contains the midpoint between the last day of the month of such effective date and the last day of the month during which the officer would reach age sixty-five, counting thirty days to the month.

(3) On the last day of the thirtieth month which ends after such effective date, all other career ministers who are age sixty or over

shall be retired, and thereafter the amendments made by sections 518 and 519 shall be applicable in all cases.

(4) Any career minister who completes a period of authorized service after he reaches mandatory retirement age as provided in the above schedule shall be retired at the end of the month in which the officer completes such service.

f. Interdepartmental Operations of the U.S. Government Overseas

(1) Foreign Intelligence Surveillance

Title 50, United States Code—War and National Defense

CHAPTER 36—FOREIGN INTELLIGENCE SURVEILLANCE

§ 1801. Definitions

As used in this chapter:

(a) "Foreign power" means—

(1) a foreign government or any component thereof, whether or not recognized by the United States;

(2) a faction of a foreign nation or nations, not substantially composed of United States persons;

(3) an entity that is openly acknowledged by a foreign government or governments to be directed and controlled by such foreign government or governments;

(4) a group engaged in international terrorism [1] or activities in preparation therefor;

(5) a foreign-based political organization, not substantially composed of United States persons; or

(6) an entity that is directed and controlled by a foreign government or governments.

(b) "Agent of a foreign power" means—

(1) any person other than a United States person, who—

(A) acts in the United States as an officer or employee of a foreign power, or as a member of a foreign power as defined in subsection (a)(4) of this section;

(B) acts for or on behalf of a foreign power which engages in clandestine intelligence activities in the United States contrary to the interests of the United States, when the circumstances of such person's presence in the United States indicate that such person may engage in such activities in the United States, or when such person knowingly aids or abets any person in the conduct of such activities or knowingly conspires with any person to engage in such activities; or

(2) any person who—

(A) knowingly engages in clandestine intelligence gathering activities for or on behalf of a foreign power, which activities involve or may involve a violation of the criminal statutes of the United States;

(B) pursuant to the direction of an intelligence service or network of a foreign power, knowingly engages in any other clandestine intelligence activities for or on behalf of such foreign power, which activities involve or are about to involve a violation of the criminal statutes of the United States;

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[1] Note use of the term "terrorism" as defined in sec. 1801(c) for purposes of this chapter. The term "terrrorism" appears in the chapter in sec. 1801(a)(4).

(C) knowingly engages in sabotage or international terrorism, or activities that are in preparation therefor, or on behalf of a foreign power, or

(D) knowingly aids or abets any person in the conduct of activities described in subparagraph (A), (B), or (C) or knowingly conspires with any person to engage in activities described in subparagraph (A),(B), or (C).

(c) "International terrorism" means [1] activities that—

(1) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or any State;

(2) appear to be intended—

(A) to intimidate or coerce a civilian population;

(B) to influence the policy of a government by intimidation or coercion; or

(C) to effect the conduct of a government by assassination or kidnapping; and

(3) occur totally outside the United States, or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to coerce or intimidate, or the locale in which their perpetrators operate or seek asylum.

(d) "Sabotage" means activities that involve a violation of chapter 105 of Title 18, or that would involve such a violation if committed against the United States.

(e) "Foreign intelligence information" means—

(1) information that relates to, and if concerning a United States person is necessary to, the ability of the United States to protect against—

(A) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

(B) sabotage or international terrorism by a foreign power or an agent of a foreign power; or

(C) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power; or

(2) information with respect to a foreign power or foreign territory that relates to, and if concerning a United States person is necessary to—

(A) the national defense or the security of the United States; or

(B) the conduct of the foreign affairs of the United States.

(f) "Electronic surveillance" means—

(1) the acquisition by an electronic, mechanical, or other surveillance device of the contents of any wire or radio communication sent by or intended to be received by a particular, known United States person who is in the

United States, if the contents are acquired by intentionally targeting that United States person, under circumstances in which a person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes;

(2) the acquisition by an electronic, mechanical, or other surveillance device of the contents of any wire communication to or from a person in the United States, without the consent of any party thereto, if such acquisition occurs in the United States;

(3) the intentional acquisition by an electronic, mechanical, or other surveillance device of the contents of any radio communication, under circumstances in which a person has a reasonable expectation of privacy and a warrant would be required for law enforcement purpose, and if both the sender and all intended recipients are located without the United States; or

(4) the installation or use of an electronic, mechanical, or other surveillance device in the United States for monitoring to acquire information, other than from a wire or radio communication, under circumstances in which a person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes.

(g) "Attorney General" means the Attorney General of the United States (or Acting Attorney General) or the Deputy Attorney General.

(h) "Minimization procedures", with respect to electronic surveillance, means—

(1) specific procedures, which shall be adopted by the Attorney General, that are reasonably designed in light of the purpose and technique of the particular surveillance, to minimize the acquisition and retention, and prohibit the dissemination, of nonpublicly available information concerning unconsenting United States persons consistent with the need of the United States to obtain, produce, and disseminate foreign intelligence information;

(2) procedures that require that nonpublicly available information, which is not foreign intelligence information, as defined in subjection (e)(1) of this section, shall not be disseminated in a manner that identifies any United States person, without such person's consent, unless such person's identity is necessary to understand foreign intelligence information or assess its importance;

(3) notwithstanding paragraphs (1) and (2), procedures that allow for the retention and dissemination of information that is evidence of a crime which has been, is being, or is about to be committed and that is to be retained or disseminated for law enforcement purposes; and

(4) notwithstanding paragraphs (1), (2), and (3), with respect to any electronic surveillance approved pursuant to section 1802(a) of this title, procedures that require that no contents of any communication to which a United States person is a party shall be disclosed, disseminated, or used for any purpose or retained for longer than twenty-four

hours unless a court order under section 1805 of this title is obtained or unless the Attorney General determines that the information indicates a threat of death or serious bodily harm to any person.

(i) "United States person" means a citizen of the United States, an alien lawfully admitted for permanent residence (as defined in section 1101(a)(20) of Title 8), an unincorporated association a substantial number of members of which are citizens of the United States or aliens lawfully admitted for permanent residence, or a corporation which is incorporated in the United States, but does not include a corporation or an association which is a foreign power, as defined in subsection (a)(1), (2), or (3) of this section.

(j) "United States", when used in a geographic sense, means all areas under the territorial sovereignty of the United States and the Trust Territory of the Pacific Islands.

(k) "Aggrieved person" means a person who is the target of an electronic surveillance or any other person whose communications or activities were subject to electronic surveillance.

(l) "Wire communication" means any communication while it is being carried by a wire, cable, or other like connection furnished or operated by any person engaged as a common carrier in providing or operating such facilities for the transmission of interstate or foreign communications.

(m) "Person" means any individual, including any officer or employee of the Federal Government, or any group, entity, association, corporation, or foreign power.

(n) "Contents", when used with respect to a communication, includes any information concerning the identify of the parties to such communication or the existence, substance, purport, or meaning of that communication.

(o) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and any territory or possession of the United States.

§ 1802. Electronic surveillance authorization without court order; certification by Attorney General; reports to congressional committees; transmittal under seal; duties and compensation of communication common carrier; applications; jurisdiction of court

(a)(1) Notwithstanding any other law, the President, through the Attorney General, may authorize electronic surveillance without a court under this chapter to acquire foreign intelligence information for periods of up to one year if the Attorney General certifies in writing under oath that—

(A) the electronic surveillance is solely directed at—

(i) the acquisition of the contents of communications transmitted by means of communications used exclusively between or among foreign powers, as defined in section 1801(a)(1), (2), or (3) of this title; or

(ii) the acquisition of technical intelligence, other than the spoken communications of individuals, from property or premises under the open and exclusive control of a foreign power, as defined in section 1801(a)(1), (2), or (3) of this title;

(B) there is no substantial likelihood that the surveillance will acquire the contents of any communication to which a United States person is a party; and

(C) the proposed minimization procedures with respect to such surveillance meet the definition of minimization procedures under section 1801(h) of this title; and

if the Attorney General reports such minimization procedures and any changes thereto to the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence at least thirty days prior to their effective date, unless the Attorney General determines immediate action is required and notifies the committees immediately of such minimization procedures and the reason for their becoming effective immediately.

(2) An electronic surveillance authorized by this subsection may be conducted only in accordance with the Attorney General's certification and the minimization procedures adopted by him. The Attorney General shall assess compliance with such procedures and shall report such assessments to the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence under the provisions of section 1808(a) of this title.

(3) The Attorney General shall immediately transmit under seal to the court established under section 1803(a) of this title a copy of his certification. Such certification shall be maintained under security measures established by the Chief Justice with the concurrence of the Attorney General, in consultation with the Director of Central Intelligence, and shall remain sealed unless—

(A) an application for a court order with respect to the surveillance is made under sections 1801(h)(4) and 1804 of this title; or

(B) the certification is necessary to determine the legality of the surveillance under section 1806(f) of this title.

(4) With respect to electronic surveillance authorized by this subsection, the Attorney General may direct a specified communication common carrier to—

(A) furnish all information, facilities, or technical assistance necessary to accomplish the electronic surveillance in such a manner as will protect its secrecy and produce a minimum of interference with the services that such carrier is providing its customers; and

(B) maintain under security procedures approved by the Attorney General and the Director of Central Intelligence any records concerning the surveillance or the aid furnished which such carrier wishes to retain.

The Government shall compensate, at the prevailing rate, such carrier for furnishing such aid.

(b) Applications for a court order under this chapter are authorized if the President has, by written authorization, empowered the Attorney General to approve applications to the court having jurisdiction under section 1803 of this title, and a judge to whom an application is made may, notwithstanding any other law, grant an order, in conformity with section 1805 of this title, approving electronic surveillance of a foreign power or an agent of a foreign power for the purpose of obtaining foreign intelligence information, except that the court shall not have jurisdiction to grant any order approving electronic surveillance directed solely as described in paragraph (1)(A) of subsection (a) of this section unless such surveillance may involve the acquisition of communications of any United States person.

§ 1803. Designation of judges

(a) Court to hear applications and grant orders; record of denial; transmittal to court of review

The Chief Justice of the United States shall publicly designate seven district court judges from seven of the United States judicial circuits who shall constitute a court which shall have jurisdiction to hear applications for and grant orders approving electronic surveillance anywhere within the United States under the procedures set forth in this Act, except that no judge designated under this subsection shall hear the same application for electronic surveillance under this Act which has been denied previously by another judge designated under this subsection. If any judge so designated denies an application for an order authorizing electronic surveillance under this Act, such judge shall provide immediately for the record a written statement of each reason for his decision and, on motion of the United States, the record shall be transmitted, under seal, to the court of review established in subsection (b) of this section.

(b) Court of review; record, transmittal to Supreme Court

The Chief Justice shall publicly designate three judges, one of whom shall be publicly designated as the presiding judge, from the United States district courts or courts of appeals who together shall comprise a court of review which shall have jurisdiction to review the denial of any application made under this Act. If such court determines that the application was properly denied, the court shall immediately provide for the record a written statement of each reason for its decision and, on petition of the United States for a writ of certiorari, the record shall be transmitted under seal to the Supreme Court, which shall have jurisdiction to review such decision.

(c) Expeditious conduct of proceedings, security measures for maintenance of records

Proceedings under this Act shall be conducted as expeditiously as possible. The record of proceedings under this Act, including applications made and orders granted, shall be maintained under security measures established by the Chief Justice in consultation with the Attorney General and the Director of Central Intelligence.

(d) Tenure

Each judge designated under this section shall so serve for a maximum of seven years and shall not be eligible for redesignation, except that the judges first designated under subsection (a) of this section shall be designated for terms of from one to seven years so that one term expires each year, and that judges first designated under subsection (b) of this section shall be designated for terms of three, five, and seven years.

§ 1804. Applications for court orders

(a) Submission by Federal officer; approval of Attorney General; contents

Each application for an order approving electronic surveillance under this chapter shall be made by a Federal officer in writing upon oath or affirmation to a judge having jurisdiction under section 1803 of this title. Each application shall require the approval of the Attorney General based upon his finding that it satisfies the criteria and requirements of such application as set forth in this chapter. It shall include—

(1) the identity of the Federal officer making the application;

(2) the authority conferred on the Attorney General by the President of the United States and the approval of the Attorney General to make the application;

(3) the identity, if known, or a description of the target of the electronic surveillance;

(4) a statement of the facts and circumstances relied upon by the applicant to justify his belief that—

(A) the target of the electronic surveillance is a foreign power or an agent of a foreign power; and

(B) each of the facilities or places at which the electronic surveillance is directed is being used, or is about to be used, by a foreign power or an agent of a foreign power;

(5) a statement of the proposed minimization procedures;

(6) a detailed description of the nature of the information sought and the type of communications or activities to be subjected to the surveillance;

(7) a certification or certifications by the Assistant to the President for National Security Affairs or an executive branch official or officials designated by the President from among those executive officers employed in the area of national security or defense and appointed by the President with the advice and consent of the Senate—

(A) that the certifying official deems the information sought to be foreign intelligence information;

(B) that the purpose of the surveillance is to obtain foreign intelligence information;

(C) that such information cannot reasonably be obtained by normal investigative techniques;

(D) that designates the type of foreign intelligence information being sought according to the categories described in section 1801(e) of this title; and

(E) including a statement of the basis for the certification that—

(i) the information sought is the type of foreign intelligence information designated; and

(ii) such information cannot reasonably be obtained by normal investigative techniques;

(8) a statement of the means by which the surveillance will be effected and a statement whether physical entry is required to effect the surveillance;

(9) a statement of the facts concerning all previous applications that have been made to any judge under this chapter involving any of the persons, facilities, or places specified in the application, and the action taken on each previous application;

(10) a statement of the period of time for which the electronic surveillance is required to be maintained, and if the nature of the intelligence gathering is such that the approval of the use of electronic surveillance under this chapter should not automatically terminate when the described type of information has first been obtained, a description of facts supporting the belief that additional information of the same type will be obtained thereafter, and

(11) whenever more than one electronic, mechanical or other surveillance device is to be used with respect to a particular proposed electronic surveillance, the coverage of the devices involved and what minimization procedures apply to information acquired by each device.

(b) Exclusion of certain information respecting foreign power targets

Whenever the target of the electronic surveillance is a foreign power, as defined in section 1801(a) (1), (2), or (3) of this title, and each of the facilities or places at which the surveillance is directed is owned, leased or exclusively used by that foreign power, the application need not contain the information required by paragraphs (6), (7)(E), (8), and (11) of subsection (a) of this section, but shall state whether physical entry is required to effect the surveillance and shall contain such information about the surveillance techniques and communications or other information concerning United States persons likely to be obtained as may be necessary to assess the proposed minimization procedures.

(c) Additional affidavits or certifications

The Attorney General may require any other affidavit or certification from any other officer in connection with the application.

(d) Additional information

The judge may require the applicant to furnish such other information as may be necessary to make the determinations required by section 1805 of this title.

§ 1805. Issuance of order

(a) Necessary findings

Upon an application made pursuant to section 1804 of this title, the judge shall enter an ex parte order as requested or as modified approving the electronic surveillance if he finds that—

(1) the President has authorized the Attorney General to approve applications for electronic surveillance for foreign intelligence information;

(2) the application has been made by a Federal officer and approved by the Attorney General;

(3) on the basis of the facts submitted by the applicant there is probable cause to believe that—

(A) the target of the electronic surveillance is a foreign power or an agent of a foreign power: *Provided,* That no United States person may be considered a foreign power or an agent of a foreign power solely upon the basis of activities protected by the first amendment to the Constitution of the United States; and

(B) each of the facilities or places at which the electronic surveillance is directed is being used, or is about to be used, by a foreign power or an agent of a foreign power;

(4) the proposed minimization procedures meet the definition of minimization procedures under section 1801(h) of this title; and

(5) the application which has been filed contains all statements and certifications required by section 1804 of this title and, if the target is a United States person, the certification or certifications are not clearly erroneous on the basis of the statement made under section 1804(a)(7)(E) of this title and any other information furnished under section 1804(d) of this title.

(b) Specifications and directions of orders

An order approving an electronic surveillance under this section shall—

(1) specify—

(A) the identity, if known, or a description of the target of the electronic surveillance;

(B) the nature and location of each of the facilities or places at which the electronic surveillance will be directed;

(C) the type of information sought to be acquired and the type of communications or activities to be subjected to the surveillance;

(D) the means by which the electronic surveillance will be effected and whether physical entry will be used to effect the surveillance;

(E) the period of time during which the electronic surveillance is approved; and

(F) whenever more than one electronic, mechanical, or other surveillance device is to be used under the order, the authorized coverage of the devices involved and what minimization procedures shall apply to information subject to acquisition by each device; and

(2) direct—

(A) that the minimization procedures be followed;

(B) that, upon the request of the applicant, a specified communication or other common carrier, landlord, custodian, or other specified person furnish the applicant forthwith all information, facilities, or technical assistance necessary to accomplish the electronic surveillance in such a manner as will protect its secrecy and produce a minimum of interference with the services that such carrier, landlord, custodian, or other person is providing that target of electronic surveillance;

(C) that such carrier, landlord, custodian, or other person maintain under security procedures approved by the Attorney General and the Director of Central Intelligence any records concerning the surveillance or the aid furnished that such person wishes to retain; and

(D) that the applicant compensate, at the prevailing rate, such carrier, landlord, custodian, or other person for furnishing such aid.

(c) Exclusion of certain information respecting foreign power targets

Whenever the target of the electronic surveillance is a foreign power, as defined in section 1801(a)(1), (2), or (3) of this title, and each of the facilities or places at which the surveillance is directed is owned, leased, or exclusively used by that foreign power, the order need not contain the information required by subparagraphs (C), (D), and (F) of subsection (b)(1) of this section, but shall generally describe the information sought, the communications or activities to be subjected to the surveillance, and the type of electronic surveillance involved, including whether physical entry is required.

(d) Duration of order; extensions; review of circumstances under which information was acquired, retained or disseminated

(1) An order issued under this section may approve an electronic surveillance for the period necessary to achieve its purpose, or for ninety days, whichever is less, except that an order under this section shall approve an electronic surveillance targeted against a foreign power, as defined in section 1801(a)(1), (2), or (3) of this title, for the period specified in the application or for one year, whichever is less.

(2) Extensions of an order issued under this chapter may be granted on the same basis as an original order upon an application for an extension and new findings made in the same manner as required for an original order, except that an extension of an order under this Act for a surveillance targeted against a foreign power, as defined in section 1801(a)(5) or (6) of this title, or against a foreign power as defined in section 1801(a)(4) of this title that is not a United States person, may be for a period not to exceed one year if the judge finds probable cause to believe that no communication of any individual United States person will be acquired during the period.

(3) At or before the end of the period of time for which electronic surveillance is approved by an order or an extension, the judge may assess compliance with the minimization procedures by reviewing circumstances under which information concerning United States persons was acquired, retained, or disseminated.

(e) Emergency orders

Notwithstanding any other provision of this chapter, when the Attorney General reasonably determines that—

(1) an emergency situation exists with respect to the employment of electronic surveillance to obtain foreign intelligence

information before an order authorizing such surveillance can with due diligence be obtained; and

(2) the factual basis for issuance of an order under this chapter to approve such surveillance exists;

he may authorize the emergency employment of electronic surveillance if a judge having jurisdiction under section 1803 of this title is informed by the Attorney General or his designee at the time of such authorization that the decision has been made to employ emergency electronic surveillance and if an application in accordance with this chapter is made to that judge as soon as practicable, but not more than twenty-four hours after the Attorney General authorizes such surveillance. If the Attorney General authorizes such emergency employment of electronic surveillance, he shall require that the minimization procedures required by this chapter for the issuance of a judicial order be followed. In the absence of a judicial order approving such electronic surveillance, the surveillance shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of twenty-four hours from the time of authorization by the Attorney General, whichever is earliest. In the event that such application for approval is denied, or in any other case where the electronic surveillance is terminated and no order is issued approving the surveillance, no information obtained or evidence derived from such surveillance shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such surveillance shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person. A denial of the application made under this subsection may be reviewed as provided in section 1803 of this title.

(f) Testing of electronic equipment; discovering unauthorized electronic surveillance; training of intelligence personnel

Notwithstanding any other provision of this chapter, officers, employees, or agents of the United States are authorized in the normal course of their official duties to conduct electronic surveillance not targeted against the communications of any particular person or persons, under procedures approved by the Attorney General, solely to—

(1) test the capability of electronic equipment, if—

(A) it is not reasonable to obtain the consent of the persons incidentally subjected to the surveillance;

(B) the test is limited in extent and duration to that necessary to determine the capability of the equipment;

(C) the contents of any communication acquired are retained and used only for the purpose of determining the capability of the equipment, are disclosed only to test personnel, and are destroyed before or immediately upon completion of the test; and:

(D) *Provided,* That the test may exceed ninety days only with the prior approval of the Attorney General;

(2) determine the existence and capability of electronic surveillance equipment being used by persons not authorized to conduct electronic surveillance, if—

(A) it is not reasonable to obtain the consent of persons incidentally subjected to the surveillance;

(B) such electronic surveillance is limited in extent and duration to that necessary to determine the existence and capability of such equipment; and

(C) any information acquired by such surveillance is used only to enforce chapter 119 of Title 18, or section 605 of Title 47, or to protect information from unauthorized surveillance; or

(3) train intelligence personnel in the use of electronic surveillance equipment, if—

(A) it is not reasonable to—

(i) obtain the consent of the persons incidentally subjected to the surveillance;

(ii) train persons in the course of surveillance otherwise authorized by this chapter; or

(iii) train persons in the use of such equipment without engaging in electronic surveillance;

(B) such electronic surveillance is limited in extent and duration to that necessary to train the personnel in the use of the equipment; and

(C) no contents of any communication acquired are retained or disseminated for any purpose, but are destroyed as soon as reasonably possible.

(g) Retention of certifications, applications and orders

Certifications made by the Attorney General pursuant to section 1802(a) of this title and applications made and orders granted under this chapter shall be retained for a period of at least ten years from the date of the certification or application.

§ 1806. Use of information

(a) Compliance with minimization procedures; privileged communications; lawful purposes

Information acquired from an electronic surveillance conducted pursuant to this chapter concerning any United States person may be used and disclosed by Federal officers and employees without the consent of the United States person only in accordance with the minimization procedures required by this chapter. No otherwise privileged communication obtained in accordance with, or in violation of, the provisions of this chapter shall lose its privileged character. No information acquired from an electronic surveillance pursuant to this chapter may be used or disclosed by Federal officers or employees except for lawful purposes.

(b) Statement for disclosure

No information acquired pursuant to this chapter shall be disclosed for law enforcement purposes unless such disclosure is accompanied by a statement that such information, or any information derived therefrom, may only be used in a criminal proceeding with the advance authorization of the Attorney General.

(c) Notification by United States

Whenever the Government intends to enter into evidence or otherwise use or disclose in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the United States, against an aggrieved person, any information obtained or derived from an electronic surveillance of that aggrieved person pursuant to the authority of this chapter, the Government shall, prior to the trial, hearing, or other proceeding or at a reasonable time prior to an effort to so disclose or so use that information or submit it in evidence, notify the aggrieved person and the court or other authority in which the information is to be disclosed or used that the Government intends to so disclose or so use such information.

(d) Notification by States or political subdivisions

Whenever any State or political subdivision thereof intends to enter into evidence or otherwise use or disclose in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of a State or a political subdivision thereof, against an aggrieved person any information obtained or derived from an electronic surveillance of that aggrieved person pursuant to the authority of this chapter, the State or political subdivision thereof shall notify the aggrieved person, the court or other authority in which the information is to be disclosed or used, and the Attorney General that the State or political subdivision thereof intends to so disclose or so use such information.

(e) Motion to suppress

Any person against whom evidence obtained or derived from an electronic surveillance to which he is an aggrieved person is to be, or has been, introduced or otherwise used or disclosed in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the United States, a State, or a political subdivision thereof, may move to suppress the evidence obtained or derived from such electronic surveillance on the grounds that—

(1) the information was unlawfully acquired; or

(2) the surveillance was not made in conformity with an order of authorization or approval.

Such a motion shall be made before the trial, hearing, or other proceeding unless there was no opportunity to make such a motion or the person was not aware of the grounds of the motion.

(f) In camera and ex parte review by district court

Whenever a court or other authority is notified pursuant to subsection (c) or (d) of this section, or whenever a motion is made pursuant to subsection (e) of this section, or whenever any motion or request is made by an aggrieved person pursuant to any other statute or rule of the United States or any State before any court or other authority of the United States or any State to discover or obtain applications or orders or other materials relating to electronic surveillance or to discover, obtain, or suppress evidence or information obtained or derived from electronic surveillance under this Act, the United States district court or, where the motion is made before another authority, the United States district court in the same district as the authority, shall, notwithstanding any other law, if the Attorney General files an affidavit under oath that disclosure or an adversary hearing would harm the national security of the United States, review in camera and ex parte the application, order, and such other materials relating to the surveillance as may be necessary to determine whether the surveillance of the aggrieved person was lawfully authorized and conducted. In making this determination, the court may disclose to the aggrieved person, under appropriate security procedures and protective orders, portions of the application, order, or other materials relating to the surveillance only where such disclosure is necessary to make an accurate determination of the legality of the surveillance.

(g) Suppression of evidence; denial of motion

If the United States district court pursuant to subsection (f) of this section determines that the surveillance was not lawfully authorized or conducted, it shall, in accordance with the requirements of law, suppress the evidence which was unlawfully obtained or derived from electronic surveillance of the aggrieved person or otherwise grant the motion of the aggrieved person. If the court determines that the surveillance was lawfully authorized and conducted, it shall deny the motion of the aggrieved person except to the extent that due process requires discovery or disclosure.

(h) Finality of orders

Orders granting motions or requests under subsection (g) of this section, decisions under this section that electronic surveillance was not lawfully authorized or conducted, and orders of the United States district court requiring review or granting disclosure or applications, orders, or other materials relating to a surveillance shall be final orders and binding upon all courts of the United States and the several States except a United States court of appeals and the Supreme Court.

(i) Destruction of unintentionally acquired information

In circumstances involving the unintentional acquisition by an electronic, mechanical, or other surveillance device of the contents of any radio communication, under circumstances in which a person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes, and if both the sender and all intended recipients are located within the United States, such contents shall be destroyed upon recognition, unless the Attorney General determines that the contents indicate a threat of death or serious bodily harm to any person.

(j) Notification of emergency employment of electronic surveillance; contents; postponement, suspension or elimination

If an emergency employment of electronic surveillance is authorized under section 1805(e) of this title and a subsequent order approving the surveillance is not obtained, the judge shall cause to be served on any United States person named in the application and on such other United States persons subject to electronic surveillance as the judge may determine in his discretion it is in the interest of justice to serve, notice of—

(1) the fact of the application;

(2) the period of the surveillance; and

(3) the fact that during the period information was or not obtained.

On an ex parte showing of good cause to the judge the serving of the notice required by this subsection may be postponed or suspended for a period not to exceed ninety days. Thereafter, on a further ex parte showing of good cause, the court shall forego ordering the serving of the notice required this subsection.

§ 1807. Report to Administrative Office of the United States Court and to Congress

In April of each year, the Attorney General shall transmit to the Administrative Office of the United States Court and to Congress a report setting forth with respect to the preceding calendar year—

(a) the total number of applications made for orders and extensions of orders approving electronic surveillance under this chapter; and

(b) the total number of such orders and extensions either granted, modified, or denied.

§ 1808. Report of Attorney General to congressional committees; limitation on authority or responsibility of information gathering activities of congressional committees; report of congressional committees to Congress

(a) On semiannual basis the Attorney General shall fully inform the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence concerning all electronic surveillance under this chapter. Nothing in this chapter shall be deemed to limit the authority and responsibility of the appropriate committees of each House of Congress to obtain such information as they may need to carry out their respective functions and duties.

(b) On or before one year after October 25, 1978, and on the same day each year for four years thereafter, the Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence shall report respectively to the House of Representatives and the Senate, concerning the implementation of this Act. Said reports shall include but not be limited to an analysis and recommendations concerning whether this Act should be (1) amended, (2) repealed, or (3) permitted to continue in effect without amendment.

§ 1809. Criminal sanctions

(a) Prohibited activities

A person is guilty of an offense if he intentionally—

(1) engages in electronic surveillance under color of law except as authorized by statute; or

(2) discloses or uses information obtained under color of law by electronic surveillance, knowing or having reason to know that the information was obtained through electronic surveillance not authorized by statute.

(b) Defense

It is a defense to a prosecution under subsection (a) of this section that the defendant was a law enforcement or investigative officer engaged in the course of his official duties and the electronic surveillance was authorized by and conducted pursuant to a search warrant or court order of a court of competent jurisdiction.

(c) Penalties

An offense described in this section is punishable by a fine of not more than $10,000 or imprisonment for not more than five years, or both.

(d) Federal jurisdiction

There is Federal jurisdiction over an offense under this section if the person committing the offense was an officer or employer of the United States at the time the offense was committed.

§ 1810. Civil liability

An aggrieved person, other than a foreign power or an agent of a foreign power, as defined in section 1810 (a) or (b)(1)(A) of this title, respectively, who has been subjected to an electronic surveillance or about whom information obtained by electronic surveillance of such person has been disclosed or used in violation of section 1809 of this title shall have a cause of action against any person who committed such violation and shall be entitled to recover—

(a) actual damages, but not less than liquidated damages of $1,000 or $100 per day for each day of violation, whichever is greater;

(b) punitive damages; and

(c) reasonable attorney's fees and other investigation and litigation costs reasonably incurred.

§ 1811. Authorization during time of war

Notwithstanding any other law, the President, through the Attorney General, may authorize electronic surveillance without a court order under this chapter to acquire foreign intelligence information for a period not to exceed fifteen calendar days following a declaration of war by the Congress.

(2) Executive Order 12333, December 4, 1981, 46 F.R. 59941

UNITED STATES INTELLIGENCE ACTIVITIES

TABLE OF CONTENTS

Page
Preamble 1328

Part 1. Goals, Direction, Duties, and Responsibilities With Respect to the National Intelligence Effort

1.1 Goals 1329
1.2 The National Security Council 1329
1.3 National Foreign Intelligence Advisory Groups 1329
1.4 The Intelligence Community 1330
1.5 Director of Central Intelligence 1330
1.6 Duties and Responsibilities of the Heads of Executive Branch Departments and Agencies 1332
1.7 Senior Officials of the Intelligence Community 1333
1.8 The Central Intelligence Agency 1333
1.9 The Department of State 1334
1.10 The Department of the Treasury 1334
1.11 The Department of Defense 1335
1.12 Intelligence Components Utilized by the Secretary of Defense 1336
1.13 The Department of Energy 1338
1.14 The Federal Bureau of Investigation 1338

Part 2. Conduct of Intelligence Activities

2.1 Need 1338
2.2 Purpose 1339
2.3 Collection of Information 1339
2.4 Collection Techniques 1340
2.5 Attorney General Approval 1340
2.6 Assistance to Law Enforcement Authorities 1341
2.7 Contracting 1341
2.8 Consistency With Other Laws 1341
2.9 Undisclosed Participation in Organizations Within the United States 1341
2.10 Human Experimentation 1341
2.11 Prohibition on Assassination 1342
2.12 Indirect Participation 1342

Part 3. General Provisions

3.1 Congressional Oversight 1342
3.2 Implementation 1342
3.3 Procedures 1342
3.4 Definitions 1342
3.5 Purpose and Effect 1344
3.6 Revocation 1344

Timely and accurate information about the activities, capabilities, plans, and intentions of foreign powers, organizations, and persons, and their agents, is essential to the national security of the United States. All reasonable and lawful means must be used to ensure that the United States will receive the best intelligence available. For that purpose, by virtue of the authority vested in me by the Constitution and statutes of the United States of America, including the National Security Act of 1947, as amended, and as President of the United States of America, in order to provide for the effective conduct of United States intelligence activities and the protection of constitutional rights, it is hereby ordered as follows:

PART 1

Goals, Direction, Duties and Responsibilities With Respect to the National Intelligence Effort

1.1 **Goals.** The United States intelligence effort shall provide the President and the National Security Council with the necessary information on which to base decisions concerning the conduct and development of foreign, defense and economic policy, and the protection of United States national interests from foreign security threats. All departments and agencies shall cooperate fully to fulfill this goal:

(a) Maximum emphasis should be given to fostering analytical competition among appropriate elements of the Intelligence Community.

(b) All means, consistent with applicable United States law and this Order, and with full consideration of the rights of United States persons, shall be used to develop intelligence information for the President and the National Security Council. A balanced approach between technical collection efforts and other means should be maintained and encouraged.

(c) Special emphasis should be given to detecting and countering espionage and other threats and activities directed by foreign intelligence services against the United States Government, or United States corporations, establishments, or persons.

(d) To the greatest extent possible consistent with applicable United States law and this Order, and with full consideration of the rights of United States persons, all agencies and departments should seek to ensure full and free exchange of information in order to derive maximum benefit from the United States intelligence effort.

1.2 **The National Security Council.**

(a) *Purpose.* The National Security Council (NSC) was established by the National Security Act of 1947 to advise the President with respect to the integration of domestic, foreign and military policies relating to the national security. The NSC shall act as the highest Executive Branch entity that provides review of, guidance for and direction to the conduct of all national foreign intelligence, counterintelligence, and special activities, and attendant policies and programs.

(b) *Committees.* The NSC shall establish such committees as may be necessary to carry out its functions and responsibilities under this Order. The NSC, or a committee established by it, shall consider and submit to the President a policy recommendation, including all dissents, on each special activity and shall review proposals for other sensitive intelligence operations.

1.3 **National Foreign Intelligence Advisory Groups.**

(a) *Establishment and Duties.* The Director of Central Intelligence shall establish such boards, councils, or groups as required for the purpose of obtaining advice from within the Intelligence Community concerning:

(1) Production, review and coordination of national foreign intelligence;

(2) Priorities for the National Foreign Intelligence Program budget;

(3) Interagency exchanges of foreign intelligence information;

(4) Arrangements with foreign governments on intelligence matters;

(5) Protection of intelligence sources and methods;

(6) Activities of common concern; and

(7) Such other matters as may be referred by the Director of Central Intelligence.

(b) *Membership.* Advisory groups established pursuant to this section shall be chaired by the Director of Central Intelligence or his designated representative and shall consist of senior representatives from organizations within the Intelligence Community and from departments or agencies containing such organizations, as designated by the Director of Central Intelligence. Groups for consideration of substantive intelligence matters will include representatives of organizations involved in the collection, processing and analysis of intelligence. A senior representative of the Secretary of Commerce, the Attorney General, the Assistant to the President for National Security Affairs, and the Office of the Secretary of Defense shall be invited to participate in any group which deals with other than substantive intelligence matters.

1.4 **The Intelligence Community.** The agencies within the Intelligence Community shall, in accordance with applicable United States law and with the other provisions of this Order, conduct intelligence activities necessary for the conduct of foreign relations and the protection of the national security of the United States, including:

(a) Collection of information needed by the President, the National Security Council, the Secretaries of State and Defense, and other Executive Branch officials for the performance of their duties and responsibilities;

(b) Production and dissemination of intelligence;

(c) Collection of information concerning, and the conduct of activities to protect against, intelligence activities directed against the United States, international terrorist and international narcotics activities, and other hostile activities directed against the United States by foreign powers, organizations, persons, and their agents;

(d) Special activities;

(e) Administrative and support activities within the United States and abroad necessary for the performance of authorized activities; and

(f) Such other intelligence activities as the President may direct from time to time.

1.5 **Director of Central Intelligence.** In order to discharge the duties and responsibilities prescribed by law, the Director of Central Intelligence shall be responsible directly to the President and the NSC and shall:

(a) Act as the primary adviser to the President and the NSC on national foreign intelligence and provide the President and other officials in the Executive Branch with national foreign intelligence;

(b) Develop such objectives and guidance for the Intelligence Community as will enhance capabilities for responding to expected future needs for national foreign intelligence;

(c) Promote the development and maintenance of services of common concern by designated intelligence organizations on behalf of the Intelligence Community;

(d) Ensure implementation of special activities;

(e) Formulate policies concerning foreign intelligence and counterintelligence arrangements with foreign governments, coordinate foreign intelligence and counterintelligence relationships between agencies of the Intelligence Community and the intelligence or internal security services of foreign governments, and establish procedures governing the conduct of liaison by any department or agency with such services on narcotics activities;

(f) Participate in the development of procedures approved by the Attorney General governing criminal narcotics intelligence activities abroad to ensure that these activities are consistent with foreign intelligence programs;

(g) Ensure the establishment by the Intelligence Community of common security and access standards for managing and handling foreign intelligence systems, information, and products;

(h) Ensure that programs are developed which protect intelligence sources, methods, and analytical procedures;

(i) Establish uniform criteria for the determination of relative priorities for the transmission of critical national foreign intelligence, and advise the Secretary of Defense concerning the communications requirements of the Intelligence Community for the transmission of such intelligence;

(j) Establish appropriate staffs, committees, or other advisory groups to assist in the execution of the Director's responsibilities;

(k) Have full responsibility for production and dissemination of national foreign intelligence, and authority to levy analytic tasks on departmental intelligence production organizations, in consultation with those organizations, ensuring that appropriate mechanisms for competitive analysis are developed so that diverse points of view are considered fully and differences of judgment within the Intelligence Community are brought to the attention of national policymakers;

(l) Ensure the timely exploitation and dissemination of data gathered by national foreign intelligence collection means, and ensure that the resulting intelligence is disseminated immediately to appropriate government entities and military commands;

(m) Establish mechanisms which translate national foreign intelligence objectives and priorities approved by the NSC into specific guidance for the Intelligence Community, resolve conflicts in tasking priority, provide to departments, and agencies having information collection capabilities that are not part of the National Foreign Intelligence Program advisory tasking concerning collection of national foreign intelligence, and provide for the development of plans and arrangements for transfer of required collection tasking authority to the Secretary of Defense when directed by the President;

(n) Develop, with the advice of the program managers and departments and agencies concerned, the consolidated National Foreign Intelligence Program budget, and present it to the President and the Congress;

(o) Review and approve all requests for reprogramming National Foreign Intelligence Program funds, in accordance with guidelines established by the Office of Management and Budget;

(p) Monitor National Foreign Intelligence Program implementation, and, as necessary, conduct program and performance audits and evaluations;

(q) Together with the Secretary of Defense, ensure that there is no unnecessary overlap between national foreign intelligence programs and Department of Defense intelligence programs consistent with the requirement to develop competitive analysis, and provide to and obtain from the Secretary of Defense all information necessary for this purpose;

(r) In accordance with law and relevant procedures approved by the Attorney General under this Order, give the heads of the departments and agencies access to all intelligence, developed by the CIA or the staff elements of the Director of Central Intelligence, relevant to the national intelligence needs of the departments and agencies; and

(s) Facilitate the use of national foreign intelligence products by Congress in a secure manner.

1.6 Duties and Responsibilities of the Heads of Executive Branch Departments and Agencies.

(a) The heads of all Executive Branch departments and agencies shall, in accordance with law and relevant procedures approved by the Attorney General under this Order, give the Director of Central Intelligence access to all information relevant to the national intelligence needs of the United States, and shall give due consideration to the requests from the Director of Central Intelligence for appropriate support for Intelligence Community activities.

(b) The heads of departments and agencies involved in the National Foreign Intelligence Program shall ensure timely development and submission to the Director of Central Intelligence by the program managers and heads of component activities of proposed national programs and budgets in the format designated by the Director of Central Intelligence, and shall also ensure that the Director of Central Intelligence is provided, in a timely and responsive manner, all information necessary to perform the Director's program and budget responsibilities.

(c) The heads of departments and agencies involved in the National Foreign Intelligence Program may appeal to the President decisions by the Director of Central Intelligence on budget or reprogramming matters of the National Foreign Intelligence Program.

1.7 **Senior Officials of the Intelligence Community.** The heads of departments and agencies with organizations in the Intelligence Community or the heads of such organizations, as appropriate shall:

(a) Report to the Attorney General possible violations of federal criminal laws by employees and of specified federal criminal laws by any other person as provided in procedures agreed upon by the Attorney General and the head of the department or agency concerned, in a manner consistent with the protection of intelligence sources and methods, as specified in those procedures;

(b) In any case involving serious or continuing breaches of security, recommend to the Attorney General that the case be referred to the FBI for further investigation;

(c) Furnish the Director of Central Intelligence and the NSC, in accordance with applicable law and procedures approved by the Attorney General under this Order, the information required for the performance of their respective duties;

(d) Report to the Intelligence Oversight Board, and keep the Director of Central Intelligence appropriately informed, concerning any intelligence activities of their organizations that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive;

(e) Protect intelligence and intelligence sources and methods from unauthorized disclosure consistent with guidance from the Director of Central Intelligence;

(f) Disseminate intelligence to cooperating foreign governments under arrangements established or agreed to by the Director of Central Intelligence;

(g) Participate in the development of procedures approved by the Attorney General governing production and dissemination of intelligence resulting from criminal narcotics intelligence activities abroad if their departments, agencies, or organizations have intelligence responsibilities for foreign or domestic narcotics production and trafficking;

(h) Instruct their employees to cooperate fully with the Intelligence Oversight Board; and

(i) Ensure that the Inspectors General and General Counsels for their organizations have access to any information necessary to perform their duties assigned by this Order.

1.8 **The Central Intelligence Agency.** All duties and responsibilities of the CIA shall be related to the intelligence functions set out below. As authorized by this Order; the National Security Act of 1947, as amended; the CIA Act of 1949, as amended; appropriate directives or other applicable law, the CIA shall:

(a) Collect, produce and disseminate foreign intelligence and counterintelligence, including information not otherwise obtainable. The collection of foreign intelligence or counterintelligence within the United States shall be coordinated with the FBI as required by procedures agreed upon by the Director of Central Intelligence and the Attorney General;

(b) Collect, produce and disseminate intelligence on foreign aspects of narcotics production and trafficking;

(c) Conduct counterintelligence activities outside the United States and, without assuming or performing any internal security functions, conduct counterintelligence activities within the United States in coordination with the FBI as required by procedures agreed upon the Director of Central Intelligence and the Attorney General;

(d) Coordinate counterintelligence activities and the collection of information not otherwise obtainable when conducted outside the United States by other departments and agencies;

(e) Conduct special activities approved by the President. No agency except the CIA (or the Armed Forces of the United States in time of war declared by Congress or during any period covered by a report from the President to the Congress under the War Powers Resolution (87 Stat. 855)) may conduct any special activity unless the President determines that another agency is more likely to achieve a particular objective;

(f) Conduct services of common concern for the Intelligence Community as directed by the NSC;

(g) Carry out or contract for research, development and procurement of technical systems and devices relating to authorized functions;

(h) Protect the security of its installations, activities, information, property, and employees by appropriate means, including such investigations of applicants, employees, contractors, and other persons with similar associations with the CIA as are necessary; and

(i) Conduct such administrative and technical support activities within and outside the United States as are necessary to perform the functions described in sections (a) and through (h) above, including procurement and essential cover and proprietary arrangements.

1.9 **The Department of State.** The Secretary of State shall:

(a) Overtly collect information relevant to United States foreign policy concerns;

(b) Produce and disseminate foreign intelligence relating to United States foreign policy as required for the execution of the Secretary's responsibilities;

(c) Disseminate, as appropriate, reports received from United States diplomatic and consular posts;

(d) Transmit reporting requirements of the Intelligence Community to the Chiefs of United States Missions abroad; and

(e) Support Chiefs of Missions in discharging their statutory responsibilities for direction and coordination of mission activities.

1.10 **The Department of the Treasury.** The Secretary of the Treasury shall:

(a) Overtly collect foreign financial and monetary information;

(b) Participate with the Department of State in the overt collection of general foreign economic information;

(c) Produce and disseminate foreign intelligence relating to United States economic policy as required for the execution of the Secretary's responsibilities; and

(d) Conduct, through the United States Secret Service, activities to determine the existence and capability of surveillance equipment being used against the President of the United States, the Executive Office of the President, and, as authorized by the Secretary of the Treasury or the President, other Secret Service protectees and United States officials. No information shall be acquired intentionally through such activities except to protect against such surveillance, and those activities shall be conducted pursuant to procedures agreed upon by the Secretary of the Treasury and the Attorney General.

1.11 **The Department of Defense.** The Secretary of Defense shall:

(a) Collect national foreign intelligence and be responsive to collection tasking by the Director of Central Intelligence;

(b) Collect, produce and disseminate military and military-related foreign intelligence and counterintelligence as required for execution of the Secretary's responsibilities;

(c) Conduct programs and missions necessary to fulfill national, departmental and tactical foreign intelligence requirements;

(d) Conduct counterintelligence activities in support of Department of Defense components outside the United States in coordination with the CIA, and within the United States in coordination with the FBI pursuant to procedures agreed upon by the Secretary of Defense and the Attorney General;

(e) Conduct, as the executive agent of the United States Government signals intelligence and communications security activities, except as otherwise directed by the NSC;

(f) Provide for the timely transmission of critical intelligence, as defined by the Director of Central Intelligence, within the United States Government;

(g) Carry out or contract for research, development and procurement of technical systems and devices relating to authorized intelligence functions;

(h) Protect the security of Department of Defense installations, activities, property, information, and employees by appropriate means, including such investigations of applicants, employees, contractors, and other persons with similar associations with the Department of Defense as are necessary;

(i) Establish and maintain military intelligence relationships and military intelligence exchange programs with selected cooperative foreign defense establishments and international organizations, and ensure that such relationships and programs are in accordance with policies formulated by the Director of Central Intelligence;

(j) Direct, operate control and provide fiscal management for the National Security Agency and for defense and military intelligence and national reconnaissance entities; and

(k) Conduct such administrative and technical support activities within and outside the United States as are necessary to perform the functions described in sections (a) through (j) above.

1.12 Intelligence Components Utilized by the Secretary of Defense. In carrying out the responsibilities assigned in section 1.11, the Secretary of Defense is authorized to utilize the following:

(a) *Defense Intelligence Agency,* whose responsibilities shall include:

(1) Collection, production, or, through tasking and coordination, provision of military and military-related intelligence for the Secretary of Defense, the Joint Chiefs of Staff, other Defense components, and, as appropriate, non-Defense agencies;

(2) Collection and provision of military intelligence for national foreign intelligence and counterintelligence products;

(3) Coordination of all Department of Defense intelligence collection requirements;

(4) Management of the Defense Attaché system; and

(5) Provision of foreign intelligence and counterintelligence staff support as directed by the Joint Chiefs of Staff.

(b) *National Security Agency,* whose responsibilities shall include:

(1) Establishment and operation of an effective unified organization for signals intelligence activities, except for the delegation of operational control over certain operations that are conducted through other elements of the Intelligence Community. No other department or agency may engage in signals intelligence activities except pursuant to a delegation by the Secretary of Defense;

(2) Control of signals intelligence collection and processing activities, including assignment of resources to an appropriate agent for such periods and tasks as required for the direct support of military commanders;

(3) Collection of signals intelligence information for national foreign intelligence purposes in accordance with guidance from the Director of Central Intelligence;

(4) Processing of signals intelligence data for national foreign intelligence purposes in accordance with guidance from the Director of Central Intelligence;

(5) Dissemination of signals intelligence information for national foreign intelligence purposes to authorized elements of the Government, including the military services, in accordance with guidance from the Director of Central Intelligence;

(6) Collection processing and dissemination of signals intelligence information for counterintelligence purposes;

(7) Provision of signals intelligence support for the conduct of military operations in accordance with tasking, priorities, and standards of timeliness assigned by the Secretary of Defense. If provision of such support requires use of national collection systems, these systems will be tasked within existing guidance from the Director of Central Intelligence;

(8) Executing the responsibilities of the Secretary of Defense as executive agent for the communications security of the United States Government;

(9) Conduct of research and development to meet the needs of the United States for signals intelligence and communications security;

(10) Protection of the security of its installations, activities, property, information, and employees by appropriate means, including such investigations of applicants, employees, contractors, and other persons with similiar associations with the NSA as are necessary;

(11) Prescribing, within its field of authorized operations, security regulations covering operating practices, including the transmission, handling and distribution of signals intelligence and communications security material within and among the elements under control of the Director of the NSA, and exercising the necessary supervisory control to ensure compliance with the regulations;

(12) Conduct of foreign cryptologic liaison relationships, with liaison for intelligence purposes conducted in accordance with policies formulated by the Director of Central Intelligence; and

(13) Conduct of such administrative and technical support activities within and outside the United States as are necessary to perform the functions described in sections (1) through (12) above, including procurement.

(c) *Offices for the collection of specialized intelligence through reconnaissance programs,* whose responsibilities shall include:

(1) Carrying out consolidated reconnaissance programs for specialized intelligence;

(2) Responding to tasking in accordance with procedures established by the Director of Central Intelligence; and

(3) Delegating authority to the various departments and agencies for research, development, procurement, and operation of designated means of collection.

(d) *The foreign intelligence and counterintelligence elements of the Army, Navy, Air Force, and Marine Corps,* whose responsibilities shall include:

(1) Collection, production and dissemination of military and military-related foreign intelligence and counterintelligence, and information on the foreign aspects of narcotics production and trafficking. When collection is conducted in response to national foreign intelligence requirements, it will be conducted in accordance with guidance from the Director of Central Intelligence. Collection of national foreign intelligence, not otherwise obtainable, outside the United States shall be coordinated with the CIA and such collection within the United States shall be coordinated with the FBI;

(2) Conduct of counterintelligence activities outside the United States in coordination with the CIA, and within the United States in coordination with the FBI; and

(3) Monitoring of the development, procurement and management of tactical intelligence systems and equip-

ment and conducting related research, development, and test and evaluation activities.

(e) *Other offices within the Department of Defense appropriate for conduct of the intelligence missions and responsibilities assigned to the Secretary of Defense.* If such other offices are used for intelligence purposes, the provisions of Part 2 of this Order shall apply to those offices when used for those purposes.

1.13 **The Department of Energy.** The Secretary of Energy shall:

(a) Participate with the Department of State in overtly collecting information with respect to foreign energy matters;

(b) Produce and disseminate foreign intelligence necessary for the Secretary's responsibilities;

(c) Participate in formulating intelligence collection and analysis requirements where the special expert capability of the Department can contribute; and

(d) Provide expert technical, analytical and research capability to other agencies within the Intelligence Community.

1.14 **The Federal Bureau of Investigation.** Under the supervision of the Attorney General and pursuant to such regulations as the Attorney General may establish, the Director of the FBI shall:

(a) Within the United States conduct counterintelligence and coordinate counterintelligence activities of other agencies within the Intelligence Community. When a counterintelligence activity of the FBI involves military or civilian personnel of the Department of Defense, the FBI shall coordinate with the Department of Defense;

(b) Conduct counterintelligence activities outside the United States in coordination with the CIA as required by procedures agreed upon by the Director of Central Intelligence and the Attorney General;

(c) Conduct within the United States, when requested by officials of the Intelligence Community designated by the President, activities undertaken to collect foreign intelligence or support foreign intelligence collection requirements of other agencies within the Intelligence Community, or, when requested by the Director of the National Security Agency, to support the communications security activities of the United States Government;

(d) Produce and disseminate foreign intelligence and counterintelligence; and

(e) Carry out or contract for research, development and procurement of technical systems and devices relating to the functions authorized above.

PART 2

Conduct of Intelligence Activities

2.1 **Need.** Accurate and timely information about the capabilities, intentions and activities of foreign powers, organizations, or persons and their agents is essential to informed decisionmaking in the areas of national defense and foreign relations. Collection of such information is a priority objective and will be pursued in a vigorous, innovative and responsible manner that is consistent with the Constitution and applicable law and respectful of the principles upon which the United States was founded.

2.2 Purpose. This Order is intended to enhance human and technical collection techniques, especially those undertaken abroad, and the acquisition of significant foreign intelligence, as well as the detection and countering of international terrorist activities and espionage conducted by foreign powers. Set forth below are certain general principles that, in addition to and consistent with applicable laws, are intended to achieve the proper balance between the acquisition of essential information and protection of individual interests. Nothing in this Order shall be construed to apply to or interfere with any authorized civil or criminal law enforcement responsibility of any department or agency.

2.3 Collection of Information. Agencies within the Intelligence Community are authorized to collect, retain or disseminate information concerning United States persons only in accordance with procedures established by the head of the agency concerned and approved by the Attorney General, consistent with the authorities provided by Part 1 of this Order. Those procedures shall permit collection, retention and dissemination of the following types of information:

(a) Information that is publicly available or collected with the consent of the person concerned;

(b) Information constituting foreign intelligence or counterintelligence, including such information concerning corporations or other commercial organizations. Collection within the United States of foreign intelligence not otherwise obtainable shall be undertaken by the FBI or, when significant foreign intelligence is sought, by other authorized agencies of the Intelligence Community, provided that no foreign intelligence collection by such agencies may be undertaken for the purpose of acquiring information concerning the domestic activities of United States persons;

(c) Information obtained in the course of a lawful foreign intelligence, counterintelligence, international narcotics or international terrorism investigation;

(d) Information needed to protect the safety of any persons or organizations, including those who are targets, victims or hostages of international terrorist organizations;

(e) Information needed to protect foreign intelligence or counterintelligence sources or methods from unauthorized disclosure. Collection within the United States shall be undertaken by the FBI except that other agencies of the Intelligence Community may also collect such information concerning present or former employees, present or former intelligence agency contractors or their present or former employees, or applicants for any such employment or contracting;

(f) Information concerning persons who are reasonably believed to be potential sources or contacts for the purpose of determining their suitability or credibility;

(g) Information arising out of a lawful personnel, physical or communications security investigation;

(h) Information acquired by overhead reconnaissance not directed at specific United States persons;

(i) Incidentally obtained information that may indicate involvement in activities that may violate federal, state, local or foreign laws; and

(j) Information necessary for administrative purposes.

In addition, agencies within the Intelligence Community may disseminate information, other than information derived from signals intelligence, to each appropriate agency within the Intelligence Community for purposes of allowing the recipient agency to determine whether the information is relevant to its responsibilities and can be retained by it.

2.4 **Collection Techniques.** Agencies within the Intelligence Community shall use the least intrusive collection techniques feasible within the United States or directed against United States persons abroad. Agencies are not authorized to use such techniques as electronic surveillance, unconsented physical search, mail surveillance, physical surveillance, or monitoring devices unless they are in accordance with procedures established by the head of the agency concerned and approved by the Attorney General. Such procedures shall protect constitutional and other legal rights and limit use of such information to lawful governmental purposes. These procedures shall not authorize:

(a) The CIA to engage in electronic surveillance within the United States except for the purpose of training, testing, or conducting countermeasures to hostile electronic surveillance;

(b) Unconsented physical searches in the United States by agencies other than the FBI, except for:

(1) Searches by counterintelligence elements of the military services directed against military personnel within the United States or abroad for intelligence purposes, when authorized by a military commander empowered to approve physical searches for law enforcement purposes, based upon a finding of probable cause to believe that such persons are acting as agents of foreign powers; and

(2) Searches by CIA of personal property of non-United States persons lawfully in its possession.

(c) Physical surveillance of a United States person in the United States by agencies other than the FBI, except for:

(1) Physical surveillance of present or former employees, present or former intelligence agency contractors or their present or former employees, or applicants for any such employment or contracting; and

(2) Physical surveillance of a military person employed by a nonintelligence element of a military service.

(d) Physical surveillance of a United States person abroad to collect foreign intelligence, except to obtain significant information that cannot reasonably be acquired by other means.

2.5 **Attorney General Approval.** The Attorney General hereby is delegated the power to approve the use for intelligence purposes, within the United States or against a United States person abroad, of any technique for which a warrant would be required if undertaken for law enforcement purposes, provided that such techniques shall not be undertaken unless the Attorney General has determined in each case that there is probable cause to believe that the technique is directed against a foreign power or an agent of a foreign power. Electronic surveillance, as defined in the Foreign Intelligence Surveillance Act of 1978, shall be conducted in accordance with that Act, as well as this Order.

2.6 Assistance to Law Enforcement Authorities. Agencies within the Intelligence Community are authorized to:

(a) Cooperate with appropriate law enforcement agencies for the purpose of protecting the employees, information, property and facilities of any agency within the Intelligence Community;

(b) Unless otherwise precluded by law or this Order, participate in law enforcement activities to investigate or prevent clandestine intelligence activities by foreign powers, or international terrorist or narcotics activities;

(c) Provide specialized equipment, technical knowledge, or assistance of expert personnel for use by any department or agency, or, when lives are endangered, to support local law enforcement agencies. Provision of assistance by expert personnel shall be approved in each case by the General Counsel of the providing agency; and

(d) Render any other assistance and cooperation to law enforcement authorities not precluded by applicable law.

2.7 Contracting. Agencies within the Intelligence Community are authorized to enter into contracts or arrangements for the provision of goods or services with private companies or institutions in the United States and need not reveal the sponsorship of such contracts or arrangements for authorized intelligence purposes. Contracts or arrangements with academic institutions may be undertaken only with the consent of appropriate officials of the institution.

2.8 Consistency With Other Laws. Nothing in this Order shall be construed to authorize any activity in violation of the Constitution or statutes of the United States.

2.9 Undisclosed Participation in Organizations Within the United States. No one acting on behalf of agencies within the Intelligence Community may join or otherwise participate in any organization in the United States on behalf of any agency within the Intelligence Community without disclosing his intelligence affiliation to appropriate officials of the organization, except in accordance with procedures established by the head of the agency concerned and approved by the Attorney General. Such participation shall be authorized only if it is essential to achieving lawful purposes as determined by the agency head or designee. No such participation may be undertaken for the purpose of influencing the activity of the organization or its members except in cases where:

(a) The participation is undertaken on behalf of the FBI in the course of a lawful investigation; or

(b) The organization concerned is composed primarily of individuals who are not United States persons and is reasonably believed to be acting on behalf of a foreign power.

2.10 Human Experimentation. No agency within the Intelligence Community shall sponsor, contract for or conduct research on human subjects except in accordance with guidelines issued by the Department of Health and Human Services. The subject's informed consent shall be documented as required by those guidelines.

2.11 Prohibition on Assassination. No person employed by or acting on behalf of the United States Government shall engage in, or conspire to engage in, assassination.

2.12 Indirect Participation. No agency of the Intelligence Community shall participate in or request any person to undertake activities forbidden by this Order.

PART 3

General Provisions

3.1 Congressional Oversight. The duties and responsibilities of the Director of Central Intelligence and the heads of other departments, agencies, and entities engaged in intelligence activities to cooperate with the Congress in the conduct of its responsibilities for oversight of intelligence activities shall be as provided in title 50, United States Code, section 413. The requirements of section 662 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2422), and section 501 of the National Security Act of 1947, as amended (50 U.S.C. 413), shall apply to all special activities as defined in this Order.

3.2 Implementation. The NSC, the Secretary of Defense, the Attorney General, and the Director of Central Intelligence shall issue such appropriate directives and procedures as are necessary to implement this Order. Heads of agencies within the Intelligence Community shall issue appropriate supplementary directives and procedures consistent with this Order. The Attorney General shall provide a statement of reasons for not approving any procedures established by the head of an agency in the Intelligence Community other than the FBI. The National Security Council may establish procedures in instances where the agency head and the Attorney General are unable to reach agreement on other than constitutional or other legal grounds.

3.3 Procedures. Until the procedures required by this Order have been established, the activities herein authorized which require procedures shall be conducted in accordance with existing procedures or requirements established under Executive Order No. 12036. Procedures required by this Order shall be established as expeditiously as possible. All procedures promulgated pursuant to this Order shall be made available to the congressional intelligence committees.

3.4 Definitions. For the purposes of this Order, the following terms shall have these meanings:

(a) *Counterintelligence* means information gathered and activities conducted to protect against espionage, other intelligence activities, sabotage, or assassinations conducted for or on behalf of foreign powers, organizations or persons, or international terrorist activities, but not including personnel, physical, document or communications security programs.

(b) *Electronic surveillance* means acquisition of a nonpublic communication by electronic means without the consent of a person who is a party to an electronic communication or, in the case of a nonelectronic communication, without the consent of a person who is visibly present at the place of communication, but not including the use of radio direction-finding equipment solely to determine the location of a transmitter.

(c) *Employee* means a person employed by, assigned to or acting for an agency within the Intelligence Community.

(d) *Foreign intelligence* means information relating to the capabilities, intentions and activities of foreign powers, organizations or persons, but not including counterintelligence except for information on international terrorist activities.

(e) *Intelligence activities* means all activities that agencies within the Intelligence Community are authorized to conduct pursuant to this Order.

(f) *Intelligence Community* and *agencies within the Intelligence Community* refer to the following agencies or organizations:

(1) The Central Intelligence Agency (CIA);

(2) The National Security Agency (NSA);

(3) The Defense Intelligence Agency (DIA);

(4) The offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) The Bureau of Intelligence and Research of the Department of State;

(6) The intelligence elements of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation (FBI), the Department of the Treasury, and the Department of Energy; and

(7) The staff elements of the Director of Central Intelligence.

(g) *The National Foreign Intelligence Program* includes the programs listed below, but its composition shall be subject to review by the National Security Council and modification by the President:

(1) The programs of the CIA;

(2) The Consolidated Cryptologic Program, the General Defense Intelligence Program, and the programs of the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance, except such elements as the Director of Central Intelligence and the Secretary of Defense agree should be excluded;

(3) Other programs of agencies within the Intelligence Community designated jointly by the Director of Central Intelligence and the head of the department or by the President as national foreign intelligence or counterintelligence activities;

(4) Activities of the staff elements of the Director of Central Intelligence;

(5) Activities to acquire the intelligence required for the planning and conduct of tactical operations by the United States military forces are not included in the National Foreign Intelligence Program.

(h) *Special activities* means activities conducted in support of national foreign policy objectives abroad which are planned and executed so that the role of the United States Government is not apparent or acknowledged publicly, and functions in support of such activities, but which are not intended to influence United States political processes, public opinion, policies, or media and do not include diplomatic activities or the collection and production of intelligence or related support functions.

(i) *United States person* means a United States citizen, an alien known by the intelligence agency concerned to be a permanent resident alien, an unincorporated association substantially composed of United States citizens or permanent resident aliens, or a corporation incorporated in the United States, except for a corporation directed and controlled by a foreign government or governments.

3.5 **Purpose and Effect.** This Order is intended to control and provide direction and guidance to the Intelligence Community. Nothing contained herein or in any procedures promulgated hereunder is intended to confer any substantive or procedural right or privilege on any person or organization.

3.6 **Revocation.** Executive Order No. 12036 of January 24, 1978, as amended, entitled "United States Intelligence Activities," is revoked.

(3) Executive Order 12537, October 28, 1985, 50 F.R. 45083

PRESIDENT'S FOREIGN INTELLIGENCE ADVISORY BOARD

By the authority vested in me as President by the Constitution and statutes of the United States of America, and in order to enhance the security of the United States by improving the quality and effectiveness of intelligence available to the United States, it is ordered as follows:

Section 1. There is hereby established within the White House Office, Executive Office of the President, the President's Foreign Intelligence Advisory Board (the "Board"). The Board shall consist of not more than fourteen members, who shall serve at the pleasure of the President and shall be appointed by the President from among trustworthy and distinguished citizens outside the government who are qualified on the basis of achievement, experience, and independence. The President shall establish the terms of the members upon their appointment. To the extent practicable, one-third of the Board at any one time shall be comprised of members whose current term of service does not exceed two years. The President shall designate a Chairman and Vice Chairman from among the members. The Board shall utilize full-time staff and consultants as authorized by the President. Such staff shall be headed by an Executive Director, appointed by the President.

Sec. 2. The Board shall assess the quality, quantity, and adequacy of intelligence collection, of analysis and estimates, of counterintelligence, and other intelligence activities. The Board shall have the authority to continually review the performance of all agencies of the Federal government that are engaged in the collection, evaluation, or production of intelligence or the execution of intelligence policy. The Board shall further be authorized to assess the adequacy of management, personnel, and organization in the intelligence agencies.

Sec. 3. The Board shall report directly to the President and advise him concerning the objectives, conduct, management, and coordination of the various activities of the agencies of the intelligence community. The Board shall report periodically, but at least semiannually, concerning findings and appraisals and shall make appropriate recommendations for actions to improve and enhance the performance of the intelligence efforts of the United States.

Sec. 4. The Board shall receive, consider, and recommend appropriate action which respect to matters, identified to the Board by the Director of Central Intelligence, the Central Intelligence Agency, or other government agencies engaged in intelligence or related activities, in which the support of the Board will further the effectiveness of the national intelligence effort. With respect to matters deemed appropriate by the President, the Board shall advise and make recommendations to the Director of Central Intelligence, the Central Intelligence Agency, and other government agencies engaged in intelligence and related activities, concerning ways to achieve increased effectiveness in meeting national intelligence needs.

Sec. 5. The Board shall have access to the full extent permitted by applicable law to all information necessary to carry out its duties in the possession of any agency of the Federal government. Information made available to the Board shall be given all necessary security protection in accordance with applicable laws and regulations. Each member of the Board, each member of the Board's staff, and each of the Board's consultants shall execute an agreement never to reveal any classified information obtained by virtue of his or her service with the Board except to the President or to such persons as the President may designate.

Sec. 6. Members of the Board shall serve without compensation, but may receive transportaton, expenses, and per diem allowance as authorized by law. Staff and consultants to the Board shall receive pay and allowances as authorized by the President.

Sec. 7. Executive Order No. 12331 of October 20, 1981 is revoked.

NOTE.—This order repealed E.O. 12331 of October 20, 1981, 46 F.R. 51705.

(4) Executive Order 12334, December 4, 1981, 46 F.R. 59955

PRESIDENT'S INTELLIGENCE OVERSIGHT BOARD [1]

By the authority vested in me as President by the Constitution and statutes of the United States of America, and in order to enhance the security of the United States by assuring the legality of activities of the Intelligence Community, it is hereby ordered as follows:

Section 1. There is hereby established within the White House Office, Executive Office of the President, the President's Intelligence Oversight Board, which shall be composed of three members. One member, appointed from among the membership of the President's Foreign Intelligence Advisory Board, shall be designated by the President as Chairman. Members of the Board shall serve at the pleasure of the President and shall be appointed by the President from among trustworthy and distinguished citizens outside the Government who are qualified on the basis of achievement, experience and independence. The Board shall utilize such full-time staff and consultants as authorized by the President.

Sec. 2. The Board shall:

(a) Inform the President of intelligence activities that any member of the Board believe are in violation of the Constitution or laws of the United States, Executive orders, or Presidential directives;

(b) Forward to the Attorney General reports received concerning intelligence activities that the Board believes may be unlawful;

(c) Review the internal guidelines of each agency within the Intelligence Community concerning the lawfulness of intelligence activities;

(d) Review the practices and procedures of the Inspectors General and General Counsel of the Intelligence Community for discovering and reporting intelligence activities that may be unlawful or contrary to Executive order or Presidential directive; and

(e) Conduct such investigations as the Board deems necessary to carry out its functions under this Order.

Sec. 3. The Board shall, when required by this Order, report directly to the President. The Board shall consider and take appropriate action with respect to matters identified by the Director of Central Intelligence Community. With respect to matters deemed appropriate by the President, the Board shall advise and make appropriate recommendations to the Director of Central Intelligence, the Central Intelligence Agency, and other agencies of the Intelligence Community.

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[1] The Continuing Appropriations Act, 1983, (Public Law 97-276; 96 Stat. 1186) provided the following:

"Sec. 150. Notwithstanding any other provision of this joint resolution, $365,000 shall be made available for the National Security Council, effective October 1, 1982, for the operations of the President's Foreign Intelligence Advisory Board and the President's Intelligence Oversight Board."

Sec. 4. The heads of departments and agencies of the Intelligence Community shall, to the extent permitted by law, provide the Board with all information necessary to carry out its responsibilities. Inspectors General and General Counsel of the Intelligence Community shall, to the extent permitted by law, report to the Board concerning intelligence activities that they have reason to believe may be unlawful or contrary to Executive order or Presidential directive.

Sec. 5. Information made available to the Board shall be given all necessary security protection in accordance with applicable laws and regulations. Each member of the Board, each member of the Board's staff, and each of the Board's consultants shall execute an agreement never to reveal any classified information obtained by virtue of his or her service with the Board except to the President or to such persons as the President may designate.

Sec. 6. Members of the Board shall serve without compensation, but may receive transportation, expense, and per diem allowances as authorized by law. Staff and consultants to the Board shall receive pay and allowances as authorized by the President.

g. National Academy of Peace and Conflict Resolution

Title XV, Part B of Public Law 95-561 [H.R. 15], 92 Stat. 2143 at 2376, approved November 1, 1978

TITLE XV—MISCELLANEOUS PROVISIONS

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PART B—NATIONAL ACADEMY OF PEACE AND CONFLICT RESOLUTION [1]

ESTABLISHMENT

Sec. 1511. There is established a commission to be known as the Commission on Proposals for the National Academy of Peace and Conflict Resolution.

DUTIES OF COMMISSION

Sec. 1512. (a) The Commission shall undertake a study to consider—

(1) whether to establish a National Academy of Peace and Conflict Resolution;

(2) the size, cost, and location of an Academy;

(3) the effects which the establishment of an Academy would have on existing institutions of higher education;

(4) the relationship which would exist between an Academy and the Federal Government;

(5) the feasibility of making grants and providing other forms of assistance to existing institutions of higher education in lieu of, or in addition to, establishing an Academy; and

(6) alternative proposals, which may or may not include the establishment of an Academy, which would assist the Federal Government in accomplishing the goal of promoting peace.

(b) In conducting the study required by subsection (a), the Commission shall—

(1) review the theory and techniques of peaceful resolution of conflict between nations; and

(2) study existing institutions which assist in resolving conflict in the areas of international relations.

MEMBERSHIP

Sec. 1513. (a) The Commission shall be composed of nine members as follows—

(1) three appointed by the President pro tempore of the Senate;

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[1] 20 U.S.C. 1172 note.

(2) three appointed by the Speaker of the House of Representatives; and

(3) three appointed by the President.

(b) Members shall be appointed for the life of the Commission.

(c) A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(d)(1) Except as provided in paragraph (2), members of the Commission each shall be entitled to receive the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule (5 U.S.C. 5332) for each day during which they are engaged in the actual performance of the duties of the Commission.

(2) Members of the Commission who are full-time officers or employees of the United States or Members of the Congress shall receive no additional pay on account of their service on the Commission.

(3) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including a per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

(e) The Commission shall elect a Chairman and a Vice Chairman from among its members.

(f) Five members of the Commission shall constitute a quorum.

(g) The Commission shall meet at the call of the Chairman or a majority of its members.

DIRECTORS AND STAFF OF COMMISSION; EXPERTS AND CONSULTANTS

Sec. 1514. (a) Subject to such rules as may be adopted by the Commission, the Chairman, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classifications and General Schedule pay rates, shall have the power to—

(1) appoint a Director who shall be paid at a rate not to exceed the rate of basic pay in effect for level V of the Executive Schedule (5 U.S.C. 5316);

(2) appoint and fix the compensation of such staff personnel as he considers necessary; and

(3) procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code.

(b) Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist it in carrying out its duties under this title.

POWERS OF COMMISSION

Sec. 1515. (a) The Commission may, for the purpose of carrying out this title, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable. The Commission may administer oaths and affirmations to witnesses appearing before the Commission.

(b) When so authorized by the Commission, any member or agent of the Commission may take any action which the Commission is authorized to take by this section.

(c) The Commission may secure directly from any Federal agency information necessary to enable it to carry out this title. Upon request of the Chairman, the head of any such Federal agency shall furnish such information to the Commission.

REPORTS

Sec. 1516. The Commission shall transmit to the President and to each House of the Congress such interim reports as it considers appropriate and shall transmit a final report to the President and to each House of the Congress not later than one year after the date on which appropriations first become available to carry out this title. The final report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation as it considers appropriate.

TERMINATION

Sec. 1517. The Commission shall cease to exist sixty days after transmitting its final report under section 1516.

AUTHORIZATION OF APPROPRIATION

Sec. 1518. There is authorized to be appropriated not to exceed $500,000 to carry out this title.

DEFINITIONS

Sec. 1519. For purposes of this title—

(1) the term "Academy" means the National Academy of Peace and Conflict Resolution;

(2) the term "Chairman" means the Chairman of the Commission selected under section 1513(e);

(3) the term "Commission" means the Commission on Proposals for the National Academy of Peace and Conflict Resolution; and

(4) the term "Federal agency" means any agency, department, or independent establishment in the executive branch of the Federal Government, including any Government corporation.

h. United States Institute of Peace Act

Partial text of Public Law 98-525 [Department of Defense Authorization Act, 1985; H.R. 5167], 98 Stat. 2492 at 2649, approved October 19, 1984, as amended by Public Law 99-498 [Higher Education Amendments of 1986; S. 1965]; 100 Stat. 1268, approved October 17, 1986

AN ACT To authorize appropriations for fiscal year 1985 for the military functions of the Department of Defense, to prescribe military personnel levels for that fiscal year for the Department of Defense, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE: TABLE OF CONTENTS

Section 1. (a) This Act may be cited as the "Department of Defense Authorization Act, 1985".

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TITLE XVII—UNITED STATES INSTITUTE OF PEACE

SHORT TITLE

Sec. 1701. This title may be cited as the "United States Institute of Peace Act".

DECLARATION OF FINDINGS AND PURPOSES

Sec. 1702.[1] (a) The Congress finds and declares that—

(1) a living institution embodying the heritage, ideals, and concerns of the American people for peace would be a significant response to the deep public need for the Nation to develop fully a range of effective options, in addition to armed capacity, that can leash international violence and manage international conflict;

(2) people throughout the world are fearful of nuclear war, are divided by war and threats of war, are experiencing social and cultural hostilities from rapid international change and real and perceived conflicts over interests, and are diverted from peace by the lack of problem-solving skills for dealing with such conflicts;

(3) many potentially destructive conflicts among nations and people have been resolved constructively and with cost efficiency at the international, national, and community levels through proper use of such techniques as negotiation, conciliation, mediation, and arbitration;

(4) there is a national need to examine the disciplines in the social, behavioral, and physical sciences and the arts and hu-

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[1] 22 U.S.C. 4601.

manities with regard to the history, nature, elements, and future of peace processes, and to bring together and develop new and tested techniques to promote peaceful economic, political, social, and cultural relations in the world;

(5) existing institutions providing programs in international affairs, diplomacy, conflict resolution, and peace studies are essential to further development of techniques to promote peaceful resolution of international conflict, and the peacemaking activities of people in such institutions, government, private enterprise, and voluntary associations can be strengthened by a national institution devoted to international peace research, education and training, and information services;

(6) there is a need for Federal leadership to expand and support the existing international peace and conflict resolution efforts of the Nation and to develop new comprehensive peace education and training programs, basic and applied research projects, and programs providing peace information;

(7) the Commission on Proposals for the National Academy of Peace and Conflict Resolution, created by the Education Amendments of 1978, recommended establishing an academy as a highly desirable investment to further the Nation's interest in promoting international peace;

(8) an institute strengthening and symbolizing the fruitful relation between the world of learning and the world of public affairs, would be the most efficient and immediate means for the Nation to enlarge its capacity to promote the peaceful resolution of international conflicts; and

(9) the establishment of such an institute is an appropriate investment by the people of this Nation to advance the history, science, art, and practice of international peace and the resolution of conflicts among nations without the use of violence.

(b) It is the purpose of this title to establish an independent, nonprofit, national institute to serve the people and the Government through the widest possible range of education and training, basic and applied research opportunities, and peace information services on the means to promote international peace and the resolution of conflicts among the nations and peoples of the world without recourse to violence.

DEFINITIONS

Sec. 1703.[2] As used in this title, the term—

(1) "Institute" means the United States Institute of Peace established by this title; and

(2) "Board" means the Board of Directors of the Institute.

ESTABLISHMENT OF THE INSTITUTE

Sec. 1704.[3] (a) There is hereby established the United States Institute of Peace.

(b) The Institute is an independent nonprofit corporation and an organization described in section 170(c)(2)(B) of the Internal Revenue Code of 1954. The Institute does not have the power to issue any shares of stock or to declare or pay any dividends.

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[2] 22 U.S.C. 4602.

[3] 22 U.S.C. 4603.

(c) As determined by the Board, the Institute may establish, under the laws of the District of Columbia, a legal entity which is capable of receiving, holding, and investing public funds for purposes in furtherance of the Institute under this title. The Institute may designate such legal entity as the "Endowment of the United States Institute for Peace".

(d) The Institute is liable for the acts of its directors, officers, employees, and agents when acting within the scope of their authority.

(e)(1) The Institute has the sole and exclusive right to use and to allow or refuse others the use of the terms "United States Institute of Peace", "Jennings Randolph Program for International Peace", and "Endowment of the United States Institute of Peace" and the use of any official United States Institute of Peace emblem, badge, seal, and other mark of recognition or any colorable simulation thereof. No powers or privileges hereby granted shall interfere or conflict with established or vested rights secured as of September 1, 1981.

(2) Notwithstanding any other provision of this title, the Institute may use "United States" or "U.S." or any other reference to the United States Government or Nation in its title or in its corporate seal, emblem, badge, or other mark of recognition or colorable simulation thereof in any fiscal year only if there is an authorization of appropriations for the Institute for such fiscal year provided by law.

POWERS AND DUTIES

Sec. 1705.[4] (a) The Institute may exercise the powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act consistent with this title, except for section 5(o) of the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29-1005(o)).

(b) The Institute, acting through the Board, may—

(1) establish a Jennings Randolph Program for International Peace and appoint, for periods up to two years, scholars and leaders in peace from the United States and abroad to pursue scholarly inquiry and other appropriate forms of communication on international peace and conflict resolution and, as appropriate, provide stipends, grants, fellowships, and other support to the leaders and scholars;

(2) enter into formal and informal relationships with other institutions, public and private, for purposes not inconsistent with this title;

(3) conduct research and make studies, particularly of an interdisciplinary or of a multidisciplinary nature, into the causes of war and other international conflicts and the elements of peace among the nations and peoples of the world, including peace theories, methods, techniques, programs, and systems, and into the experiences of the United States and

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[4] 22 U.S.C 4604.

other nations in resolving conflicts with justice and dignity and without violence as they pertain to the advancement of international peace and conflict resolution, placing particular emphasis on realistic approaches to past successes and failures in the quest for peace and arms control and utilizing to the maximum extent possible United States Government documents and classified materials from the Department of State, the Department of Defense, the Arms Control and Disarmament Agency, and the intelligence community;

(4) develop programs to make international peace and conflict resolution research, education, and training more available and useful to persons in government, private enterprise, and voluntary associations, including the creation of handbooks and other practical materials;

(5) provide, promote, and support peace education and research programs at graduate and postgraduate levels;

(6) conduct training, symposia, and continuing education programs for practitioners, policymakers, policy implementers, and citizens and noncitizens directed to developing their skills in international peace and conflict resolution;

(7) develop, for publication or other public communication, and disseminate, the carefully selected products of the Institute;

(8) establish a clearinghouse and other means for disseminating information, including classified information that is properly safeguarded, from the field of peace learning to the public and to government personnel with appropriate security clearances;

(9) recommend to the Congress the establishment of a United States Medal of Peace to be awarded under such procedures as the Congress may determine, except that no person associated with the Institute may receive the United States Medal of Peace; and

(10) secure directly, upon request of the president of the Institute to the head of any Federal department or agency and in accordance with section 552 of title 5, United States Code (relating to freedom of information), information necessary to enable the Institute to carry out the purposes of this title if such release of the information would not unduly interfere with the proper functioning of a department or agency, including classified information if the Institute staff and members of the Board who have access to such classified information obtain appropriate security clearances from the Department of Defense and the Department of State.

(c) The Institute may undertake extension and outreach activities under this title by making grants and entering into contracts with institutions of postsecondary, community, secondary, and elementary education (including combinations of such institutions), with public and private educational, training, or research institutions (including the American Federation of Labor—the Congress of Industrial Organizations) and libraries, and with public departments and agencies (including State and territorial departments of education and of commerce). No grant may be made to an institution unless it is a nonprofit or official public institution, and at least one-fourth of the Institute's annual appropriations shall be paid to such nonprofit and official public institutions. A grant or contract may be made to—

(1) initiate, strengthen, and support basic and applied research on international peace and conflict resolution;

(2) promote and advance the study of international peace and conflict resolution by educational, training, and research institutions, departments, and agencies;

(3) educate the Nation about and educate and train individuals in peace and conflict resolution theories, methods, techniques, programs, and systems;

(4) assist the Institute in its publication, clearinghouse, and other information services programs;

(5) assist the Institute in the study of conflict resolution between free trade unions and Communist-dominated organizations in the context of the global struggle for the protection of human rights; and

(6) promote the other purposes of this title.

(d) The Institute may respond to the request of a department or agency of the United States Government to investigate, examine, study, and report on any issue within the Institute's competence, including the study of past negotiating histories and the use of classified materials.

(e) The Institute may enter into contracts for the proper operation of the Institute.

(f) The Institute may fix the duties of its officers, employees, and agents, and establish such advisory committees, councils, or other bodies, as the efficient administration of the business and purposes of the Institute may require.

(g)(1) Except as provided in paragraphs (2) and (3), the Institute may obtain grants and contracts, including contracts for classified research for the Department of State, the Department of Defense, the Arms Control and Disarmament Agency, and the intelligence community, and receive gifts and contributions from government at all levels.

(2) The Institute may not accept any gift, contribution, or grant from, or enter into any contract with, a foreign government, any agency or instrumentality of such government, any international organization, or any foreign national, except that the Institute may accept the payment of tuition by foreign nationals for instruction provided by the Institute. For purposes of this paragraph, the term—

(A) "foreign national" means—

(i) a natural person who is a citizen of a foreign country or who owes permanent allegiance to a foreign country; and

(ii) a corporation or other legal entity in which natural persons who are nationals of a foreign country own, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such legal entity; and

(B) "person" means a natural person, partnership, association, other unincorporated body, or corporation.

(3) Notwithstanding any other provisions of this title, the Institute and the legal entity described in section 1704(c) may not obtain any grant or contract or receive any gift or contribution from any private agency, organization, corporation or other legal entity, institution, or individual.

(h) The Institute may charge and collect subscription fees and develop, for publication or other public communication, and disseminate, periodicals and other materials.

(i) The Institute may charge and collect fees and other participation costs from persons and institutions participating in the Institute's direct activities authorized in subsection (b).

(j) The Institute may sue and be sued, complain, and defend in any court of competent jurisdiction.

(k) The Institute may adopt, alter, use, and display a corporate seal, emblem, badge, and other mark of recognition and colorable simulations thereof.

(l) The Institute may do any and all lawful acts and things necessary or desirable to carry out the objectives and purposes of this title.

(m) The Institute shall not itself undertake to influence the passage or defeat of any legislation by the Congress of the United States or by any State or local legislative bodies, or by the United Nations, except that personnel of the Institute may testify or make other appropriate communication when formally requested to do so by a legislative body, a committee, or a member thereof.

(n) The Institute may obtain administrative support services from the Administrator of General Services on a reimbursable basis.

BOARD OF DIRECTORS

Sec. 1706.[5] (a) The powers of the Institute shall be vested in a Board of Directors unless otherwise specified in this title.

(b) The Board shall consist of fifteen voting members as follows:

(1) The Secretary of State (or if the Secretary so designates, another officer of the Department of State who was appointed with the advice and consent of the Senate).

(2) The Secretary of Defense (or if the Secretary so designates, another officer of the Department of Defense who was appointed with the advice and consent of the Senate).

(3) The Director of the Arms Control and Disarmament Agency (or if the Director so designates, another officer of that Agency who was appointed with the advice and consent of the Senate).

(4) The president of the National Defense University (or if the president so designates, the vice president of the National Defense University).

(5) Eleven individuals appointed by the President, by and with the advice and consent of the Senate.

(c) Not more than eight voting members of the Board (including members described in paragraphs (1) through (4) of subsection (b)) may be members of the same political party.

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[5] 22 U.S.C. 4605.

(d)(1) Each individual appointed to the Board under subsection (b)(5) shall have appropriate practical or academic experience in peace and conflict resolution efforts of the United States.

(2) Officers and employees of the United States Government may not be appointed to the Board under subsection (b)(5).

(e)(1) Members of the Board appointed under subsection (b)(5) shall be appointed to four year terms, except that—

(A) the term of six of the members initially appointed shall be two years, as designated by the President at the time of their nomination;

(B) a member may continue to serve until his or her successor is appointed; and

(C) a member appointed to replace a member whose term has not expired shall be appointed to serve the remainder of that term.

(2) The terms of the members of the Board initially appointed under subsection (b)(5) shall begin on January 20, 1985, and subsequent terms shall begin upon the expiration of the preceding term, regardless of when a member is appointed to fill that term.

(3) The President may not nominate an individual for appointment to the Board under subsection (b)(5) prior to January 20, 1985, but shall submit the names of eleven nominees for initial Board membership under subsection (b)(5) not later than ninety days after that date. If the Senate rejects such a nomination or if such a nomination is withdrawn, the President shall submit the name of a new nominee within fifteen days.

(4) An individual appointed as a member of the Board under subsection (b)(5) may not be appointed to more than two terms on the Board.

(f) A member of the Board appointed under subsection (b)(5) may be removed by the President—

(1) in consultation with the Board, for conviction of a felony, malfeasance in office, persistent neglect of duties, or inability to discharge duties.

(2) upon the recommendation of eight voting members of the Board; or

(3) upon the recommendation of a majority of the members of the Committee on Foreign Affairs and the Committee on Education and Labor of the House of Representatives and a majority of the members of the Committee on Foreign Relations and the Committee on Labor and Human Resources of the Senate.

A recommendation made in accordance with paragraph (2) may be made only pursuant to action taken at a meeting of the Board, which may be closed pursuant to the procedures of subsection (h)(3). Only members who are present may vote. A record of the vote shall be maintained. The President shall be informed immediately by the Board of the recommendation.

(g) No member of the Board may participate in any decision, action, or recommendation with respect to any matter which directly and financially benefits the member or pertains specifically to any public body or any private or nonprofit firm or organization with which the member is then formally associated or has been formally associated within a period of two years, except that this subsection shall not be construed to prohibit an ex officio member of the Board from participation in actions of the Board which pertain specifically to the public body of which that member is an officer.

(h) Meetings of the Board shall be conducted as follows:

(1) The President shall stipulate by name the nominee who shall be the first Chairman of the Board. The first Chairman shall serve for a term of three years. Thereafter the Board shall elect a Chairman every three years from among the directors appointed by the President under subsection (b)(5) and may elect a Vice Chairman if so provided by the Institute's bylaws.

(2) The Board shall meet at least semiannually, at any time pursuant to the call of the Chairman or as requested in writing to the Chairman by at least five members of the Board. A majority of the members of the Board shall constitute a quorum for any Board meeting.

(3) All meetings of the Board shall be open to public observation and shall be preceded by reasonable public notice. Notice in the Federal Register shall be deemed to be reasonable public notice for purposes of the preceding sentence. In exceptional circumstances, the Board may close those portions of a meeting, upon a majority vote of its members present and with the vote taken in public session, which are likely to disclose information likely to affect adversely any ongoing peace proceeding or activity or to disclose information or matters exempted from public disclosure pursuant to subsection (c) of section 552b of title 5, United State Code.

(i) A director appointed by the President under subsection (b)(5) shall be entitled to receive the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day during which the director is engaged in the performance of duties as a member of the Board.

(j) While away from his home or regular place of business in the performance of duties for the Institute, a director shall be allowed travel expenses, including a per diem in lieu of subsistence, not to exceed the expenses allowed persons employed intermittently in Government service under section 5703(b) of title 5, United States Code.

OFFICERS AND EMPLOYEES

Sec. 1707.[6] (a) The Board shall appoint the president of the Institute and such other officers as the Board determines to be necessary. The president of the Institute shall be a nonvoting ex officio member of the Board. All officers shall serve at the pleasure of the Board. The president shall be appointed for an explicit term of years. Notwithstanding any other provision of law limiting the payment of compensation, the president and other officers appointed by the Board shall be compensated at rates determined by the Board, but no greater than that payable for level I of the Executive Schedule under chapter 53 of title 5, United States Code.

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[6] 22 U.S.C. 4606.

(b) Subject to the provisions of section 1705(g)(3), the Board shall authorize the president and any other officials or employees it designates to receive and disburse public moneys, obtain and make grants, enter into contracts, establish and collect fees, and undertake all other activities necessary for the efficient and proper functioning of the Institute.

(c) The president, subject to Institute's bylaws and general policies established by the Board, may appoint, fix the compensation of, and remove such employees of the Institute as the president determines necessary to carry out the purposes of the Institute. In determining employee rates of compensation, the president shall be governed by the provisions of title 5, United States Code, relating to classification and General Schedule pay rates.

(d)(1) The president may request the assignment of any Federal officer or employee to the Institute by an appropriate department, agency, or congressional official or Member of Congress and may enter into an agreement for such assignment, if the affected officer or employee agrees to such assignment and such assignment causes no prejudice to the salary, benefits, status, or advancement within the department, agency, or congressional staff of such officer or employee.

(2) The Secretary of State, the Secretary of Defense, the Director of the Arms Control and Disarmament Agency, and the Director of Central Intelligence each may assign officers and employees of his respective department or agency, on a rotating basis to be determined by the Board, to the Institute if the affected officer or employee agrees to such assignment and such assignment causes no prejudice to the salary, benefits, status, or advancement within the respective department or agency of such officer or employee.

(e) No officer or full-time employee of the Institute may receive any salary or other compensation for services from any source other than the Institute during the officer's or employee's period of employment by the Institute, except as authorized by the Board.

(f)(1) Officers and employees of the Institute shall not be considered officers and employees of the Federal Government except for purposes of the provisions of title 28, United States Code, which relate to Federal tort claims liability, and the provisions of title 5, United States Code, which relate to compensation and benefits, including the following provisions: chapter 51 (relating to classification); subchapters I and III of chapter 53 (relating to pay rates); subchapter I of chapter 81 (relating to compensation for work injuries); chapter 83 (relating to civil service retirement); chapter 87 (relating to life insurance); and chapter 89 (relating to health insurance). The Institute shall make contributions at the same rates applicable to agencies of the Federal Government under the provisions of title 5 referred to in this section.

(2) No Federal funds shall be used to pay for private fringe benefit programs. The Institute shall not make long-term commitments to employees that are inconsistent with rules and regulations applicable to Federal employees.

(g) No part of the financial resources, income, or assets of the Institute or of any legal entity created by the Institute shall inure to any agent, employee, officer, or director or be distributable to any such person during the life of the corporation or upon dissolution or final liquidation. Nothing in this section may be construed to prevent the payment of reasonable compensation for services or expenses to the directors, officers, employees, and agents of the Institute in amounts approved in accordance with the provisions of this title.

(h) The Institute shall not make loans to its directors, officers, employees, or agents, or to any legal entity created by the Institute. A director, officer, employee, or agent who votes for or assents to the making of a loan or who participates in the making of a loan shall be jointly and severally liable to the Institute for the amount of the loan until repayment thereof.

PROCEDURES AND RECORDS

Sec. 1708.[7] (a) The Institute shall monitor and evaluate and provide for independent evaluation if necessary of programs supported in whole or in part under this title to ensure that the provisions of this title and the bylaws, rules, regulations, and guidelines promulgated pursuant to this title are adhered to.

(b) The Institute shall prescribe procedures to ensure that grants, contracts, and financial support under this title are not suspended unless the grantee, contractor, or person or entity receiving financial support has been given reasonable notice and opportunity to show cause why the action should not be taken.

(c) In selecting persons to participate in Institute activities, the Institute may consider a person's practical experience or equivalency in peace study and activity as well as other formal requirements.

(d) The Institute shall keep correct and complete books and records of account, including separate and distinct accounts of receipts and disbursements of Federal funds. The Institute's annual financial report shall identify the use of such funding and shall present a clear description of the full financial situation of the Institute.

(e) The Institute shall keep minutes of the proceedings of its Board and of any committees having authority under the Board.

(f) The Institute shall keep a record of the names and addresses of its Board members; copies of this title, of any other Acts relating to the Institute, and of all Institute bylaws, rules, regulations, and guidelines; required minutes of proceedings; a record of all applications and proposals and issued or received contracts and grants; and financial records of the Institute. All items required by this subsection may be inspected by any Board member or the member's agent or attorney for any proper purpose at any reasonable time.

(g) The accounts of the Institute shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States on or before December 31, 1970. The audit shall be conducted at the place or places where the accounts of the Institute are normally kept. All books, accounts, financial records, files, and other papers, things, and property belonging to or in use by the Institute and necessary to facilitate the audit shall be made available to the person or persons conducting the audit, and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

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[7] 22 U.S.C. 4607.

(h) The Institute shall provide a report of the audit to the President and to each House of Congress no later than six months following the close of the fiscal year for which the audit is made. The report shall set forth the scope of the audit and include such statements, together with the independent auditor's opinion of those statements, as are necessary to present fairly the Institute's assets and liabilities, surplus or deficit, with reasonable detail, including a statement of the Institute's income and expenses during the year, including a schedule of all contracts and grants requiring payments in excess of $5,000 and any payments of compensation, salaries, or fees at a rate in excess of $5,000 per year. The report shall be produced in sufficient copies for the public.

(i) The Institute and its directors, officers, employees, and agents shall be subject to the provisions of section 552 of title 5, United States Code (relating to freedom of information).

INDEPENDENCE AND LIMITATIONS

Sec. 1709.[8] (a) Nothing in this title may be construed as limiting the authority of the Office of Management and Budget to review and submit comments on the Institute's budget request at the time it is transmitted to the Congress.

(b) No political test or political qualification may be used in selecting, appointing, promoting, or taking any other personnel action with respect to any officer, employee, agent, or recipient of Institute funds or services or in selecting or monitoring any grantee, contractor, person, or entity receiving financial assistance under this title.

FUNDING

Sec. 1710.[9] (a) For the purpose of carrying out this title (except for paragraph (9) of section 1705(b)), there are authorized to be appropriated $6,000,000 for the fiscal year 1987 [10] and $10,000,000 for the fiscal year 1988.[10] Monies appropriated for the fiscal year 1985 shall remain available to the Institute through the fiscal year 1986.

(b) The Board of Directors may transfer to the legal entity authorized to be established under section 1704(c) any funds not obligated or expended from appropriations to the Institute for a fiscal year, and such funds shall remain available for obligation or expenditure for the purposes of such legal entity without regard to fiscal year limitations. Any use by such legal entity of appropriated funds shall be reported to each House of the Congress and to the President of the United States.

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[8] 22 U.S.C. 4608.

[9] 22 U.S.C. 4609.

[10] Sec. 1601 of Public Law 99-498, 100 Stat. 1268 replaced the years 1985 and 1986 with 1987 and 1988.

(c) Any authority provided by this title to enter into contracts shall be effective for a fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

DISSOLUTION OR LIQUIDATION

Sec. 1711.[11] Upon dissolution or final liquidation of the Institute or of any legal entity created pursuant to this title, all income and assets of the Institute or other legal entity shall revert to the United States Treasury.

REPORTING REQUIREMENT AND REQUIREMENT TO HOLD HEARINGS

Sec. 1712.[12] Beginning two years after the date of enactment of this title, and at intervals of two years thereafter, the Chairman of the Board shall prepare and transmit to the Congress and the President a report detailing the progress the Institute has made in carrying out the purposes of this title during the preceding two-year period. The President shall prepare and transmit to the Congress within a reasonable time after the receipt of such report the written comments and recommendations of the appropriate agencies of the United States with respect to the contents of such report and their recommendations with respect to any legislation which may be required concerning the Institute. After receipt of such report by the Congress, the Committee on Foreign Affairs and the Committee on Education and Labor of the House of Representatives and the Committee on Foreign Relations and the Committee on Labor and Human Resources of the Senate shall hold hearings to review the findings and recommendations of such report and the written comments received from the President.

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[11] 22 U.S.C. 4610.

[12] 22 U.S.C. 4611.

i. Hostage Relief Act of 1980

Public Law 96–449 [H.R. 7085], 94 Stat. 1967, approved October 14, 1980

AN ACT To provide certain benefits to individuals held hostage in Iran and to similarly situated individuals, and for other purposes.[1]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Hostage Relief Act of 1980".

TITLE I—SPECIAL PERSONNEL BENEFITS

DEFINITIONS

Sec. 101. For purposes of this title—

(1) The term "American hostage" means any individual who, while—

(A) in the civil service or the uniformed services of the United States, or

(B) a citizen or resident alien of the United States rendering personal service to the United States abroad similar to the service of a civil officer or employee of the United States (as determined by the Secretary of State),

is placed in a captive status during the hostage period.

(2) The term "hostage period" means the period beginning on November 4, 1979, and ending on the later of—

(A) the date the President specifies, by Executive order, as the date on which all citizens and resident aliens of the United States who were placed in a captive status due to the seizure of the United States Embassy in Iran have been returned to the United States or otherwise accounted for, or

(B) January 1, 1983.

(3) The term "family member", when used with respect to any American hostage, means—

(A) any dependent (as defined in section 5561 of title 5, United States Code) of such hostage; and

(B) any member of the hostage's family or household (as determined under regulations which the Secretary of State shall prescribe).

(4) The term "captive status" means a missing status arising because of a hostile action abroad—

(A) which is directed against the United States during the hostage period; and

(B) which is identified by the Secretary of State in the Federal Register.

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[1] 5 U.S.C. 5561 note.

(5) The term "missing status"—

(A) in the case of employees, has the meaning given it in section 5561(5) of title 5, United States Code;

(B) in the case of members of the uniformed services, has the meaning given it in section 551(2) of title 37, United States Code; and

(C) in the case of other individuals, has a similar meaning as that provided under such sections, as determined by the Secretary of State.

(6) The terms "pay and allowances", "employee", and "agency" have the meanings given to such terms in section 5561 of title 5, United States Code, and the terms "civil service", "uniformed services", and "armed forces" have the meanings given to such terms in section 2101 of such title 5.

PAY AND ALLOWANCES MAY BE ALLOTTED TO SPECIAL SAVINGS FUND

Sec. 102. (a) The Secretary of the Treasury shall establish a savings fund to which the head of an agency may allot all or any portion of the pay and allowances of any American hostage which are for pay periods during which the American hostage is in a captive status and which are not subject to an allotment under section 5563 of title 5, United States Code, under section 553 of title 37, United States Code, or under any other provision of law.

(b) Amounts so allotted to the savings fund shall bear interest at a rate which, for any calendar quarter, shall be equal to the average rate paid on United States Treasury bills with three-month maturities issued during the preceding calendar quarter. Such interest shall be compounded quarterly.

(c) Amounts may be allotted to the savings fund from pay and allowances for any pay period ending after November 4, 1979, and before the establishment of the savings fund. Interest on amounts allotted from the pay and allowances for any such pay period shall be calculated as if the allotment had occurred at the end of the pay period.

(d) Amounts in the savings fund credited to any American hostage shall be considered as pay and allowances for purposes of section 5563 of title 5, United States Code (or in the case of a member of the uniformed services, for purposes of section 553 of title 37, United States Code) and shall otherwise be subject to withdrawal under procedures which the Secretary of the Treasury shall establish.

MEDICAL AND HEALTH CARE AND RELATED EXPENSES

Sec. 103. Under regulations prescribed by the President, the head of an agency may pay (by advancement or reimbursement) any individual who is an American hostage, or any family member of such an individual, for medical and health care, and other expenses related to such care, to the extent such care—

(1) is incident to that individual being an American hostage; and

(2) is not covered by insurance.

EDUCATION AND TRAINING

Sec. 104. (a)(1) Under regulations prescribed by the President, the head of an agency shall pay (by advancement or reimbursement) a spouse or child of an American hostage for expenses incurred for subsistence, tuition, fees, supplies, books, and equipment, and other educational expenses, while attending an educational or training institution.

(2) Except as provided in paragraph (3), payments shall be available under this subsection for a spouse or child of an individual who is an American hostage for education or training which occurs—

(A) after the nineteenth day after the date the individual is placed in a captive status, and

(B) on or before—

(i) the end of any semester or quarter (as appropriate) which begins before the date on which the hostage ceases to be in a captive status, or

(ii) if the educational or training institution is not operated on a semester or quarter system, the earlier of the end of any course which began before such date or the end of the twelve-week period following that date.

In order to respond to special circumstances, the President may specify a date for purposes of cessation of assistance under subparagraph (B) which is later than the date which would otherwise apply under subparagraph (B).

(3) In the event an American hostage dies and the death is incident to that individual being an American hostage, payments shall be available under this subsection for a spouse or child of an individual who is an American hostage for education or training which occurs after the date of death.

(4) The preceding provisions of this subsection shall not apply with respect to any spouse or child who is eligible for assistance under chapter 35 of title 38, United States Code.

(b)(1) In order to respond to special circumstances, the head of an agency may, under regulations prescribed by the President, pay (by advancement or reimbursement) an American hostage for expenses incurred for subsistence, tuition, fees, supplies, books, and equipment, and other educational expenses, while attending an educational or training institution.

(2) Payments shall be available under this subsection for an American hostage for education or training which occurs—

(A) after the termination of such hostages' captive status, and

(B) on or before—

(i) the end of any semester or quarter (as appropriate) which begins before the date which is 10 years after the day on which the hostage ceases to be in a captive status, or

(ii) if the educational or training institution is not operated on a semester or quarter system, the earlier of the end of any course which began before such date or the end of the twelve-week period following that date.

(c) Assistance under this section shall be discontinued for any individual whose conduct or progress is unsatisfactory under standards consistent with those established pursuant to section 1724 of title 38, United States Code.

(d) In no event may assistance be provided under this section for any individual for a period in excess of forty-five months (or the equivalent thereof in part-time education or training).

(e) Regulations prescribed by the President under this section shall provide that the program under this section be consistent with the assistance program under chapters 35 and 36 of title 38, United States Code.

EXTENSION OF APPLICABILITY OF CERTAIN BENEFITS OF THE SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1940

Sec. 105. (a) Under regulations prescribed by the President, an American hostage is entitled to the benefits provided by the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 501 et seq.), including the benefits provided by section 701 (50 U.S.C. App. 591) but excluding the benefits provided by sections 104, 105, 106, 400 through 408, 501 through 512, and 514 (50 U.S.C. App. 514, 515, 516, 540 through 548, 561 through 572, and 574).

(b) In applying such Act for purposes of this section—

(1) the term "person in the military service" is deemed to include any such American hostage;

(2) the term "period of military service" is deemed to include the period during which such American hostage is in a captive status; and

(3) references to the Secretary of the Army, the Secretary of the Navy, the Adjutant General of the Army, the Chief of Naval Personnel, and the Commandant, United States Marine Corps, are deemed to be references to the Secretary of State.

(c) The preceding provisions of this section shall not apply with respect to any American hostage covered by such provisions of the Soldiers' and Sailors' Civil Relief Act of 1940 by reason of being in the Armed Forces.

APPLICABILITY TO COLOMBIAN HOSTAGE

Sec. 106. Notwithstanding the requirements of section 101(1), for purposes of this title, Richard Starr of Edmonds, Washington, who, as a Peace Corps volunteer, was held captive in Colombia and released on or about February 10, 1980, shall be held and considered to be an American hostage placed in a captive status on November 4, 1979.

EFFECTIVE DATE

Sec. 107. The preceding provisions of this title shall take effect as of November 4, 1979.

TITLE II—TAX PROVISIONS

SEC. 201. COMPENSATION EXCLUDED FROM GROSS INCOME

For purposes of the Internal Revenue Code of 1954, the gross income of an individual who was at any time an American hostage does not include compensation from the United States received for any month during any part of which such individual was—

(1) in captive status, or

(2) hospitalized as a result of such individual's captive status.

SEC. 202. INCOME TAXES OF HOSTAGE WHERE DEATH RESULTS FROM CAPTIVE STATUS

(a) General Rule.—In the case of an individual who was at any time an American hostage and who dies as a result of injury or disease or physical or mental disability incurred or aggravated while such individual was in captive status—

(1) any tax imposed by subtitle A of the Internal Revenue Code of 1954 shall not apply with respect to—

(A) the taxable year in which falls the date of such individual's death, or

(B) any prior taxable year ending on or after the first day such individual was in captive status, and

(2) any tax imposed under such subtitle A for taxable years preceding those specified in paragraph (1) which is unpaid at the date of such individual's death (including interest, additions to the tax, and additional amounts)—

(A) shall not be assessed,

(B) if assessed, the assessment shall be abated, and

(C) if collected, shall be credited or refunded as an overpayment.

(b) Death Must Occur Within 2 Years of Cessation of Captive Status.—This section shall not apply unless the death of the individual occurs within 2 years after such individual ceases to be in captive status.

SEC. 203. SPOUSE MAY FILE JOINT RETURN

(a) General Rule.—If an individual is an American hostage who is in captive status, such individual's spouse may elect to file a joint return under section 6013(a) of the Internal Revenue Code of 1954 for any taxable year—

(1) which begins on or before the day which is 2 years after the date on which the hostage period ends, and

(2) for which such spouse is otherwise entitled to file such a joint return.

(b) Certain Rules Made Applicable.—For purposes of subsection (a), paragraphs (2) and (4) of section 6013(f) of such Code (relating to joint return where individual is in missing status) shall apply as if the election described in subsection (a) of this section were an election described in paragraph (1) of such section 6013(f).

SEC. 204. TIME FOR PERFORMING CERTAIN ACTS POSTPONED BY REASON OF CAPTIVE STATUS

(a) General Rule.—In the case of any individual who was at any time an American hostage, any period during which he was in captive status (and any period during which he was outside the United States and hospitalized as a result of captive status), and the next 180 days thereafter, shall be disregarded in determining, under the internal revenue laws, in respect of any tax liability (including any interest, penalty, additional amount, or addition to the tax) of such individual—

(1) whether any of the acts specified in paragraph (1) of section 7508(a) of the Internal Revenue Code of 1954 was performed within the time prescribed therefor, and

(2) the amount of any credit or refund (including interest).

(b) APPLICATION TO SPOUSE.—The provisions of this section shall apply to the spouse of any individual entitled to the benefits of subsection (a). The preceding sentence shall not cause this section to apply to any spouse for any taxable year beginning more than 2 years after the date on which the hostage period ends.

(c) SECTION 7508(d) MADE APPLICABLE.—Subsection (d) of section 7508 of the Internal Revenue Code of 1954 shall apply to subsection (a) in the same manner as if the benefits of subsection (a) were provided by subsection (a) of such section 7508.

SEC. 205. DEFINITIONS AND SPECIAL RULES

(a) AMERICAN HOSTAGE.—For purposes of this title, the term "American hostage" means any individual who, while—

(1) in the civil service or the uniformed services of the United States, or

(2) a citizen or resident alien of the United States rendering personal service to the United States abroad similar to the service of a civil officer or employee of the United States (as determined by the Secretary of State),

is placed in a captive status during the hostage period.

(b) HOSTAGE PERIOD.—For purposes of this title, the term "hostage period" means the period beginning on November 4, 1979, and ending on whichever of the following dates is the earlier:

(1) the date the President specifies, by Executive order, as the date on which all citizens and resident aliens of the United States who were placed in a captive status due to the seizure of the United States Embassy in Iran have been returned to the United States or otherwise accounted for, or

(2) December 31, 1981.

(c) CAPTIVE STATUS.—For purposes of this title—

(1) IN GENERAL.—The term "captive status" means a missing status arising because of a hostile action abroad—

(A) which is directed against the United States during the hostage period, and

(B) which is identified by the Secretary of State in the Federal Register.

(2) MISSING STATUS DEFINED.—The term "missing status"—

(A) in the case of employees, has the meaning given it in section 5561(5) of title 5, United States Code,

(B) in the case of members of the uniformed services, has the meaning given it in section 551(2) of title 37, United States Code, and

(C) in the case of other individuals, has a similar meaning as that provided under such sections, as determined by the Secretary of State.

For purposes of the preceding sentence, the term "employee" has the meaning given to such term by section 5561(2) of title 5, United States Code.

(d) HOSPITALIZED AS A RESULT OF CAPTIVE STATUS.—

(1) In general.—For purposes of this title, an individual shall be treated as hospitalized as a result of captive status if such individual is hospitalized as a result of injury or disease or physical or mental disability incurred or aggravated while such individual was in captive status.

(2) 2-year limit.—Hospitalization shall be taken into account for purposes of paragragh (1) only if it is hospitalization—

(A) occurring on or before the day which is 2 years after the date on which the individual's captive status ends (or, if earlier, the date on which the hostage period ends), or

(B) which is part of a continuous period of hospitalization which began on or before the day determined under subparagraph (A).

(e) Civil Service; Uniformed Services.—For purposes of this section, the terms "civil service" and "uniformed services" have the meanings given to such terms by section 2101 of title 5, United States Code.

(f) Application of Title to All Tehran Hostages.—In the case of any citizen or resident alien of the United States who is determined by the Secretary of State to have been held hostage in Tehran at any time during November 1979, for purposes of this title—

(1) such individual shall be treated as an American hostage whether or not such individual meets the requirements of paragraph (1) or (2) of subsection (a), and

(2) if such individual was not in the civil service or the uniformed services of the United States—

(A) section 201 shall be applied by substituting "earned income (as defined in section 911(b) of the Internal Revenue Code of 1954) attributable to" for "compensation from the United States received for", and

(B) the amount excluded from gross income under section 201 for any month shall not exceed the monthly equivalent of the annual rate of basic pay payable for level V of the Executive Schedule.

(g) Application of Title to Individual Held Captive in Colombia.—For purposes of this title, Richard Starr of Edmonds, Washington, who, as a Peace Corps volunteer, was held captive in Colombia, shall be treated as an American hostage who was in captive status beginning on November 4, 1979, and ending on February 10, 1980.

(h) Special Rules.—

(1) Compensation.—For purposes of this title, the term "compensation" shall not include any amount received as an annuity or as retirement pay.

(2) Wage withholding.—Any amount excluded from gross income under section 201 shall not be treated as wages for purposes of chapter 24 of the Internal Revenue Code of 1954.

SEC. 206. STUDY OF TAX TREATMENT OF HOSTAGES

(a) Study.—The Chief of Staff of the Joint Committee on Taxation shall study all aspects of the tax treatment of citizens and resident aliens of the United States who are taken hostage or are otherwise placed in a missing status.

(b) **Report.**—The Chief of Staff of the Joint Committee on Taxation shall, before July 1, 1981, report the results of the study made pursuant to subsection (a) to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

TITLE III—TREATMENT OF THE HOSTAGES IN IRAN

VISITS BY THE INTERNATIONAL RED CROSS

Sec. 301. (a) The Congress finds that—

(1) the continued illegal and unjustified detention of the American hostages by the Government of Iran has resulted in the deterioration of relations between the United States and Iran; and

(2) the protracted length and the conditions of their confinement have reportedly endangered the physical and mental well-being of the hostages.

(b) Therefore, it is the sense of the Congress that the President should make a formal request of the International Committee of the Red Cross to—

(1) make regular and periodic visits to the American hostages being held in Iran for the purpose of determining whether the hostages are being treated in a humane and decent manner and whether they are receiving proper medical attention;

(2) urge other countries to solicit the cooperation of the Government of Iran in the visits to the hostages by the International Committee of the Red Cross; and

(3) report to the United States its findings after each such visit.

j. Executive Order 12268, January 15, 1981, 46 F.R. 4671

HOSTAGE RELIEF ACT OF 1980

By the authority vested in me as President by the Constitution and statutes of the United States of America, including the Hostage Relief Act of 1980 (Public Law 96-449; 94 Stat. 1967; 5 U.S.C. 5561 note) and Section 301 of Title 3 of the United States Code, and in order to provide for the implementation of that Act, it is hereby ordered as follows:

1-101. The functions vested in the President by Sections 103, 104, 105 and 301 of the Hostage Relief Act of 1980 (5 U.S.C. 5561 note) are delegated to the Secretary of State.

1-102. The Secretary of State shall consult with the heads of appropriate Executive agencies in carrying out the functions in Sections 103, 104, and 105 of the Act.

k. 1984 Act to Combat International Terrorism

Public Law 98-533 [H.R. 6311], 98 Stat. 2706, approved October 19, 1984

AN ACT To combat international terrorism.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "1984 Act to Combat International Terrorism".

TITLE I—REWARDS FOR INFORMATION ON INTERNATIONAL TERRORISM AUTHORITY OF THE ATTORNEY GENERAL

Sec. 101. (a) Title 18 of the United States Code is amended by adding the following new chapter after chapter 203:

"CHAPTER 204—REWARDS FOR INFORMATION CONCERNING TERRORIST ACTS

"Sec.
"3071. Information for which rewards authorized.
"3072. Determination of entitlement; maximum amount; Presidential approval; conclusiveness.
"3073. Protection of identity.
"3074. Exception of governmental officials.
"3075. Authorization for appropriations.
"3076. Eligibility for witness security program.
"3077. Definitions.

"§ 3071. Information for which rewards authorized

"With respect to acts of terrorism primarily within the territorial jurisdiction of the United States, the Attorney General may reward any individual who furnishes information—

"(1) leading to the arrest or conviction, in any country, of any individual or individuals for the commission of an act of terrorism against a United States person or United States property; or

"(2) leading to the arrest or conviction, in any country, of any individual or individuals for conspiring or attempting to commit an act of terrorism against a United States person or property; or

"(3) leading to the prevention, frustration, or favorable resolution of an act of terrorism against a United States person or property.

“§ 3072. Determination of entitlement; maximum amount; Presidential approval; conclusiveness

“The Attorney General shall determine whether an individual furnishing information described in section 3071 is entitled to a reward and the amount to be paid. A reward under this section may be in an amount not to exceed $500,000. A reward of $100,000 or more may not be made without the approval of the President or the Attorney General personally. A determination made by the Attorney General or the President under this chapter shall be final and conclusive, and no court shall have power or jurisdiction to review it.

“§ 3073. Protection of identity

“Any reward granted under this chapter shall be certified for payment by the Attorney General. If it is determined that the identity of the recipient of a reward or of the members of the recipient's immediate family must be protected, the Attorney General may take such measures in connection with the payment of the reward as deemed necessary to effect such protection.

“§ 3074. Exception of governmental officials

“No officer or employee of any governmental entity who, while in the performance of his or her official duties, furnishes the information described in section 3071 shall be eligible for any monetary reward under this chapter.

“§ 3075. Authorization for appropriations

“There are authorized to be appropriated, without fiscal year limitation, $5,000,000 for the purpose of this chapter.

“§ 3076. Eligibility for witness security program

“Any individual (and the immediate family of such individual) who furnishes information which would justify a reward by the Attorney General under this chapter or by the Secretary of State under section 36 of the State Department Basic Authorities Act of 1956 may, in the discretion of the Attorney General, participate in the Attorney General's witness security program authorized under title V of the Organized Crime Control Act of 1970.

“§ 3077. Definitions

“As used in this chapter, the term—

“(1) ‘act of terrorism’ means an activity that—

“(A) involves a violent act or an act dangerous to human life that is a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States; and

“(B) appears to be intended—

“(i) to intimidate or coerce a civilian population;

“(ii) to influence the policy of a government by intimidation or coercion; or

“(iii) to affect the conduct of a government by assassination or kidnapping.

"(2) 'United States person' means—

"(A) a national of the United States as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

"(B) an alien lawfully admitted for permanent residence in the United States as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20));

"(C) any person within the United States;

"(D) any employee or contractor of the United States Government, regardless of nationality, who is the victim or intended victim of an act of terrorism by virtue of that employment;

"(E) a sole proprietorship, partnership, company, or association composed principally of nationals or permanent resident aliens of the United States; and

"(F) a corporation organized under the laws of the United States, any State, the District of Columbia, or any territory or possession of the United States, and a foreign subsidiary of such corporation.

"(3) 'United States property' means any real or personal property which is within the United States or, if outside the United States, the actual or beneficial ownership of which rests in a United States person or any Federal or State governmental entity of the United States.

"(4) 'United States'—

"(A) when used in a geographical sense, includes Puerto Rico and all territories and possessions of the United States; and

"(B) when used in the context of section 3073 shall have the meaning given to it in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

"(5) 'State' includes any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any other possession or territory of the United States.

"(6) 'government entity' includes the Government of the United States, any State or political subdivision thereof, any foreign country, and any state, provincial, municipal, or other political subdivision of a foreign country.

"(7) 'Attorney General' means the Attorney General of the United States or that official designated by the Attorney General to perform the Attorney General's responsibilities under this chapter.".

(b) The chapter analysis of part II of title 18, United States Code, is amended by adding after the item relating to chapter 203 the following new item:

"204. Rewards for information concerning terrorists acts .... 3071".

AUTHORITY OF THE SECRETARY OF STATE

Sec. 102.[1] * * *

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[1] Sec. 102 amends the State Department Basic Authorities Act of 1956 by adding a new sec. 36.

TITLE II—INTERNATIONAL COOPERATION

INCREASING INTERNATIONAL COOPERATION TO COMBAT TERRORISM

Sec. 201. (a) The President is urged to seek more effective international cooperation in combatting international terrorism, including—

(1) severe punishment for acts of terrorism, which endanger the lives of diplomatic staff, military personnel, other government personnel, or private citizens; and

(2) extradition of all terrorists and their accomplices to the country where the terrorist incident occurred or whose citizens were victims of the incident.

(b) High priority should also be given to negotiations leading to the establishment of a permanent international working group which would combat international terrorism by—

(1) promoting international cooperation among countries;

(2) developing new methods, procedures, and standards to combat international terrorism;

(3) negotiating agreements for exchanges of information and intelligence and for technical assistance; and

(4) examining the use of diplomatic immunity and diplomatic facilities to further international terrorism.

This working group should have subgroups or appropriate matters, including law enforcement and crisis management.

TITLE III—SECURITY OF UNITED STATES MISSIONS ABROAD

ADVISORY PANEL ON SECURITY OF UNITED STATES MISSIONS ABROAD

Sec. 301. In light of continued terrorist incidents and given the ever increasing threat of international terrorism directed at United States missions and diplomatic personnel abroad, the Congress believes that it is imperative that the Department of State review its approach to providing security against international terrorism. Not later than February 1, 1985, the Secretary of State shall report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on the findings and recommendations of the Advisory Panel on Security of United States Missions Abroad.

SECURITY ENHANCEMENT AT UNITED STATES MISSIONS ABROAD

Sec. 302. (a) In addition to amounts otherwise authorized to be appropriated, there are authorized to be appropriated, without fiscal year limitation—

(1) [2] $350,963,000 for the Department of State for "Administration of Foreign Affairs", and

(2) $5,315,000 for the United States Information Agency,

which amounts shall be for security enhancement at United States missions abroad.

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[2] Sec. 139 of the Continuing Appropriations Act, 1985 (Public Law 98-473; 98 Stat. 1973) provides $110,200,000 to increase security at U.S. missions overseas.

(b) Not later than February 1, 1985, the Secretary of State and the Director of the United States Information Agency shall each report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on how their respective agencies have allocated the funds authorized to be appropriated by this section.

STATE DEPARTMENT BASIC AUTHORITIES

Sec. 303.[3] * * *

DANGER PAY

Sec. 304. In recognition of the current epidemic of worldwide terrorist activity and the courage and sacrifice of employees of United States agencies overseas, civilian as well as military, it is the sense of Congress that the provisions of section 5928 of title 5, United States Code, relating to the payment of danger pay allowance, should be more extensively utilized at United States missions abroad.

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[3] Sec. 303 amends sec. 2 of the State Department Basic Authorities Act of 1956.

3. Passport Laws and Regulations

a. Protection of Citizens Abroad [1]

Act of July 27, 1868 [R.S. Sec. 2001], 15 Stat. 224; 22 U.S.C. 1732

Whenever it is made known to the President that any citizen of the United States has been unjustly deprived of his liberty by or under the authority of any foreign government, it shall be the duty of the President forthwith to demand of that government the reasons of such imprisonment; and if it appears to be wrongful and in violation of the rights of American citizenship, the President shall forthwith demand the release of such citizen, and if the release so demanded is unreasonably delayed or refused, the President shall use such means, not amounting to acts of war, as he may think necessary and proper to obtain or effectuate the release; and all the facts and proceedings relative thereto shall as soon as practicable be communicated by the President to Congress.

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[1] See also sec. 108 of the Foreign Relations Authorization Act, Fiscal Year 1978 (Public Law 95-105; 91 Stat. 846) which contains a sense of the Congress regarding Americans incarcerated abroad. See also sec. 611 of the Foreign Relations Authorization Act, Fiscal Year 1979 (92 Stat. 989) which concerns equitable treatment of U.S. citizens living abroad.

b. Passport Authority

(1) Secretary of State's Passport Authority [1]

Partial text of Act of July 3, 1926 [H.R. 12495], 44 Stat. 887; 22 U.S.C. 211a as amended by Public Law 95-426 [Foreign Relations Authorization Act, Fiscal Year 1979; H.R. 12598], 92 Stat. 963 at 971, approved October 7, 1978

The Secretary of State may grant and issue passports, and cause passports to be granted, issued, and verified in foreign countries by diplomatic representatives of the United States, and by such consul generals, consuls, or vice consuls when in charge, as the Secretary of State may designate, and by the chief or other executive officer of the insular possessions of the United States, under such rules as the President shall designate and prescribe for and on behalf of the United States, and no other person shall grant, issue, or verify such passports. Unless authorized by law, a passport may not be designated as restricted for travel to or for use in any country other than a country with which the United States is at war, where armed hostilities are in progress, or where there is imminent danger to the public health or the physical safety of United States travellers.[2]

(2) Partial Text of Executive Order 11295, August 5, 1966, 31 F.R. 10603

Section 1. Delegation of authority. The Secretary of State is hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, the authority conferred upon the President by the first section of the Act of July 3, 1926 (22 U.S.C. 211a), to designate and prescribe for and on behalf of the United States rules governing the granting, issuing, and verifying of passports.

Sec. 2. Superseded orders. Subject to Section 3 of this order, the following are hereby superseded:

(1) Executive Order No. 7856 of March 31, 1938, entitled "Rules Governing the Granting and Issuing of Passports in the United States."

(2) Executive Order No. 8820 of July 11, 1941, entitled "Amending the Foreign Service Regulations of the United States."

Sec. 3. Saving provisions. All rules and regulations contained in the Executive order provisions revoked by Section 2 of this order, and all rules and regulations issued under the authority of those provisions, which are in force at the time of the issuance of this order shall remain in full force and effect until revoked, or except as they may be hereafter amended or modified, in pursuance of the authority conferred by this order, unless sooner terminated by operation of law.

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[1] See also sec. 125 of the Foreign Relations Authorization Act, Fiscal Year 1979 (92 Stat. 971) which concerns diplomatic and official passports (page 1068 of text).

[2] This sentence was added by sec. 124 of Public Law 95-426 (92 Stat. 971). Such sec. 124 also stated that the purpose of this amendment was to achieve greater U.S. compliance with the 1975 Helsinki Agreement as well as to encourage other nations to more fully comply.

c. Passport Limitations

(1) Allegiance to the United States

Act of July 14, 1902 [R.S. Sec. 4076], 32 Stat. 386; 22 U.S.C. 212

No passport shall be granted or issued to or verified for any other persons than those owing allegiance, whether citizens or not, to the United States.

(2) Application for Passport

Partial text of Act of June 15, 1917 [H.R. 291], 40 Stat. 217 at 227; 22 U.S.C. 213, as amended by Public Law 90-428 [S. 1418], 82 Stat. 446, approved July 26, 1968

Section 1. Before a passport is issued to any person by or under authority of the United States such person shall subscribe to and submit a written application which shall contain a true recital of each and every matter of fact which may be required by law or by any rules authorized by law to be stated as a prerequisite to the issuance of any such passport. If the applicant has not previously been issued a United States passport, the application shall be duly verified by his oath before a person authorized and empowered by the Secretary of State to administer oaths.

NOTE.—See, however, *Woodward* v. *Rogers,* 344 F. Supp. 974 (D.C.D.C. 9 1972); aff., 486 F. 2d 1317 (D.C. Cir. 1973).

(3) Ten Year Validity of Passport

Partial text of the Act of July 3, 1926 [H.R. 12495], 44 Stat. 887; 22 U.S.C. 217a, as amended by Public Law 71-488 [H.R. 10826], 46 Stat. 839, approved July 1, 1930; Public Law 72-136 [H.R. 9393], 47 Stat. 157, approved May 16, 1932; Public Law 86-267 [S. 1973], 73 Stat. 552, approved September 14, 1959; Public Law 90-428 [S. 1418], 82 Stat. 446, approved July 26, 1968; and by Public Law 97-241 [S. 1193], 96 Stat. 273 at 279, approved August 24, 1982

Sec. 2.[1] A passport shall be valid for a period of ten years from the date of issue, except that the Secretary of State may limit the validity of a passport to a period of less than ten years in an individual case or on a general basis pursuant to regulation.

(4) Fees

Partial text of the Act of June 4, 1920 [H.R. 11960], 41 Stat. 739 at 750; 22 U.S.C. 214, as amended by Public Law 84-403 [H.R. 5844], 70 Stat. 11, approved February 10, 1956; Public Law 90-428 [S. 1418], 82 Stat. 446, approved July 26, 1968; Public Law 92-14 [S. 531], 85 Stat. 38, approved May 14, 1971; Public Law 93-417 [H.R. 15172], 88 Stat. 1151, approved September 17, 1974; and by Public Law 97-241 [S. 1193], 96 Stat. 273 at 279, approved August 24, 1982

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[1] Sec. 116(b) of Public Law 97-241 (96 Stat. 279) amended and restated sec. 2 and applies only to passports issued after the date of enactment of Public Law 97-241 (Aug. 24, 1982). Formerly, sec. 2 had provided that a passport would be valid for five years.

There shall be collected and paid into the Treasury of the United States a fee, prescribed by the Secretary of State by regulation, for each passport issued and a fee, prescribed by the Secretary of State by regulation, for executing each application for a passport.[2] Nothing contained in this section shall be construed to limit the right of the Secretary of State by regulation (1) to authorize State officials to collect and retain the execution fee, or (2) to transfer to the United States Postal Service the execution fee for each application accepted by that Service. No passport fee shall be collected from an officer or employee of the United States proceeding abroad in the discharge of official duties, or from members of his immediate family; from an American seaman who requires a passport in connection with his duties aboard an American-flag vessel; or from a widow, child, parent, brother, or sister of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member. No execution fee shall be collected for an application made before a Federal official by a person excused from payment of the passport fee under this section.

[(5) Denial of Passports to Members of Communist Organizations

[Partial text of Internal Security Act of 1950, Act of September 23, 1950 [H.R. 9490], 64 Stat. 987 at 993; 50 U.S.C. 785, as amended by Public Law 83-637 [S. 3706], 68 Stat. 775 at 778, approved August 24, 1954

[Sec. 6. (a) When a Communist organization as defined in paragraph (5) of section 3 of this title is registered, or there is in effect a final order of the Board requiring such organization to register, it shall be unlawful for any member of such organization, with knowledge or notice that such organization is so registered or that such order has become final—

[(1) to make application for a passport, or the renewal of a passport, to be issued or renewed by or under the authority of the United States; or

[(2) to use or attempt to use any such passport.

[(b) When an organization is registered, or there is in effect a final order of the Board requiring an organization to register, as a Communist-action organization, it shall be unlawful for any officer or employee of the United States to issue a passport to, or renew the passport of, any individual knowing or having reason to believe that such individual is a member of such organization.] [3]

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[2] Sec. 116(a) of Public Law 97-241 (96 Stat. 279) amended and restated this sentence. Previously, this sentence established a fee of $10 for each passport issued in addition to the fee prescribed by the Secretary of State for executing each application.

[3] 50 U.S.C. 794 provides:

"Any organization which violates any provision of section 789 of this title shall, upon conviction thereof, be punished for each such violation by a fine of not more than $10,000. Any individual who violates any provision of section 784 or 789 of this title shall, upon conviction thereof, be punished for each such violation by a fine of not more than $10,000 or by imprisonment for not more than five years, or by both such fine and imprisonment. (Sept. 23, 1950, ch. 1024, title I, § 15, 64 Stat. 1002; Jan. 2, 1968, Public Law 90-237, § 13, 81 Stat. 771)."

NOTE.—Sec. 6 of the Internal Security Act, which is shown in brackets above, was held to be unconstitutional by the Supreme Court in the case of *Aptheker* v. *Secretary of State*, 378 U.S. 500, decided June 22, 1964.

d. Travel Documentation of Aliens and Citizens [1]

Partial text of the Immigration and Nationality Act of 1952, Act of June 27, 1952 [H.R. 5678] 66 Stat. 190; 8 U.S.C. 1185, as amended by Public Law 95-426 [Foreign Relations Authorization Act, Fiscal year 1979; H.R. 12598], 92 Stat. 963 at 992, approved October 7, 1978

Sec. 215. (a) Unless otherwise ordered by the President, it shall be unlawful—[2]

(1) for any alien to depart from or enter or attempt to depart from or enter the United States except under such reasonable rules, regulations, and orders, and subject to such limitations and exceptions as the President may prescribe;

(2) for any person to transport or attempt to transport from or into the United States another person with knowledge or reasonable cause to believe that the departure or entry of such other person is forbidden by this section;

(3) for any person knowingly to make any false statement in an application for permission to depart from or enter the United States with intent to induce or secure the granting of such permission either for himself or for another;

(4) for any person knowingly to furnish or attempt to furnish or assist in furnishing to another a permit or evidence of permission to depart or enter not issued and designed for such other person's use;

(5) for any person knowingly to use or attempt to use any permit or evidence of permission to depart or enter not issued and designed for his use;

(6) for any person to forge, counterfeit, mutilate, or alter, or cause or procure to be forged, counterfeited, mutilated, or altered, any permit or evidence of permission to depart from or enter the United States;

(7) for any person knowingly to use or attempt to use or furnish to another for use any false, forged, counterfeited, mutilated, or altered permit, or evidence of permission, or any permit or evidence of permission which, though originally valid, has become or been made void or invalid.

(b) [3] Except as otherwise provided by the President and subject to such limitations and exceptions as the President may authorize and prescribe, it shall be unlawful for any citizen of the United States to depart from or enter, or attempt to depart from or enter, the United States unless he bears a valid passport.

(c) [4] The term "United States" as used in this section includes the Canal Zone, and all territory and waters, continental or insular, subject to the jurisdiction of the United States. The term "person" as used in this section shall be deemed to mean by individual, partnership, association, company, or other incorporated body of individuals, or corporation, or body politic.

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[1] See also sec. K, vol. II, and sec. K, vol. III.

[2] Sec. 707 of Public Law 95-426 (92 Stat. 992) struck out the words to this point in sec. 215(a) and added this phrase.

[3] Subsec. (b) was amended and restated by sec. 707(b) of Public Law 95-426 (92 Stat. 992).

[4] Sec. 707(d) of Public Law 95-426 (92 Stat. 993) struck out subsec. (c) and redesignated subsecs. (d), (e), (f), and (g) as subsecs. (c), (d), (e), and (f), respectively.

(d)[4] Nothing in this section shall be construed to entitle an alien to whom a permit to enter the United States has been issued to enter the United States, if upon arrival in the United States, he is found to be inadmissible under any of the provisions of this Act, or any other law, relating to the entry of aliens into the United States.

(e) The revocation of any[5] rule, regulation, or order issued in pursuance of this section shall not prevent prosecution, for any offense committed, or the imposition of any penalties or forfeitures, liability for which was incurred under this section prior to the revocation of such[5] rule, regulation, or order.

(f)[4] Passports, visas, reentry permits, and other documents required for entry under this Act may be considered as permits to enter for the purposes of this section.[6]

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[5] Sec. 707(c) of Public Law 95-426 (92 Stat. 993) struck out the word "proclamation" which previously appeared at this point.

[6] See also *United States* v. *Laub*, 385 U.S. 475 (1967), to the effect that a conviction did not lie under sec. 215(b) of the Immigration and Nationality Act of 1952, 8 U.S.C. 1185(b), which was the basis of the criminal charge in that case.

e. Criminal provisions

(1) Punishable Violations

Partial text of Public Law 80-772 [H.R. 3190], 62 Stat. 683 at 771; 18 U.S.C. 1541-1545, approved June 25, 1948

* * * * * * *

Sec. 1541. Issuance Without Authority.

Whoever, acting or claiming to act in any office or capacity under the United States, or a State or possession, without lawful authority grants, issues, or verifies any passport or other instrument in the nature of a passport to or for any person whomsoever; or

Whoever, being a consular officer authorized to grant, issue, or verify passports, knowingly and willfully grants, issues, or verifies any such passport to or for any person not owing allegiance, to the United States, whether a citizen or not—

Shall be fined not more than $500 or imprisoned not more than one year, or both.

Sec. 1542. False Statement in Application and Use of Passport.

Whoever willfully and knowingly makes any false statement in an application for passport with intent to induce or secure the issuance of a passport under the authority of the United States, either for his own use or the use of another, contrary to the laws regulating the issuance of passports or the rules prescribed pursuant to such laws; or

Whoever willfully and knowingly uses, or attempts to use, or furnishes to another for use any passport the issue of which was secured in any way by reason of any false statement—

Shall be fined not more than $2,000 or imprisoned not more than five years, or both.

Sec. 1543. Forgery or False Use of Passport.

Whoever falsely makes, forges, counterfeits, mutilates, or alters any passport or instrument purporting to be a passport, with intent that the same may be used; or

Whoever willfully and knowingly uses, or attempts to use, or furnishes to another for use any such false, forged, counterfeited, mutilated, or altered passport or instrument purporting to be a passport, or any passport validly issued which has become void by the occurrence of any condition therein prescribed invalidating the same—

Shall be fined not more than $2,000 or imprisoned not more than five years, or both.

Sec. 1544. Misuse of Passport.

Whoever willfully and knowingly uses, or attempts to use, any passport issued or designed for the use of another; or

Whoever willfully and knowingly uses, or attempts to use, any passport in violation of the conditions or restrictions therein contained or of the rules prescribed pursuant to the laws regulating the issuance of passports; or

Whoever willfully and knowingly furnishes, disposes of, or delivers a passport to any person, for use by another than the person for whose use it was originally issued and designed—

Shall be fined not more than $2,000 or imprisoned not more than five years, or both.

Sec. 1545. Safe Conduct Violation.

Whoever violates any safe conduct or passport duly obtained and issued under authority of the United States shall be fined not more than $2,000 or imprisoned not more than three years, or both.

Sec. 1546. Fraud and misuse of visas, permits and other entry documents.

Whoever knowingly forges, counterfeits, alters, or falsely makes any immigrant or non-immigrant visa, permit, or other document required for entry into the United States, or utters, uses, attempts to use, possesses, obtains, accepts, or receives such visa, permit, or document, knowing it to be forged, counterfeited, altered, or falsely made, or to have been procured by means of any false claim or statement, or to have been otherwise procured by fraud or unlawfully obtained; or

Whoever, except under direction of the Attorney General or the Commissioner of Immigration and Naturalization Service, or other proper officer, knowingly possesses any blank permit, or engraves, sells, brings into the United States, or has in his control or possession any blank plate in the likeness of a plate designed for the printing of permits, or makes any print, photograph, or impression in the likeness of an immigrant or nonimmigrant visa, permit or other document required for entry into the United States, or has in his possession a distinctive paper which has been adopted by the Attorney General or the Commissioner of the Immigration and Naturalization Service for the printing of such visas, permits, or documents; or

Whoever, when applying for an immigrant or nonimmigrant visa, permit, or other document required for entry into the United States, or for admission to the United States personates another, or falsely appears in the name of a deceased individual, or evades or attempts to evade the immigration laws by appearing under an assumed or fictitious name without disclosing his true identity, or sells or otherwise disposes of, or offers to sell or otherwise disposes of, or utters, such visa, permit, or other document, to any person not authorized by law to receive such document; or

Whoever knowingly makes under oath, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, knowingly subscribes as true, any false statement with respect to a material fact in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, or knowingly presents any such application, affidavit, or other document containing any such false statement—

Shall be fined not more than $2,000 or imprisoned not more than five years, or both.

(2) Statute of Limitations

Partial text of Act of June 30, 1951 [H.R. 2396], 65 Stat. 107; 18 U.S.C. 3291

AN ACT To amend chapter 213 of title 18 of the United States Code.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 213 of title 18 of the United States Code be amended by adding a new section to be known as section 3291, as follows:

"§ 3291. Nationality, citizenship and passports.

"No person shall be prosecuted, tried, or punished for violation of any provision of sections 1423 to 1428, inclusive, of chapter 69 and sections 1541 to 1544, inclusive, of chapter 75 of title 18 of the United States Code, or for conspiracy to violate any of the aforementioned sections, unless the indictment is found or the information is instituted within ten years after the commission of the offense."

4. Foreign Service Buildings

a. The Foreign Service Buildings Act, 1926, as amended

Public Law 69-186 [H.R. 10200], 44 Stat. 403, approved May 7, 1926, as amended by Public Law 70-586 [H.R. 10166], 45 Stat. 971, approved May 29, 1928; Public Law 79-33 [H.R. 685], 59 Stat. 53, approved April 19, 1945; Public Law 82-399 [H.R. 6661], 66 Stat. 140, approved June 19, 1952; Public Law 86-723 [S. 2633], 74 Stat. 847, approved September 8, 1960; Public Law 88-94 [H.R. 5207], 77 Stat. 121, approved August 12, 1963; Public Law 88-414 [H.R. 11754], 78 Stat. 387, approved August 10, 1964; Public Law 89-22 [H.R. 7064], 79 Stat. 112, approved May 29, 1965; Public Law 89-636 [H.R. 14019], 80 Stat. 881, approved October 10, 1966; Public Law 90-442 [H.R. 18065], 82 Stat. 461, approved July 30, 1968; Public Law 91-586 [H.R. 18012], 84 Stat. 1578, approved December 24, 1970; Public Law 93-47 [H.R. 5610], 87 Stat. 98, approved June 22, 1973; Public Law 93-263 [H.R. 12463], 88 Stat. 83, approved April 12, 1974; Public Law 94-141 [S. 1517], 89 Stat. 756, approved November 29, 1975; Public Law 94-350 [S. 3168], 90 Stat. 823, approved July 12, 1976; Public Law 95-45 [H.R. 5040], 91 Stat. 221, approved June 15, 1977; Public Law 95-105 [H.R. 6689], 91 Stat. 844 at 845, approved August 17, 1977; by Public Law 98-164 [Department of State Authorization Act, Fiscal Years 1984 and 1985; H.R. 2915], 97 Stat. 1017, approved November 22, 1983; as amended by Public Law 99-399 [Omnibus Diplomatic Security and Antiterrorism Act of 1986; H.R. 2151]; 100 Stat. 863, approved August 27, 1986

AN ACT For the acquisition of buildings and grounds in foreign countries for the use of the Government of the United States of America.[1]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That [2] (a) [3] the Secretary of State is empowered to acquire by purchase or construction in the manner hereinafter provided, within the limits of appropriations made to carry out [4] this Act, or by exchange, in whole or in part, of any building or grounds of the United States in foreign countries and under the jurisdiction and control of the Secretary of State, sites and buildings in foreign capitals and in other foreign cities, and to alter, repair, and furnish such buildings for the use of the diplomatic and consular establishments of the United States, or for the purpose of consolidating within one or more buildings, the embassies, legation, consulates, and other agencies of the United States Government there maintained.[5] The space in such buildings shall be allotted by the Secretary of State [6] among the several agencies of the United States Government.

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[1] All references in this Act to the Foreign Service Buildings Commission were deleted by sec. 2 of Public Law 88-94 (77 Stat. 121).

[2] 22 U.S.C. 292. Sec. 1 was amended and restated by Public Law 70-586 (45 Stat. 971); further amendments by Public Law 88-94 (77 Stat. 122) and Public Law 89-636 (80 Stat. 881), are also incorporated.

[3] Sec. 2 of Public Law 89-636 (80 Stat. 881), inserted the "(a)" and added subsec. (b).

[4] The words "to carry out" were substituted in lieu of "pursuant to" and "under authority of", respectively, by sec. 106(a) of the Foreign Relations Authorization Act, Fiscal Year 1978 (91 Stat. 845).

[5] See also sec. 105 of the Foreign Relations Authorization Act, Fiscal Year 1979 (92 Stat. 965) which directed the Secretary of State to implement projects for the application of solar energy or other forms of renewable energy in buildings acquired under this section.

(b) [3] Payments made for rent or otherwise by the United States from funds other than appropriations made to carry out [4] this Act may be credited toward the acquisition of property under this Act without regard to limitations of amounts imposed by this Act.

Sec. 2.[7] * * * [Repealed—1963]

Sec. 3.[8] Buildings and grounds acquired under this Act or heretofore acquired or authorized for the use of the diplomatic and consular establishments in foreign countries may [8] be used, in the case of buildings and grounds for the diplomatic establishment, as Government offices or residences or as such offices and residences; or, in the case of other buildings and grounds, as such offices or such offices and residences. The contracts for all work of construction, alteration, and repair under this Act are authorized to be negotiated, the terms of the contracts to be prescribed, and the work to be performed, where necessary [9] without regard to such statutory provisions as relate to the negotiation, making, and performance of contracts and performance of work in the United States and without regard to section 3648 of the Revised Statutes of the United States (31 U.S.C. 529).[10]

Sec. 4.[11] (a) For the purpose of carrying into effect the provisions of this Act there is hereby authorized to be appropriated an amount not exceeding $10,000,000, and the appropriations made pursuant to this authorization shall constitute a fund to be known as the Foreign Service Buildings Fund, to remain available until expended. Under this authorization not more than $2,000,000 shall be appropriated for any one year, but within the total authorization provided in this Act the Secretary of State [12] may enter into contracts for the acquisition of the buildings and grounds authorized by this Act. In the case of the buildings and grounds authorized by this Act, after the initial alterations, repairs, and furnishings have been completed, subsequent expenditures for such purposes may be made out of the appropriations authorized by this Act in amounts authorized by the Congress each year.[13]

(b) For the purpose of carrying into effect the provisions of this Act there is hereby authorized to be appropriated, in addition to amounts previously authorized, an amount not to exceed $90,000,000, which shall be available exclusively for payments representing the value, in whole or in part, of property or credits in accordance with the provisions of the Act of July 25, 1946 (60 Stat. 663). Sums appropriated pursuant to this authorization shall remain available until expended.[14]

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[6] Sec. 2(b)(4) of Public Law 89–94 (77 Stat. 121), added "The space in such buildings shall be allotted by the Secretary of State".

[7] Sec. 2(c) of Public Law 88–94 (77 Stat. 122), approved August 12, 1963, repealed sec. 2 of the 1926 Act, establishing the Foreign Service Buildings Commission; sec. 2(g) of the 1963 Act repealed all references to the Commission in all of the laws of the United States; and sec. 2(f) of the 1963 Act repealed sec. 1(e) of Reorganization Plan No. 2 of May 9, 1939 (53 Stat. 1432, 66 Stat. 140).

[8] 22 U.S.C. 294.

[9] Sec. 2(c)(1) of Public Law 88–94 (70 Stat. 122) deleted the phrases "subject to the direction of the Commission" and "in the judgment of the Commission".

[10] Sec. 2(c)(2) of Public Law 88–94 (70 Stat. 122), added "and without regard to * * * (31 U.S.C. 529)".

[11] 22 U.S.C. 295.

[12] Sec. 2(d) of Public Law 88–94 (70 Stat. 122), struck out the phrase "subject to the direction of the commission".

[13] Sec. 2 of Public Law 82–399 (66 Stat. 140), added the phrase "in amounts authorized by Congress each fiscal year".

(c) For the purpose of carrying into effect the provisions of this Act there is hereby authorized to be appropriated, in addition to amounts previously authorized, an amount not to exceed $10,000,000, which shall remain available until expended.[15]

(d) In addition to amounts authorized before the date of enactment of this section, there is hereby authorized to be appropriated to the Secretary of State—

(1)[16] for acquisition by purchase or construction (including acquisition of leaseholds) of sites and buildings in foreign countries under this Act, and for major alterations of buildings acquired under this Act, the following sums—

(A) for use in Africa, not to exceed $7,140,000 of which not to exceed $3,270,000 may be appropriated for the fiscal year 1964;

(B) for use in the American Republics, not to exceed $5,360,000, of which not to exceed $4,030,000 may be appropriated for the fiscal year 1964;

(C) for use in Europe, not to exceed $6,839,000, of which not to exceed $1,820,000 may be appropriated for the fiscal year 1964;

(D) for use in the Far East, not to exceed $2,350,000, of which not to exceed $2,220,000 may be appropriated for the fiscal year 1964;

(E) for use in the Near East, not to exceed $2,710,000, of which not to exceed $2,100,000 may be appropriated for the fiscal year 1964;

(F) for facilities for the United States Information Agency,[17] not to exceed $1,125,000, of which not to exceed $720,000 may be appropriated for the fiscal year 1964; and

(G) for facilities for agricultural and defense attaché housing, not to exceed $800,000, of which not to exceed $400,000 may be appropriated for the fiscal year 1964;

(2)[18] for use to carry out the other purposes of this Act, not to exceed $11,500,000 for the fiscal year 1964, $12,000,000 for the fiscal year 1965, $12,200,000 for the fiscal year 1966, $12,400,000 for the fiscal year 1967.

(e)[19] For the purpose of carrying into effect the provisions of this Act in South Vietnam, there is hereby authorized to be appropriated, in addition to amounts previously authorized prior to the enactment of this amendment, $2,600,000, to remain available until expended.

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[14] Added by sec. 2 of Public Law 82-399 (66 Stat. 140).

[15] Added by sec. 49 of Public Law 86-723 (74 Stat. 847).

[16] Par. (1) was added by sec. 1 of Public Law 88-94 (77 Stat. 121).

[17] Pursuant to sec. 7(a)(1) of Reorganization Plan No. 2 of 1977, all functions vested in the President, Secretary of State, the Department of State, the Director of the United States Information Agency, and the United States Information Agency by this Act were transferred to the Director of the International Communication Agency. The codified version of this Act has been changed to reflect this transfer of authority.

[18] Par. (2) was added by sec. 1 of Public Law 88-94 (77 Stat. 121); further amended and restated by Public Law 88-414 (78 Stat. 387); further amended by sec. 1(1) of Public Law 89-636 (80 Stat. 881).

[19] Subsec. (e) was added by Public Law 89-22 (79 Stat. 112) and amended by sec. 1(2) of Public Law 89-636 (80 Stat. 881), which struck out "$1,000,000" and inserted "$2,600,000".

(f)[20] In addition to amounts authorized before the date of enactment of this subsection, there is hereby authorized to be appropriated to the Secretary of State—

(1) for acquisition by purchase or construction (including acquisition of leaseholds) of sites and buildings in foreign countries under this Act, and for major alterations of buildings acquired under this Act, the following sums—

(A) for use in Africa, not to exceed $5,485,000, of which not to exceed $1,885,000 may be appropriated for the fiscal year 1967;

(B) for use in the American Republics, not to exceed $7,920,000, of which not to exceed $3,585,000 may be appropriated for the fiscal year 1967;

(C) for use in Europe, not to exceed $3,310,000, of which not to exceed $785,000 may be appropriated for the fiscal year 1967;

(D) for use in the Far East, not to exceed $3,150,000, of which not to exceed $2,890,000 may be appropriated for the fiscal year 1967;

(E) for use in the Near East, not to exceed $6,930,000, of which not to exceed $1,890,000 may be appropriated for the fiscal year 1967;

(F) for facilities for the United States Information Agency,[21] not to exceed $615,000, of which not to exceed $430,000 may be appropriated for the fiscal year 1967;

(G) for facilities for agricultural and defense attaché housing, not to exceed $800,000, of which not to exceed $400,000 may be appropriated for the fiscal year 1967;

(2) for use to carry out the other purposes of this Act, not to exceed $12,600,000 for the fiscal year 1968, not to exceed $12,750,000 for the fiscal year 1969, not to exceed $13,500,000 for the fiscal year 1970, not to exceed $14,300,000 for the fiscal year 1971, not to exceed $15,000,000 for the fiscal year 1972, and not to exceed $15,900,000 for the fiscal year 1973.[17]

(g)[22] In addition to amounts authorized before the date of enactment of this subsection, there is hereby authorized to be appropriated to the Secretary of State—

(1) for acquisition by purchase or construction (including acquisition of leaseholds) of sites and buildings in foreign countries under this Act, and for major alterations of buildings acquired under this Act, the following sums—

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[20] Subsec. (f) was added by sec. 1(3) of Public Law 89-636, 80 Stat. 881, Oct. 10, 1966, Sums for fiscal years 1970 and 1971 were added by Public Law 90-442 (82 Stat. 461), and for fiscal years 1972 and 1973 by Public Law 91-586 (84 Stat. 1578).

[21] Pursuant to sec. 7(a)(1) of Reorganization Plan No. 2 of 1977, all functions vested in the President, Secretary of State, the Department of State, the Director of the United States Information Agency, and the United States Information Agency by this Act were transferred to the Director of the International Communication Agency. The codified version of this Act has been changed to reflect this transfer of authority.

[22] Subsec. (g) was added by Public Law 93-47, renumbering the old sec. (g) as (h) and inserting this new sec. (g).

(A) for use in Africa, not to exceed $850,000, of which not to exceed $631,000 may be appropriated for the fiscal year 1974;[23]

(B) for use in the American Republics, not to exceed $240,000,[24] of which not to exceed $240,000 may be appropriated for the fiscal year 1974;

(C) for use in Europe, not to exceed $682,000, of which not to exceed $985,000 may be appropriated for the fiscal year 1974;[25]

(D) for use in Africa, not to exceed $1,243,000, of which not to exceed $204,000 may be appropriated for the fiscal year 1974;[26]

(E) for use in the Near East and South Asia, not to exceed $10,433,000, of which not to exceed $2,287,000 may be appropriated for the fiscal year 1974;[27]

(F) for facilities for the United States Information Agency,[28] not to exceed $45,000 for use beginning in the fiscal year 1975;

(G) for facilities for agricultural and defense attaché housing, not to exceed $318,000 for use beginning in the fiscal year 1974; and

(2) for use to carry out other purposes of this Act for fiscal years 1974 and 1975, $48,532,000, of which not to exceed $23,066,000 may be appropriated for fiscal year 1974.[29]

(h)[30] In addition to amounts authorized before the date of enactment of this subsection, there is authorized to be appropriated to the Secretary of State—

(1) for acquisition by purchase or construction (including acquisition of leaseholds) of sites and buildings in foreign countries under this Act, and for major alterations of buildings acquired under this Act, the following sums—

(A)[31] for use in Europe, not to exceed $225,000 for fiscal year 1977;

(B) for use in the Near East and South Asia, not to exceed $12,885,000, of which not to exceed $3,985,000 may be appropriated for fiscal year 1976;

(C) for facilities for the United States Information Agency, not to exceed $3,400,000, of which not to exceed $2,800,000 may be appropriated for fiscal year 1976;

(D) for facilities for agricultural and defense attaché housing, not to exceed $150,000 for fiscal year 1977; and

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[23] Sec. 171(a)(1) of Public Law 94-141 struck out "$2,190,000" and inserted "$850,000".

[24] Sec. 171(a)(2) of Public Law 94-141 struck out "$375,000" and inserted "$240,000".

[25] Sec. 171(a)(3) of Public Law 94-141 struck out "$4,780,000" and inserted "$682,000".

[26] Sec. 171(a)(4) of Public Law 94-141 struck out "$2,190,000" and inserted "$1,243,000".

[27] Sec. 171(a)(5) of Public Law 94-141 struck out "$3,518,000" and inserted "$10,433,000".

[28] Pursuant to sec. 7(a)(1) of Reorganization Plan No. 2 of 1977, all functions vested in the President, Secretary of State, the Department of State, the Director of the United States Information Agency, and the United States Information Agency by this Act were transferred to the Director of the International Communication Agency. The codified version of this Act has been changed to reflect this transfer of authority.

[29] Sec. 1(4) of Public Law 92-263 (88 Stat. 83) struck out "$45,800,000" and "$21,700,000" and inserted "$48,532,000" and "$23,066,000," respectively.

[30] Sec. 171(b) of Public Law 94-141 redesignated subsec. (h) as subsec. (i) and inserted this new subsec. (h).

[31] Sec. 3 of Public Law 95-45 (91 Stat. 221) struck out subpars. (A) through (G) and inserted the new subpars. (A) through (E).

(E) for facilities for the United States Agency for International Development, not to exceed $17,200,000 for fiscal year 1977; and

(2) for use to carry out the other purposes of this Act for fiscal years 1976 and 1977, $73,058,000,[32] of which not to exceed $32,840,000 may be appropriated for fiscal year 1976.

(i) [33] (1) Sums appropriated under authority of this Act shall remain available until expended. To the maximum extent feasible, expenditures under this Act shall be made out of foreign currencies owned by or owed to the United States.

(2) [34] Not to exceed 10 per centum of the funds authorized by any subparagraph under paragraph (1) of subsections (d), (f), (g), and (h) of this section may be used for any of the purposes for which funds are authorized under any other subparagraph of any of such paragraph (1).

(3) [35] There are hereby authorized to be appropriated to the Secretary of State such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law.

(j) [36] For the purpose of carrying into effect the provisions of this Act in the Union of Soviet Socialist Republics, there is authorized to be appropriated, in addition to amounts authorized prior to the enactment of this subsection, $30,000,000, which amount is authorized to remain available until expended.

Sec. 5.[37] For the purposes of this Act the Secretary of State is authorized to supervise, preserve, maintain, operate, and, when deemed necessary, to insure the Foreign Service properties in foreign countries and the other properties acquired in accordance with the provisions of this Act; to rent and insure objects of art; to collect information and formulate plans; and, without regard to civil service and classification laws, to obtain architectural and other expert technical services as may be necessary and pay therefor the scale of professional fees as established by local authority, law or custom, and to make expenditures without regard to that part of 52 Statutes 441 (22 U.S.C. 295a) requiring purchase of articles manufactured in the United States.

Sec. 6.[38] The authority granted to acquire sites and buildings by purchase or otherwise shall include authority to acquire leaseholds.[39]

Sec. 7. The Act entitled "An Act providing for the purchase or erection, within certain limits of cost, of embassy, legation, and consular buildings abroad," approved February 17, 1911, is repealed, but such repeal shall not invalidate appropriations already made under the authority of such Act.

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[32] Sec. 109(1) of the Foreign Relations Authorization Act, Fiscal Year 1977 (Public Law 94-350) substituted "$73,058,000" in lieu of "$71,600,000".

[33] Subsec. (i) was added by sec. 1(3) of Public Law 89-636 (80 Stat. 881) and redesignated subsec. (i) by sec. 171(b)(1) of Public Law 94-141.

[34] Par. (2) was added by Public Law 93-47 and revised by sec. 171(b)(2) of Public Law 94-141.

[35] Par. (3) was added by Public Law 93-47 of June 22, 1973.

[36] Subsec. (j) was added by sec. 109(2) of the Foreign Relations Authorization Act, Fiscal Year 1977 (Public Law 94-350).

[37] 22 U.S.C. 296. Sec. 5 was as amended and restated by sec. 3 of Public Law 82-399 (66 Stat. 140).

[38] 22 U.S.C. 297. Sec. 6 was amended and restated by sec. 4 of Public Law 82-399 (66 Stat. 140).

[39] Sec. 106(b) of the Foreign Relations Authorization Act, Fiscal Year 1978, struck out the words "of not less than ten years" which formerly appeared at this point.

Sec. 8. This Act may be cited as the "Foreign Service Buildings Act, 1926".

Sec. 9.[40] (a) The Secretary of State is authorized—

(1) to sell, exchange, lease, or license any property or property interest acquired under this Act, or under other authority, for use of diplomatic and consular establishments in foreign countries,

(2) to receive payment in whatever form, or in kind, he determines to be in the interest of the United States for damage to or destruction of property acquired for use of diplomatic and consular establishments abroad, and the contents of such buildings, and

(3) to accept on behalf of the United States gifts of property or services of any kind made by will or otherwise for the purposes of this Act.

(b) Proceeds derived from dispositions, payments, or gifts under subsection (a) shall, notwithstanding the provisions of any other law, be applied toward acquisition, construction, or other purposes authorized by this Act or held in the Foreign Service Buildings Fund, as in the judgment of the Secretary may best serve the Government's interest: *Provided,* That the Secretary shall report all such transactions annually to the Congress with the budget estimates of the Department of State.

(c) [40a] Notwithstanding subsection (b), proceeds from the disposition of furniture, furnishings, and equipment from diplomatic and consular establishments in foreign countries shall be deposited into the Foreign Service Building Fund to be available for obligation or expenditure as directed by the Secretary.

Sec. 10.[41] Notwithstanding the provisions of this or any other Act no lease or other rental arrangement for a period of less than ten years, and requiring an annual payment in excess of $25,000, shall be entered into by the Secretary of State for the purpose of renting or leasing offices, buildings, grounds, or living quarters for the use of the Foreign Service abroad, unless such lease or other rental arrangement is approved by the Secretary. The Secretary may delegate his authority under this section only to the Deputy Under Secretary of State for Administration or to the Director of the Office of Foreign Buildings. The Secretary shall keep the Congress fully and currently informed with respect to leases or other rental arrangements approved under this section.

Sec. 11.[42] (a) Eligibility for award of contracts under this Act or of any other contract by the Secretary of State, including leaseback or other agreements, the purpose of which is to obtain the construction, alteration, or repair of buildings and grounds abroad, when estimated to exceed $5,000,000, including any contract alternatives or options, shall be limited, after a determination that adequate competition will be obtained thereby, to (1) American-owned bidders and (2) bidders from countries which permit or agree to permit substantially equal access to American bidders for comparable diplomatic and consular building projects, except that participation may be permitted by or limited to host-country bidders where required by international agreement or by the law of the host country or where determined by the Secretary of State to be necessary in the interest of bilateral relations or necessary, to carry out the construction project.

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[40] 22 U.S.C. 300. Sec. 9 was added by Public Law 79–33 (59 Stat. 53); further amended by sec. 2(e) of Public Law 88–94 (77 Stat. 122); further amended and restated by sec. 3 of Public Law 82–399 (80 Stat. 882).

[40a] Subsec. (c) was added by sec. 401 (h)(2) of Public Law 99–399, 100 Stat. 863.

[41] 22 U.S.C. 301. Sec. 10 was added by sec. 4 of Public Law 89–636 (80 Stat. 882).

[42] 22 U.S.C. 302. Sec. 136 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (Public Law 98–164; 97 Stat. 1029) added sec. 11.

(b)(1) Generally applicable laws and regulations pertaining to licensing and other qualifications to do business in the country in which the contract is to be performed shall not be deemed a limitation of access for purposes of this section.

(2) For purposes of determining competitive status, bids qualifying under subsection (a)(1) shall be reduced by ten percent.

(3) A determination of adequacy of competition for purposes of subsection (a) shall be made after advance publication by the Secretary of State of the proposed project, and receipt from not less than two prospective responsible bidders of intent to submit a bid or proposal. If competition is not determined to be adequate, contracts may be awarded without regard to subsection (a) and this subsection.

(4) Bidder qualification under subsection (a) shall be determined on the basis of nationality of ownership, the burden of which shall be on the prospective bidder. Qualification under subsection (a)(1) shall require evidence of (A) performance of similar construction work in the United States, and (B) either (i) ownership in excess of fifty percent by United States citizens or permanent residents, or (ii) incorporation in the United States for more than three years and employment of United States citizens or permanent residents in more than half of the corporation's permanent full-time professional and managerial positions in the United States.

(5) Qualification under this section shall be established on the basis of determinations at the time bids are requested.

(c) Contracts for construction, alteration, or repair in the United States for or on behalf of any foreign mission (as defined in section 202(a)(4) of title II of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4302(a)(4)) may, pursuant to the authority by bidders qualifying under subsection (a)(1) or (2) or by nationals of the country for which the contract is being performed who are granted the right of entry into the United States for that purpose.

(d) Determinations under this section shall be committed to the discretion of the Secretary of State.

(e) This section shall cease to be effective when the Secretary of State determines that there are internationally-agreed-upon rules in effect on bidding for construction contracts.

b. The Act of July 25, 1946

Public Law 79-547 [H.R. 6627], 60 Stat. 663; 22 U.S.C. 295b, approved July 25, 1946

AN ACT For the acquisition of buildings and grounds in foreign countries for the use of the Government of the United States of America.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of further carrying into effect the provisions of the Foreign Service Buildings Act of May 7, 1926, as amended (22 U.S.C. 291–297), there is authorized to be appropriated in addition to the amount authorized by such Act, and the Act of May 25, 1938, an amount not to exceed $125,000,000, of which $110,000,000 shall be available exclusively for payments representing the value, in whole or in part, of property or credits of whatever nature acquired through lend-lease settlements, the disposal of surplus property abroad, or otherwise, and held abroad by the Government or owing the Government by any foreign government or by any person or organization residing or situated abroad, which property or credits may be used by the Department of State for sites, buildings, equipment, construction, and leaseholds; such payments to be made to the agency of the United States administering the property or credits and be treated by such agency as though made by the foreign government, person, or organization concerned. Sums appropriated pursuant to this Act shall be available for the purposes and subject to the conditions and limitations of the above Acts, except that there shall be no limitation on the amount to be appropriated in any one year and that expenditures for furnishings shall not be subject to the provisions of section 3709 of the Revised Statutes.

c. The Act of May 25, 1938 [1]

Public Law 75-543 [H.R. 5633], 52 Stat. 441; 22 U.S.C. 295a, approved May 25, 1938

AN ACT To provide additional funds for buildings for the use of the diplomatic and consular establishments of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of further carrying into effect the provisions of the Foreign Service Buildings Act, 1926, as amended, there is authorized to be appropriated, in addition to the amount authorized by such Act, an amount not to exceed $5,000,000, of which not more than $1,000,000 shall be appropriated for any one year. Sums appropriated pursuant to this Act shall be available for the purposes and be subject to the conditions and limitations of such Act, as amended: *Provided,* That in the expenditure of appropriations for the construction of diplomatic and consular establishments, the Secretary of State shall, unless in his discretion the interests of the Government will not permit, purchase or contract for only articles of manufacture of the United States, notwithstanding that such articles, when delivered abroad, may cost more if such excess of cost be not unreasonable.

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[1] See act of July 25, 1946.

5. International Center Act

Public Law 90-553 [H.R. 16175], 82 Stat. 958, approved October 8, 1968, as amended by Public Law 93-40 [S. 1235], 87 Stat. 74, approved June 12, 1973, by Public Law 97-186 [S.1611] 99 Stat. 101, approved May 25, 1982, and by Public Law 99-93 [H.R. 2068], 99 Stat. 405, approved August 16, 1985

AN ACT To authorize the transfer, conveyance, lease, and improvement of, and construction on, certain property in the District of Columbia, for use as a headquarters site for the Organization of American States, as sites for governments of foreign countries, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to facilitate the conduct of foreign relations by the Department of State in Washington, District of Columbia, through the creation of a more propitious atmosphere for the establishment of foreign government and international organization offices and other facilities, the Secretary of State is authorized to develop in coordination with the Administrator of General Services for, or to sell, exchange, or lease; to foreign governments and international organizations property owned by the United States in the Northwest sections of the District of Columbia bounded by Connecticut Avenue, Yuma Street, 36th Street, Reno Road, and Tilden Street, except that portion of lot 802 in square 1964, the jurisdiction over which was transferred to the District of Columbia for use as an educational facility, upon such terms and conditions as the Secretary may prescribe. Every lease, contract of sale, deed, and other document of transfers shall provide (a) that the foreign government shall devote the property transferred to use for legation purposes, or (b) that the international organization shall devote the property transferred to its official uses.

Sec. 2.[1] Upon the request of any foreign government or international organization and with funds provided by such government or organization in advance, the Secretary of State in conjunction with the Administrator of General Services, is authorized to design, construct, and equip a headquarters building or related facilities on property conveyed described in the first section of this Act.

Sec. 3. The Act of June 20, 1938 (D.C. Code, secs. 5-413 to 5-428), shall not apply to buildings constructed on property transferred or conveyed pursuant to this Act including section 3 of this Act as in effect January 1, 1980. Plans showing the location, height, bulk, number of stories, and size of, and the provisions for open space and offstreet parking in and around, such buildings shall be approved by the National Capital Planning Commission, and plans showing the height and appearance, color, and texture of the materials of exterior construction of such buildings shall be approved by the Commission of Fine Arts prior to the construction thereof.

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[1] Sec. 124(1) of Public Law 99-93, 99 Stat. 405, August 16, 1985, amended sec. 2 by:

(a) by striking out "Administrator of General Services" and inserting in lieu thereof "Secretary of State, in conjunction with the Administrator of General Services,"; and

(b) by striking out "conveyed pursuant to" and inserting in lieu thereof "described in".

Sec. 4.[2] (a) The demolition or removal of existing structures, site preparation, and the construction, reconstruction, relocation, and rebuilding of (1) public streets and sidewalks, (2) public sewers and their appurtenances, (3) water mains, fire hydrants, and other parts of the public water supply and distribution system, (4) the fire alarm system, (5) other utilities, (6) facilities for security maintenance, and (7) related improvements necessary to accomplish the purposes of this Act, which are within or contiguous to the area described in section 1 of this Act and which are occasioned in carrying out the provisions of this Act, shall be provided by the Secretary of State, in coordination with the Administrator of General Services and the government of the District of Columbia.

(b) The Secretary of State shall periodically advise the Committees on Foreign Affairs and Public Works and Transportation of the House of Representatives and the Committee on Foreign Relations of the Senate on construction of facilities for security or maintenance under this section.

Sec. 5. There is hereby authorized to be appropriated, without fiscal year limitation, not to exceed $2,200,000 to carry out the purposes of section 5 of this Act: *Provided,* That such sums as may be appropriated hereunder shall be reimbursed to the Treasury from[3] proceeds of the sale, exchange, or lease of property to foreign governments and international organizations as provided for in this first section of this Act. All proceeds received from such sales, exchanges, or leases shall, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484) or any other law, be paid into a special account with the Treasurer of the United States, such account to be administered by the Secretary of State for the purposes set out in section 5 of this Act. All sums remaining in such special account after completion of the projects authorized in section 5 shall be covered into the Treasury as miscellaneous receipts.[4] The Secretary may retain therefrom a reserve for maintenance and security of those public improvements authorized by this Act which have not been conveyed to a government or international organization under the first section of this Act, and for surveys and plans related to development of additional areas within the Nation's Capital for chancery and diplomatic purposes. Amounts in the reserve will be available only to the extent and in such amounts as provided in advance in appropriations Acts.

Sec. 6. This Act may be cited as the International Center Act.

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[2] Sec. 124(2) of Public Law 99-93, 99 Stat. 405, August 16, 1985, added the text of sec. 2(a)(6) and the text of sec. 2(b).

[3] The text from the beginning of the section to the footnote numeral was added by Public Law 93-40, 87 Stat. 74, June 12, 1973.

[4] The text from the beginning of the footnote to the end of the act was added by Public Law 97-186, 96 Stat. 101, May 25, 1982.

6. Foreign Gifts and Decorations

a. Foreign Gifts and Decorations Act of 1966, as amended

Public Law 89-673 [S. 2463], 80 Stat. 592, approved October 15, 1966, as amended by Public Law 90-83 [H.R. 5876], 81 Stat. 195, approved September 11, 1967 [1]

AN ACT To grant the consent of the Congress to the acceptance of certain gifts and decorations from foreign governments, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Foreign Gifts and Decorations Act of 1966".

Sec. 2.[1] In this Act—

(1) The term "person" includes every person who occupies an office or a position in the Government of the United States, its territories and possessions, the Canal Zone government, and the government of the District of Columbia, or is a member of the Armed Forces of the United States, or a member of the family and household of any such person.

(2) The term "foreign government" includes every foreign government and every official, agent, or representative thereof.

(3) The term "gift" includes any present or thing, other than a decoration, tendered by or received from a foreign government.

(4) The term "decoration" includes any order, device, medal, badge, insignia, or emblem tendered by or received from a foreign government.

Sec. 3.[2] * * * [Repealed—1967]

Sec. 4.[2] * * * [Repealed—1967]

Sec. 5.[2] * * * [Repealed—1967]

Sec. 6.[3] Any gift or decoration on deposit with the Department of State on the date of enactment of this Act shall, when approved by the Secretary of State and the appropriate department, agency, office, or other entity, be released to the donee or his legal representative. Such donee may, if authorized, be entitled to wear any decoration so approved. A gift or decoration not approved for release, because of any special or unusual circumstances involved, shall be deemed a gift to the United States and shall be deposited by the donee in accordance with the rules and regulations issued pursuant to this Act.

Sec. 7.[2] * * * [Repealed—1967]

Sec. 8.[2] * * * [Repealed—1967]

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[1] 22 U.S.C. 2621.

[2] Secs. 3, 4, 5, 7, and 8 were repealed by sec. 10(b) of Public Law 90-83 (81 Stat. 224). They were superseded by sec. 1(45)(c) of Public Law 90-83 (81 Stat. 200) as amended and restated by sec. 515 of the Foreign Relations Authorization Act, Fiscal Year 1978 (91 Stat. 862).

[3] 22 U.S.C. 2625.

b. Receipt and Disposition of Foreign Gifts and Decorations

Partial text of Public Law 95-105 [H.R. 6689], 91 Stat. 844 at 862, approved August 17, 1977 [1]

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FOREIGN GIFTS AND DECORATIONS

Sec. 515. (a)(1) Section 7342 of title 5, United States Code, is amended to read as follows:

"§ 7342. Receipt and disposition of foreign gifts and decorations

"(a) For the purpose of this section—

"(1) 'employee' means—

"(A) an employee as defined by section 2105 of this title and an officer or employee of the United States Postal Service or of the Postal Rate Commission;

"(B) an expert or consultant who is under contract under section 3109 of this title with the United States or any agency, department, or establishment thereof, including, in the case of an organization performing services under such section, any individual involved in the performance of such services;

"(C) an individual employed by, or occupying an office or position in, the government of a territory or possession of the United States or the government of the District of Columbia;

"(D) a member of a uniformed service;

"(E) the President and the Vice President;

"(F) a Member of Congress as defined by section 2106 of this title (except the Vice President) and any Delegate to the Congress; and

"(G) the spouse of an individual described in subparagraphs (A) through (F) (unless such individual and his or her spouse are separated) or a dependent (within the meaning of section 152 of the Internal Revenue Code of 1954) of such an individual, other than a spouse or dependent who is an employee under subparagraphs (A) through (F);

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[1] The previous comprehensive amendment to sec. 7342 of title 5, U.S.C., was contained in Public Law 90-83 [H.R. 5876], 81 Stat. 195, approved Sept. 11, 1967. Sec. 7342 of title 5, U.S.C., was further amended by sec. 712 of the Foreign Relations Authorization Act, Fiscal Year 1979 (Public Law 95-426; 92 Stat. 994). Sec. 712(d) of such Act further stated: "(d) In the event that the space and facilities available to the Secretary of the Senate for carrying out his responsibilities in storing and safeguarding property in his custody under section 7342 of title 5, United States Code, are insufficient for such purpose, he may, with the approval of the Committee on Rules and Administration of the Senate, lease such space and facilities as may be necessary for such purpose. Rental payments under any such lease and expenses incurred in connection therewith shall be paid from the contingent fund of the Senate upon vouchers approved by the Secretary of the Senate."

"(2) 'foreign government' means—

"(A) any unit of foreign governmental authority, including any foreign national, State, local, and municipal government;

"(B) any international or multinational organization whose membership is composed of any unit of foreign government described in subparagraph (A); and

"(C) any agent or representative of any such unit or such organization, while acting as such;

"(3) 'gift' means a tangible or intangible present (other than a decoration) tendered by, or received from, a foreign government;

"(4) 'decoration' means an order, device, medal, badge, insignia, emblem, or award tendered by, or received from, a foreign government;

"(5) 'minimal value' means a retail value in the United States at the time of acceptance of $100 or less, except that—

"(A) on January 1, 1981, and at 3 year intervals thereafter, 'minimal value' shall be redefined in regulations prescribed by the Administrator of General Services, in consultation with the Secretary of State, to reflect changes in the consumer price index for the immediately preceding 3-year period; and

"(B) regulations of an employing agency may define 'minimal value' for its employees to be less than the value established under this paragraph; and

"(6) 'employing agency' means—

"(A) the Committee on Standards of Official Conduct of the House of Representatives, for Members and employees of the House of Representatives, except that those responsibilities specified in subsections (c)(2)(A), (e)(1), and (g)(2)(B) shall be carried out by the Clerk of the House;

"(B) the Select Committee on Ethics of the Senate, for Senators and employees of the Senate, except that those responsibilities (other than responsibilities involving approval of the employing agency) specified in subsections (c)(2), (d) and (g)(2)(B) shall be carried out by the Secretary of the Senate; [2]

"(C) the Administrative Office of the United States Courts, for judges and judicial branch employees; and

"(D) the department, agency, office, or other entity in which an employee is employed, for other legislative branch employees and for all executive branch employees.

"(b) An employee may not—

"(1) request or otherwise encourage the tender of a gift or decoration; or

"(2) accept a gift or decoration, other than in accordance with the provisions of subsections (c) and (d).

"(c)(1) The Congress consents to—

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[2] The words to this point beginning with "except that * * *" were added by sec. 712(a)(2) of Public Law 95–426 (92 Stat. 994).

"(A) the accepting and retaining by an employee of a gift of minimal value tendered and received as a souvenir or mark of courtesy; and

"(B) the accepting by an employee of a gift of more than minimal value when such gift is in the nature of an educational scholarship or medical treatment or when it appears that to refuse the gift would likely cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States, except that—

"(i) a tangible gift of more than minimal value is deemed to have been accepted on behalf of the United States and, upon acceptance, shall become the property of the United States; and

"(ii) an employee may accept gifts of travel or expenses for travel taking place entirely outside the United States (such as transportation, food, and lodging) of more than minimal value if such acceptance is appropriate, consistent with the interests of the United States, and permitted by the employing agency and any regulations which may be prescribed by employing agency.

"(2) Within 60 days after accepting a tangible gift of more than minimal value (other than a gift described in paragraph (1)(B)(ii)), an employee shall—

"(A) deposit the gift for disposal with his or her employing agency; or

"(B) subject to the approval of the employing agency, deposit the gift with that agency for official use.

Within 30 days after terminating the official use of a gift under subparagraph (B), the employing agency shall forward the gift to the Administrator of General Services in accordance with subsection (e)(1) or provide for its disposal in accordance with subsection (e)(2).[3]

"(3) When an employee deposits a gift of more than minimal value for disposal or for official use pursuant to paragraph (2), or within 30 days after accepting travel or travel expenses as provided in paragraph (1)(B)(ii) unless such travel or travel expenses are accepted in accordance with specific instructions of his or her employing agency, the employee shall file a statement with his or her employing agency or its delegate containing the information prescribed in subsection (f) for that gift.

"(d) The Congress consents to the accepting, retaining, and wearing by an employee of a decoration tendered in recognition of active field service in time of combat operations or awarded for other outstanding or unusually meritorious performance, subject to the approval of the employing agency of such employee. Without this approval, the decoration is deemed to have been accepted on behalf of the United States, shall become the property of the United States, and shall be deposited by the employee, within sixty days of acceptance, with the employing agency for official use, for forwarding to the Administrator of General Services for disposal in accordance with subsection (e)(1), or for disposal in accordance with subsection (e)(2).[3]

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[3] The words to this point beginning with "(1) * * *" were added by sec. 712(b)(1) of Public Law 95-426 (92 Stat. 994).

"(e)(1)[4] Except as provided in paragraph (2), gifts and decorations that have been deposited with an employing agency for disposal shall be (A) returned to the donor, or (B) forwarded to the Administrator of General Services for transfer, donation, or other disposal in accordance with the provisions of the Federal Property and Administrative Services Act of 1949. However, no gift or decoration that has been deposited for disposal may be sold without the approval of the Secretary of State, upon a determination that the sale will not adversely affect the foreign relations of the United States. Gifts and decorations may be sold by negotiated sale.

"(2)[4] Gifts and decorations received by a Senator or an employee of the Senate that are deposited with the Secretary of the Senate for disposal, or are deposited for an official use which has terminated, shall be disposed of by the Commission on Arts and Antiquities of the United States Senate. Any such gift or decoration may be returned by the Commission to the donor or may be transferred or donated by the Commission, subject to such terms and conditions as it may prescribe, (A) to an agency or instrumentality of (i) the United States, (ii) a State, territory, or possession of the United States, or a political subdivision of the foregoing, or (iii) the District of Columbia, or (B) to an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 which is exempt from taxation under section 501(a) of such Code. Any such gift or decoration not disposed of as provided in the preceding sentence shall be forwarded to the Administrator of General Services for disposal in accordance with paragraph (1). If the Administrator does not dispose of such gift or decoration within one year, he shall, at the request of the Commission, return it to the Commission and the Commission may dispose of such gift or decoration in such manner as it considers proper, except that such gift or decoration may be sold only with the approval of the Secretary of State upon a determination that the sale will not adversely affect the foreign relations of the United States.

"(f)(1) Not later than January 31 of each year, each employing agency or its delegate shall compile a listing of all statements filed during the preceding year by the employees of that agency pursuant to subsection (c)(3) and shall transmit such listing to the Secretary of State who shall publish a comprehensive listing of all such statements in the Federal Register.

"(2) Such listings shall include for each tangible gift reported—

"(A) the name and position of the employee;

"(B) a brief description of the gift and the circumstances justifying acceptance;

"(C) the identity, if known, of the foreign government and the name and position of the individual who presented the gift;

"(D) the date of acceptance of the gift;

"(E) the estimated value in the United States of the gift at the time of acceptance; and

"(F) disposition or current location of the gift.

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[4] Sec. 712(c) of Public Law 95–426 (92 Stat. 994) added the paragraph designation "(1)" and added a new par. (2).

"(3) Such listings shall include for each gift of travel or travel expenses—

"(A) the name and position of the employee;

"(B) a brief description of the gift and the circumstances justifying acceptance; and

"(C) the identity, if known, of the foreign government and the name and position of the individual who presented the gift.

"(4) In transmitting such listings for the Central Intelligence Agency, the Director of Central Intelligence may delete the information described in subparagraphs (A) and (C) of paragraphs (2) and (3) if the Director certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources.

"(g)(1) Each employing agency shall prescribe such regulations as may be necessary to carry out the purpose of this section. For all employing agencies in the executive branch, such regulations shall be prescribed pursuant to guidance provided by the Secretary of State. These regulations shall be implemented by each employing agency for its employees.

"(2) Each employing agency shall—

"(A) report to the Attorney General cases in which there is reason to believe that an employee has violated this section;

"(B) establish a procedure for obtaining an appraisal, when necessary, of the value of gifts; and

"(C) take any other actions necessary to carry out the purpose of this section.

"(h) The Attorney General may bring a civil action in any district court of the United States against any employee who knowingly solicits or accepts a gift from a foreign government not consented to by this section or who fails to deposit or report such gift as required by this section. The court in which such action is brought may assess a penalty against such employee in any amount not to exceed the retail value of the gift improperly solicited or received plus $5,000.

"(i) The President shall direct all Chiefs of a United States Diplomatic Mission to inform their host governments that it is a general policy of the United States Government to prohibit United States Government employees from receiving gifts or decorations of more than minimal value.

"(j) Nothing in this section shall be construed to derogate any regulation prescribed by any employing agency which provides for more stringent limitations on the receipt of gifts and decorations by its employees.

"(k) The provisions of this section do not apply to grants and other forms of assistance to which section 108A of the Mutual Educational and Cultural Exchange Act of 1961 applies.".

(2) The amendment made by paragraph (1) of this subsection shall take effect on January 1, 1978.

(b)(1) After September 30, 1977, no appropriated funds, other than funds from the "Emergencies in the Diplomatic and Consular Service" account of the Department of State, may be used to purchase any tangible gift of more than minimal value (as defined in section 7342(a)(5) of title 5, United States Code) for any foreign individual unless such gift has been approved by the Congress.

(2) Beginning October 1, 1977, the Secretary of State shall annually transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report containing details on (1) any gifts of more than minimal value purchased with appropriated funds which were given to a foreign individual during the previous fiscal year, and (2) any other gifts of more than minimal value given by the United States Government to a foreign individual which were not obtained using appropriated funds.

c. Executive Order 11320, December 12, 1966, 31 F.R. 15789, 3 CFR, 1966-70 Comp., p. 605

DELEGATING AUTHORITY TO PRESCRIBE RULES AND REGULATIONS RELATING TO FOREIGN GIFTS AND DECORATIONS

By virtue of the authority vested in me by Section 7 of the Foreign Gifts and Decorations Act of 1966 (Public Law 89-673; 80 Stat. 952) and Section 301 of Title 3 of the United States Code, and as President of the United States, it is ordered as follows:

The Secretary of State, and, when designated by the Secretary of State for such purpose, the Under Secretary of State, are hereby designated and empowered to exercise without the approval, ratification, or other action of the President, the authority conferred upon the President by Section 7 of the Foreign Gifts and Decorations Act of 1966 to prescribe rules and regulations to carry out the purposes of that Act. Such rules and regulations shall be published in the FEDERAL REGISTER.

d. Senate Resolution 314, 90th Congress (Report No. 90-1427), approved July 19, 1968

RESOLUTION

Resolved, That the Committee on Rules and Administration is hereby authorized to grant approval, for the purposes of section 7342 of title 5, United States Code, and regulations prescribed thereunder, of the acceptance, retention, and wearing by a Member, officer, or employee of the Senate of a decoration tendered by a foreign government in recognition of active field service in time of combat operations or awarded for other outstanding or unusually meritorious service.

7. Migration and Refugee Assistance

a. Migration and Refugee Assistance Act of 1962, as amended

Public Law 87-510 [H.R. 8291], 76 Stat. 121; 22 U.S.C. 2601, approved June 28, 1962, as amended by Public Law 88-634 [H.R. 11812], 78 Stat. 1021, approved October 7, 1964; Public Law 94-141 [S. 1517], 89 Stat. 756, approved November 29, 1975; Public Law 96-212 [S. 643], 94 Stat. 102, approved March 17, 1980; by Public Law 96-465 [Foreign Service Act of 1980; H.R. 6790], 94 Stat. 2071 at 2162, approved October 17, 1980; and by Public Law 99-93 [H.R. 2068], 99 Stat 405, approved August 16, 1985

AN ACT To enable the United States to participate in the assistance rendered to certain migrants and refugees.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Migration and Refugee Assistance Act of 1962."

Sec. 2.[1] (a) The President is hereby authorized to continue membership for the United States in the Intergovernmental Committee for European Migration in accordance with its constitution approved in Venice, Italy, on October 19, 1953. For the purpose of assisting in the movement of refugees and migrants and to enhance the economic progress of the developing countries by providing for a coordinated supply of selected manpower, there are hereby authorized to be appropriated such amounts as may be necessary from time to time for the payment by the United States of its contributions to the Committee and all necessary salaries and expenses incidental to United States participation in the Committee.

(b)[2] There are hereby authorized to be appropriated such amounts as may be necessary from time to time—

(1) for contributions to the activities of the United Nations High Commissioner for Refugees for assistance to refugees under his mandate or persons on behalf of whom he is exercising his good offices, and for contributions to the Intergovernmental Committee for European Migration, the International Committee of the Red Cross, and to other relevant international organizations; and

(2) for assistance to or on behalf of refugees who are outside the United States designated by the President (by class, group, or designation of their respective countries of origin or areas of residence) when the President determines that such assistance will contribute to the foreign policy interests of the United States.

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[1] 22 U.S.C. 2601.

[2] Sec. 312(b)(1) of Public Law 96-212 (94 Stat. 116) amended subsec. (b) by striking pars. (1) through (6) and adding these new pars. (1) and (2).

(c) [3] (1) Whenever the President determines it to be important to the national interest he is authorized to furnish on such terms and conditions as he may determine assistance under this Act for the purpose of meeting unexpected urgent refugee and migration needs.[4]

(2) There is established a United States Emergency Refugee and Migration Assistance Fund to carry out the purposes of this section. There is authorized to be appropriated to the President from time to time such amounts as may be necessary for the fund to carry out the purposes of this section, except that no amount of funds may be appropriated which, when added to amounts previously appropriated but not yet obligated, would cause such amounts to exceed $50,000,000.[5] Amounts appropriated hereunder shall remain available until expended.

(3) Whenever the President requests appropriations pursuant to this authorization he shall justify such requests to the Committee on Foreign Relations of the Senate and to the Speaker of the House of Representatives, as well as to the Committees on Appropriations.

(d) The President shall keep the appropriate committees of Congress currently informed of the use of funds and the exercise of functions authorized in this Act.

(e) Unexpended balances of funds made available under authority of the Mutual Security Act of 1954, as amended, and of the Foreign Assistance Act of 1961, as amended and allocated or transferred for the purposes of sections 405(a), 405(c), 405(d) and 451(c) of the Mutual Security Act of 1954, as amended, are hereby authorized to be continued available for the purposes of this section and may be consolidated with appropriations authorized by this section.[6]

(f) [7] The President may furnish assistance and make contributions under this Act notwithstanding any provision of law which restricts assistance to foreign countries.

Sec. 3.[8] (a) In carrying out the purpose of this Act, the President is authorized—

(1) to make loans, advances, and grants to, make and perform agreements and contracts with, or enter into other transactions with, any individual, corporation, or other body of persons, government or government agency, whether within or without the United States, and international and intergovernmental organizations;

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[3] Subsec. (c) was amended and restated by sec. 501(a) of Public Law 94-141.

[4] Sec. 4 of Public Law 96-110 (93 Stat. 844) required the following report regarding costs of refugee assistance programs:

"Sec. 4. Not later than 60 days after the date of enactment of this Act, the President shall report to the Congress.

"(1) the estimated total costs to the United States Government, during fiscal year 1980 and fiscal year 1981, of domestic and foreign assistance to refugees under all programs of the United States Government, and

"(2) the estimated costs to State and local governments during such fiscal year for assistance to refugees which is attributable to such programs."

[5] Sec. 312(b)(2) of Public Law 96-212 (94 Stat. 117) substituted $50,000,000 in lieu of $25,000,000.

[6] The final sentence in sec. 2(e) of this Act, repealed by the Foreign Assistance and Related Agencies Appropriation Act, 1965 (Public Law 88-634, 78 Stat. 1021), read: "Funds appropriated for the purposes of this section shall remain available until expended."

[7] Subsec. (f) was added by sec. 111 of Public Law 99-93 (99 Stat. 405).

[8] 22 U.S.C. 2602.

(2) to accept and use money, funds, property, and services of any kind made available by gift, devise, bequest, grant, or otherwise for such purposes.

(b) Whenever the President determines it to be in furtherance of the purposes of this Act, the functions authorized under this Act may be performed without regard to such provisions of law (other than the Renegotiation Act of 1951 (65 Stat. 7), as amended) [9] regulating the making, performance, amendment, or modification of contracts and the expenditure of funds of the United States Government as the President may specify.

Sec. 4. **(a)(1)** [10] The President is authorized to designate the head of any department or agency of the United States Government, or any official thereof who is required to be appointed by the President by and with the advice and consent of the Senate, to perform any functions conferred upon the President by this Act. If the President shall so specify, any individual so designated under this subsection is authorized to redelegate to any of his subordinates any functions authorized to be performed by him under this subsection, except the function of exercising the waiver authority specified in section 3(b) of this Act.

(2) Section 104(b) of the Immigration and Nationality Act (8 U.S.C. 1104(b)), is amended by inserting after the first sentence the following: "He shall be appointed by the President by and with the advice and consent of the Senate."

(b) [11] The President may allocate or transfer to any agency of the United States Government any part of any funds available for carrying out the purposes of this Act. Such funds shall be available for obligation and expenditure for the purposes for which authorized in accordance with authority granted in this Act or under authority governing the activities of the agencies of the United States Government to which such funds are allocated or transferred. Funds allocated or transferred pursuant to this subsection to any such agency may be established in separate appropriation accounts on the books of the Treasury.

Sec. 5.[12] (a) Funds made available for the purposes of this Act shall be available for—

(1) compensation, allowances, and travel of personnel, including members of the Foreign Service [13] whose services are utilized primarily for the purpose of this Act, and without regard to the provisions of any other law, for printing and binding, and for expenditures outside the United States for the procurement of supplies and services and for other administrative and operating purposes (other than compensation of personnel) without regard to such laws and regulations governing the obligation and expenditure of Government funds as may be necessary to accomplish the purposes of this Act;

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[9] 50 U.S.C. App. 1211 note.

[10] 22 U.S.C. 2603.

[11] 22 U.S.C. 2604.

[12] 22 U.S.C. 2605.

[13] The reference to members of the Foreign Service was substituted in lieu of a reference to Foreign Service personnel by sec. 2206(a)(6) of the Foreign Service Act of 1980 (Public Law 96-465; 94 Stat. 2162).

(2) employment or assignment of members of the Foreign Service serving under limited appointments [14] for the duration of operations under this Act;

(3) exchange of funds without regard to section 3651 of the Revised Statutes (31 U.S.C. 543), and loss by exchanges;

(4) expenses authorized by the Foreign Service Act of 1980, [15] not otherwise provided for;

(5) expenses authorized by the Act of August 1, 1956 (70 Stat. 890–892), as amended; [16] and

(6) [17] contracting for personal services abroad, and individuals employed by contract to perform such services shall not be considered to be employees of the United States for purposes of any law administered by the Office of Personnel Management, except that the Secretary of State may determine the applicability to such individuals of section 2(f) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(f)) and of any other law administered by the Secretary concerning the employment of such individuals abroad; and

(7) all other expenses determined by the President to be necessary to carry out the purposes of this Act.

(b) Except as may be expressly provided to the contrary in this Act, all determinations, authorizations, regulations, orders, contracts, agreements and other actions issued, undertaken, or entered into under authority of any provision of law repealed by this Act shall continue in full force and effect until modified, revoked, or superseded under the authority of this Act.

Sec. 6. Subsections (a), (c) and (d) of section 405 of the Mutual Security Act of 1954, as amended, subsection (c) of section 451 of the said Act, and the last sentence of section 2(a) of the Act of July 14, 1960 (74 Stat. 504), are hereby repealed.

Sec. 7. Until the enactment of legislation appropriating funds for activities under this Act, such activities may be conducted with funds made available under section 451(a) of the Foreign Assistance Act of 1961, as amended.

SEC. 8.[18] AUDITS OF U.S. FUNDS RECEIVED BY THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES.

(a) Program Audits.—Funds may not be made available to the United Nations High Commissioner for Refugees under this or any other Act unless by June 1, 1986, the High Commissioner provides for—

(1) annual program audits by an independent consultant, as selected by the Executive Committee of the United Nations High Commissioner for Refugees, to determine the use of such funds by private and voluntary organizations; and

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[14] The reference to members of the Foreign Service serving under limited appointments was substituted in lieu of a reference to Foreign Service Reserve officers by sec. 2206(a)(6) of the Foreign Service Act of 1980 (Public Law 96–465; 94 Stat. 2162).

[15] The reference to the Foreign Service Act of 1980 was substituted in lieu of a reference to the Foreign Service Act of 1946 by sec. 2206(a)(6) of Public Law 96–465 (94 Stat. 2162).

[16] 22 U.S.C. 2662 et seq.

[17] Paragraph 6 of Sec. 5(a) was added by Sec. 112 of Public Law 99–93 (99 Stat. 405), August 16, 1985. Authority provided by this amendment applies only to funds appropriated after August 16, 1985.

[18] 22 U.S.C. 2606. Sec. 8 was added by Sec. 113 of Public Law 99–93, 99 Stat. 405.

(2) such audits to be made available through the Executive Committee to the Department of State and for inspection by the Comptroller General of the United States.

(b) INSPECTION AND REPORT BY COMPTROLLER GENERAL.—The Comptroller General of the United States shall inspect each such audit and submit a report of that inspection to the Congress.

(c) FIRST PROGRAM AUDIT.—The first program audit pursuant to subsection (a)(1) shall begin not later than June 1, 1986.

b. Administration of the Migration and Refugee Assistance Act of 1962

Executive Order 11077, January 22, 1963, 28 F.R. 629; as amended by Executive Order 11922, June 16, 1976, 41 F.R. 24573

By virtue of the authority vested in me by the Migration and Refugee Assistance Act of 1962 (76 Stat. 121–124; hereinafter referred to as the Act), and as President of the United States, it is ordered as follows:

Section 1. Department of State. (a) The Secretary of State is hereby designated to perform the following:

(1) The functions provided for in sections 2(a) and 2(b)(1) of the Act.

(2) The functions provided for in section 2(b)(2) of the Act, exclusive of so much thereof as is assigned or reserved by the provisions of section 2(1) of this order.

(3) In connection with functions under the Act assigned to the Secretary of State, the functions provided for in sections 3(a), 4(b), and 5(a) of the Act.

(b) The Secretary of State shall from time to time furnish the President documents appropriate for the discharge by the President of his responsibilities under section 2(d) of the Act. To the extent that they relate to functions performed by the Secretary of Health, Education, and Welfare under the provisions of this order, such documents shall be prepared in collaboration with the latter Secretary.

(c) With due regard for other relevant considerations (including the interests of the Department of Health, Education, and Welfare, and of any other executive agencies which may be concerned), the Secretary of State shall assume the leadership and provide the guidance for assuring that programs authorized under the Act best serve the foreign policy objectives of the United States.

(d) [1] Funds appropriated or otherwise made available to the President for the United States Emergency Refugee and Migration Assistance Fund established by Section 2(c) of the Act (22 U.S.C. 2601) shall be deemed to be allocated without further action of the President to the Secretary of State, and the Secretary may allocate or transfer as appropriate, such funds to any agency, or part thereof, for obligation or expenditure consistent with the provisions of this order, the Act, and other applicable law: *Provided,* That such funds may not be transferred, obligated, or expended until the President shall have made the determinations provided for in Section 2(c)(1) of the Act, which determinations are reserved to the President, and the designations and determinations provided for in Section 2(b)(2) of the Act.

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[1] Subsec. (d) was added by E.O. 11922, June 16, 1976.

Sec. 2. Department of Health, Education, and Welfare. (a) The Secretary of Health, Education, and Welfare is hereby designated to perform the following:

(1) The functions provided for in section 2(b)(2) of the Act to the extent that they are in respect of assistance to Cuban refugee students in the United States who are in need of loans to attend institutions of higher education, exclusive, however, of the designations and determinations provided for in that section, which designations and determinations are reserved to the President.

(2) The functions provided for in sections 2(b)(3) to 2(b)(6), inclusive, of the Act.

(3) In connection with functions under the Act assigned to the Secretary of Health, Education, and Welfare, the functions provided for in sections 3(a), 4(b), and 5(a)(6) of the Act and, except in respect of Foreign Service personnel, the functions provided for in section 5(a)(1) of the Act.

Sec. 3. Redelegation. (a) The Secretary of State and the Secretary of Health, Education, and Welfare may each redelegate any of his functions under this order to any of his subordinates.

Sec. 4. Waivers. (a) In accordance with Section 3(b) of the Act, it is hereby determined that it is in furtherance of the purposes of the Act that the functions authorized under the Act may be performed (by any department or agency of the Government authorized to perform those functions) without regard to the following-specified provisions of law:

(1) the Act of March 26, 1934, c. 90, 48 Stat. 500, as amended (15 U.S.C. 616a) (shipment of certain exports in United States vessels).

(2) Section 3648 of the Revised Statutes, as amended (31 U.S.C. 529) (advance of funds).

(3) Section 3709 of the Revised Statutes, as amended (41 U.S.C. 5) (competitive bids).

(4) Section 3710 of the Revised Statutes (41 U.S.C. 8) (opening of bids).

(5) Section 2 of the Act of March 3, 1933, c. 212, 47 Stat. 1520 (41 U.S.C. 10a) (Buy American Act).

(6) Section 3735 of the Revised Statutes (41 U.S.C. 13) (contracts limited to one year).

(7) Sections 302–305 of the Federal Property and Administrative Services Act of 1949 (June 30, 1949, c. 288, 63 Stat. 393 et seq.), as amended (41 U.S.C. 252–255) (competitive bids; negotiated contracts; advances).

(8) Section 901(a) of the Merchant Marine Act, 1936 (June 29, 1936, c. 858, 49 Stat. 2015, as amended; 46 U.S.C. 1241(a)) (official travel overseas of United States officers and employees, and transportation of their personal effects, on ships registered under the laws of the United States).

(b) It is directed (1) that all waivers of statutes and limitations of authority effected by the foregoing provisions of this section shall be utilized in a prudent manner and as sparingly as may be practical, and (2) that suitable steps shall be taken by the administrative agencies concerned to insure that result, including, as may be appropriate, the imposition of administrative limitations in lieu of waived statutory requirements and limitations of authority.

Sec. 5. Definition. As used in this order, the word "function" or "functions" includes any executive duty, obligation, power, authority, responsibility, right, privilege, discretion or activity.

Sec. 6. Saving provisions. Except to the extent that they may be inconsistent with law or with this order, all determinations, authorizations, regulations, orders, contracts, agreements and other actions issued, undertaken, or entered into with respect to any function affected by this order and not revoked, superseded, or otherwise made inapplicable before the date of this order, shall continue in force and effect until amended, modified, or terminated by appropriate authority.

Sec. 7. Effective date. The provisions of this order shall be effective as of July 1, 1962.

c. Refugee Act of 1980

Public Law 96-212 [S. 643] 94 Stat. 102, approved March 17, 1980

AN ACT To amend the Immigration and Nationality Act to revise the procedures for the admission of refugees, to amend the Migration and Refugee Assistance Act of 1962 to establish a more uniform basis for the provision of assistance to refugees, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Refugee Act of 1980".

> NOTE.—This Act primarily consists of amendments to the Immigration and Nationality Act (8 U.S.C. 1101). Only those portions directly relating to the Department of State are set out below.

TITLE I—PURPOSE

Sec. 101.[1] (a) The Congress declares that it is the historic policy of the United States to respond to the urgent needs of persons subject to persecution in their homelands, including, where appropriate, humanitarian assistance for their care and maintenance in asylum areas, efforts to promote opportunities for resettlement or voluntary repatriation, aid for necessary transportation and processing, admission to this country of refugees of special humanitarian concern to the United States, and transitional assistance to refugees in the United States. The Congress further declares that it is the policy of the United States to encourage all nations to provide assistance and resettlement opportunities to refugees to the fullest extent possible.

(b) The objectives of this Act are to provide a permanent and systematic procedure for the admission to this country of refugees of special humanitarian concern to the United States, and to provide comprehensive and uniform provisions for the effective resettlement and absorption of those refugees who are admitted.

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[1] 8 U.S.C. 1521 note.

TITLE III—UNITED STATES COORDINATOR FOR REFUGEE AFFAIRS AND ASSISTANCE FOR EFFECTIVE RESETTLEMENT OF REFUGEES IN THE UNITED STATES

PART A—UNITED STATES COORDINATOR FOR REFUGEE AFFAIRS

Sec. 301.[2] (a) The President shall appoint, by and with the advice and consent of the Senate, a United States Coordinator for Refugee Affairs (hereinafter in this part referred to as the "Coordinator"). The Coordinator shall have the rank of Ambassador at Large.

(b) The Coordinator shall be responsible to the President for—

(1) the development of overall United States refugee admission and resettlement policy;

(2) the coordination of all United States domestic and international refugee admission and resettlement programs in a manner that assures that policy objectives are met in a timely fashion;

(3) the design of an overall budget strategy to provide individual agencies with policy guidance on refugee matters in the preparation of their budget requests, and to provide the Office of Management and Budget with an overview of all refugee-related budget requests;

(4) the presentation to the Congress of the Administration's overall refugee policy and the relationship of individual agency refugee budgets to that overall policy;

(5) advising the President, Secretary of State, Attorney General, and the Secretary of Health and Human Services on the relationship of overall United States refugee policy to the admission of refugees to, and the resettlement of refugees in, the United States;

(6) under the direction of the Secretary of State, representation and negotiation on behalf of the United States with foreign governments and international organizations in discussions on refugee matters and, when appropriate, submitting refugee issues for inclusion in other international negotiations;

(7) development of an effective and responsive liaison between the Federal Government and voluntary organizations, Governors and mayors, and others involved in refugee relief and resettlement work to reflect overall United States Government policy;

(8) making recommendations to the President and to the Congress with respect to policies for, objectives of, and establishment of priorities for, Federal functions relating to refugee admission and resettlement in the United States; and

(9) reviewing the regulations, guidelines, requirements, criteria, and procedures of Federal departments and agencies applicable to the performance of functions relating to refugee admission and resettlement in the United States.

(c)(1) In the conduct of the Coordinator's duties, the Coordinator shall consult regularly with States, localities, and private nonprofit voluntary agencies concerning the sponsorship process and the intended distribution of refugees.

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[2] 8 U.S.C. 1525.

(2) The Secretary of Labor and the Secretary of Education shall provide the Coordinator with regular reports describing the efforts of their respective departments to increase refugee access to programs within their jurisdiction, and the Coordinator shall include information on such programs in reports submitted under section 413(a)(1) of the Immigration and Nationality Act.

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d. Refugee Education Assistance Act of 1980

Partial text of Public Law 96-422 [H.R. 7859], 94 Stat. 1799, approved October 10, 1980

AN ACT to provide general assistance educational agencies for the education of Cuban and Haitian refugee children, to provide special impact aid of such agencies for the education of Cuban and Haitian refugee children and Indochinese refugee children, and to provide assistance to State educational agencies for the education of Cuban and Haitian refugee adults.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Refugee Education Assistance Act of 1980".

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TITLE V—OTHER PROVISIONS RELATING TO CUBAN AND HAITIAN ENTRANTS

AUTHORITIES FOR OTHER PROGRAMS AND ACTIVITIES

Sec. 501.[1] (a)(1) The President shall exercise authorities with respect to Cuban and Haitian entrants which are identical to the authorities which are exercised under chapter 2 of title IV of the Immigration and Nationality Act. The authorizations provided in section 414 of that Act shall be available to carry out this section without regard to the dollar limitation contained in section 414(a)(2).

(2) Any reference in chapter III of title I of the Supplemental Appropriations and Rescission Act, 1980, to section 405(c)(2) of the International Security and Development Assistance Act of 1980 or to the International Security Act of 1980 shall be construed to be a reference to paragraph (1) of this subsection.

(b) In addition, the President may, by regulation, provide that benefits granted under any law of the United States (other than the Immigration and Nationality Act) with respect to individuals admitted to the United States under section 207(c) of the Immigration and Nationality Act shall be granted in the same manner and to the same extent with respect to Cuban and Haitian entrants.

(a)(1)(A) Any Federal agency may, under the direction of the president, provide assistance (in the form of materials, supplies, equipment, work, services, facilities, or otherwise) for the processing, care, maintenance, security, transportation, and initial reception and placement in the United States of Cuban and Haitian entrants. Such assistance shall be provided on such terms and conditions as the President may determine.

(B) Funds available to carry out this subsection shall be used to reimburse State and local governments for expenses which they incur for the purposes described in subparagraph (A). Such funds may be used to reimburse Federal agencies for assistance which they provide under subparagraph (A).

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[1] 8 U.S.C. 1522 note.

(2) The President may direct the head of any Federal agency to detail personnel of that agency, on either a reimbursable or nonreimbursable basis, for temporary duty with any Federal agency directed to provide supervision and management for purposes of this subsection.

(3) The furnishing of assistance or other exercise of functions under this subsection shall not be considered a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

(4) Funds to carry out this subsection may be available until expended.

(5) To facilitate the transfer of the functions described in paragraph (1) from the Federal Emergency Management Agency to other Federal agencies pursuant to this subsection, the purposes for which the funds appropriated to the President in the first paragraph under the heading "FEDERAL EMERGENCY MANAGEMENT AGENCY" in chapter VII of title I of the Supplemental Appropriations and Rescission Act, 1980, are available may be construed to include use in carrying out this subsection to the extent that those funds are allocated for use for any of the purposes described in paragraph (1) of this subsection.

(d) The authorities provided in this section are applicable to assistance and services provided with respect to Cuban or Haitian entrants at any time after their arrival in the United States, including periods prior to the enactment of this section.

(e) As used in this section, the term "Cuban and Haitian entrant" means—

(1) any individual granted parole status as a Cuban-Haitian Entrant (Status Pending) or granted any other special status subsequently established under the immigration laws for nationals of Cuba or Haiti, regardless of the status of the individual at the time assistance or services are provided; and

(2) any other national of Cuba or Haiti—

(A) who—

(i) was paroled into the United States and has not acquired any other status under the Immigration and Nationality Act;

(ii) is the subject of exclusion or deportation proceedings under the Immigration and Nationality Act; or

(iii) has an application for asylum pending with the Immigration and Naturalization Service; and

(B) with respect to whom a final, nonappealable, and legally enforceable order of deportation or exclusion has not been entered.

e. Cuban and Haitian Entrants

Executive Order 12341, January 21, 1982, 47 F.R. 3341

By the authority vested in me as President of the United States of America by Section 501 of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) and Section 301 of Title 3 of the United States Code, and to reassign some responsibilities for providing assistance to Cuban and Haitian entrants, it is hereby ordered as follows:

Section 1. The functions vested in the President by Sections 501 (a) and (b) of the Refugee Education Assistance Act of 1980, hereinafter referred to as the Act (8 U.S.C. 1522 note), are delegated to the Secretary of Health and Human Services.

Sec. 2. The Attorney General shall ensure that actions are taken to provide such assistance to Cuban and Haitian entrants as provided for by Section 501(c) of the Act. To that end, the functions vested in the President by Section 501(c) of the Act are delegated to the Attorney General.

Sec. 3. All actions taken pursuant to Executive Order No. 12251 shall continue in effect until superseded by actions under this Order.

Sec. 4. Executive Order No. 12251 of November 15, 1980, is revoked.

f. Consultations on the Admission of Refugees

Executive Order 12208, April 15, 1980, 45 F.R. 25789

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Refugee Act of 1980 (P.L. 96–212; 8 U.S.C. 1101 note), the Immigration and Nationality Act, as amended (8 U.S.C. 1101 *et seq.*), and Section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

1–101. Exclusive of the functions otherwise delegated, or reserved to the President, by this Order, there are hereby delegated the following functions:

(a) To the Secretary of State and the Attorney General, or either of them, the functions of initiating and carrying out appropriate consultations with members of the Committees on the Judiciary of the Senate and of the House of Representatives for purposes of Sections 101(a)(42)(B) and 207 (a), (b), (d), and (e) of the Immigration and Nationality Act, as amended (8 U.S.C. 1101(a)(42)(B) and 1157(a), (b), (d), and (e)).

(b) To the United States Coordinator for Refugee Affairs, the functions of reporting and carrying on periodic discussions under section 207(d)(1) of the Immigration and Nationality Act, as amended.

1–102. (a) The functions vested in the United States Coordinator for Refugee Affairs by Section 1–101(b) of this Order shall be carried out in consultation with the Secretary of State, the Attorney General, and the Secretary of Health, Education, and Welfare.

(b) The United States Coordinator shall notify the Committees on the Judiciary of the Senate and of the House of Representatives that the Secretary of State and the Attorney General, or either of them, wish to consult for the purposes of Section 207 (a), (b), or (d) of the Immigration and Nationality Act, as amended. The United States Coordinator for Refugee Affairs shall, in accord with his responsibilities under Section 301 of the Refugee Act of 1980 (8 U.S.C. 1525), prepare for those Committees the information required by 207(e) of the Immigration and Nationality Act, as amended.

1–103. There are reserved to the President the following functions under the Immigration and Nationality Act, as amended:

(a) To specify special circumstances for purposes of qualifying persons as refugees under Section 101(a)(42)(B).

(b) To make determinations under Sections 207(a)(1), 207(a)(2), 207(a)(3) and 207(b).

(c) To fix the number of refugees to be admitted under Section 207(b).

1–104. Except to the extent inconsistent with this Order, all actions previously taken pursuant to any function delegated or assigned by this Order shall be deemed to have been taken and authorized by this Order.

g. Executive Order 12324, September 29, 1981, 46 F.R. 48109

INTERDICTION OF ILLEGAL ALIENS

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Sections 212(f) and 215(a)(1) of the Immigration and Nationality Act, as amended (8 U.S.C. 1182(f) and 1185(a)(1)), in view of the continuing problem of migrants coming to the United States, by sea, without necessary entry documents, and in order to carry out the suspension and interdiction of such entry which have concurrently been proclaimed, it is hereby ordered as follows:

Section 1. The Secretary of State shall undertake to enter into, on behalf of the United States, cooperative arrangements with appropriate foreign governments for the purposes of preventing illegal migration to the United States by sea.

Sec. 2. (a) The Secretary of the Department in which the Coast Guard is operating shall issue appropriate instructions to the Coast Guard in order to enforce the suspension of the entry of undocumented aliens and the interdiction of any defined vessel carrying such aliens.

(b) Those instructions shall apply to any of the following defined vessels:

(1) Vessels of the United States, meaning any vessel documented under the laws of the United States, or numbered as provided by the Federal Boat Safety Act of 1971, as amended (46 U.S.C. 1451 *et seq.*), or owned in whole or in part by the United States, a citizen of the United States, or a corporation incorporated under the laws of the United States or any State, Territory, District, Commonwealth, or possession thereof, unless the vessel has been granted nationality by a foreign nation in accord with Article 5 of the Convention on the High Seas of 1958 (U.S. TIAS 5200; 13 UST 2312).

(2) Vessels without nationality or vessels assimilated to vessels without nationality in accordance with paragraph (2) of Article 6 of the Convention on the High Seas of 1958 (U.S. TIAS 5200; 13 UST 2312).

(3) Vessels of foreign nations with whom we have arrangements authorizing the United States to stop and board such vessels.

(c) Those instructions to the Coast Guard shall include appropriate directives providing for the Coast Guard:

(1) To stop and board defined vessels, when there is reason to believe that such vessels are engaged in the irregular transportation of persons or violations of United States law or the law of a country with which the United States has an arrangement authorizing such action.

(2) To make inquiries of those on board, examine documents and take such actions as are necessary to establish the registry, condition and destination of the vessel and the status of those on board the vessel.

(3) To return the vessel and its passengers to the country from which it came, when there is reason to believe that an offense is being committed against the United States immigration laws, or appropriate laws of a foreign country with which we have an arrangement to assist; provided, however, that no person who is a refugee will be returned without his consent.

(d) These actions, pursuant to this Section, are authorized to be undertaken only outside the territorial waters of the United States.

Sec. 3. The Attorney General shall, in consultation with the Secretary of State and the Secretary of the Department in which the Coast Guard is operating, take whatever steps are necessary to ensure the fair enforcement of our laws relating to immigration (including effective implementation of this Executive Order) and the strict observance of our international obligations concerning those who genuinely flee persecution in their homeland.

8. Recognition by the United States of Foreign Governments

Senate Resolution 205, 91st Congress, Report No. 91-338, agreed to September 25, 1969

RESOLUTION To set forth as an expression of the sense of the Senate a basic principle regarding the recognition by the United States of foreign governments.

Whereas official statements over the last fifty years concerning the policy of the United States in granting or withholding recognition of a foreign government have given rise to uncertainty as to whether United States recognition of a foreign government implies approval of such a government; and

Whereas recognition by the United States of foreign governments has been interpreted by many Americans and by many foreigners as implying United States approval of those foreign governments; and

Whereas such uncertainty adversely affects the interests of the United States in its relations with foreign nations: Now, therefore, be it

Resolved, That it is the sense of the Senate that when the United States recognizes a foreign government and exchanges diplomatic representatives with it, this does not of itself imply that the United States approves of the form, ideology, or policy of that foreign government.

9. The Asia Foundation Act

Partial text of Public Law 98-164 [H.R. 2915], 97 Stat. 1017 at 1038, approved November 22, 1983

AN ACT To authorize appropriations for fiscal years 1984 and 1985 for the Department of State, the United States Information Agency, the Board for International Broadcasting, the Inter-American Foundation, and the Asia Foundation, to establish the National Endowment for Democracy, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * * * *

TITLE IV—THE ASIA FOUNDATION

SHORT TITLE

Sec. 401. This title may be cited as "The Asia Foundation Act".

FINDINGS

Sec. 402.[1] The Congress finds that—

(1) The Asia Foundation, a private nonprofit corporation incorporated in 1954 in the State of California, has long been active in promoting Asian-American friendship and cooperation and in lending encouragement and assistance to Asians in their own efforts to develop more open, more just, and more democratic societies;

(2) The Asia Foundation's commitment to strengthening indigenous Asian institutions which further stable national development, constructive social change, equitable economic growth, and cooperative international relationships is fully consistent with and supportive of long-term United States interests in Asia;

(3) The Asia Foundation, as a private organization, is able to conduct programs in response to Asian initiatives that would be difficult or impossible for an official United States instrumentality, and it is in a position in Asia to respond quickly and flexibly to meet new opportunities;

(4) in recognition of the valuable contributions of The Asia Foundation to long-range United States foreign policy interests, the United States Government has, through a variety of agencies, provided financial support for The Asia Foundation; and

(5) it is in the interest of the United States, and the further strengthening of Asian-American friendship and cooperation, to establish a more permanent mechanism for United States

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[1] 22 U.S.C. 4401.

Government financial support for the ongoing activities of The Asia Foundation, while preserving the independent character of the Foundation.

GRANTS TO THE ASIA FOUNDATION

Sec. 403.[2] (a) The Secretary of State shall make an annual grant to The Asia Foundation with the funds made available under section 404. Such grants shall be in general support of the Foundation's programs and operations. The terms and conditions of grants pursuant to this section shall be set forth in a grant agreement between the Secretary of State and The Asia Foundation.

(b) If funds made available to The Asia Foundation pursuant to this title or pursuant to any other provision of law are, with the permission of the head of the Federal agency making the funds available, invested by the Foundation or any of its subgrantees pending disbursement, the resulting interest is not required to be deposited in the United States Treasury if that interest is used for the purposes for which the funds were made available.

FUNDING

Sec. 404.[3] There are authorized to be appropriated to the Secretary of State $10,500,000 for each of the fiscal years 1986 and 1987 for grants to The Asia Foundation pursuant to this title.".[4]

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[2] 22 U.S.C. 4402.

[3] 22 U.S.C. 4403. Sec. 401 of the Foreign Relations Authorization Act, fiscal years 1986 and 1987 (Public Law 99-93) provided the current text of this section.

[4] The Department of State Appropriation Act, 1986 (Public Law 99-180; 99 Stat. 1152) provides the following:

"PAYMENT TO THE ASIA FOUNDATION

"For a grant to the Asia Foundation, $10,000,000 to remain available until expended.

10. International Environmental Protection Act of 1983

Partial text of Public Law 98-164 [H.R. 2915], 97 Stat. 1017 at 1045, approved November 22, 1983

AN ACT To authorize appropriations for fiscal years 1984 and 1985 for the Department of State, the United States Information Agency, the Board for International Broadcasting, the Inter-American Foundation, and the Asia Foundation, to establish the National Endowment for Democracy, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * * * *

TITLE VII—INTERNATIONAL ENVIRONMENTAL PROTECTION

SHORT TITLE

Sec. 701. This title may be cited as the "International Environmental Protection Act of 1983".

ENDANGERED SPECIES

Sec. 702.[1] * * *

ENVIRONMENTAL EXCHANGES

Sec. 703. (a) [2] * * *

(b) Of the amount by which expenditures for the Fulbright Academic Exchange Programs, for the Humphrey Fellowship Program, and for the International Visitor Program for each of the fiscal years 1984 and 1985 exceeds the expenditures for these programs in fiscal year 1982, 5 percent shall be used to finance programs authorized by the amendment made by subsection (a) of this section.

INTERNATIONAL WILDLIFE RESOURCES CONSERVATION

Sec. 704. (a) The Secretary of State and the Secretary of the Interior, in consultation with the heads of other concerned Federal agencies, shall undertake a review of the effectiveness of existing United States international activities relating to the conservation of international wildlife resources and shall develop recommendations to substantially improve existing capabilities. On the basis of this review, the Secretary of State and the Secretary of the Interior shall, within six months after the date of enactment of this Act, transmit to the chairman of the Committee on Foreign Relations of the Senate and to the chairman of the Committee on Foreign Affairs of the House of Representatives a report—

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[1] Sec. 702 amends the Foreign Assistance Act of 1961 by adding a new sec. 119 concerning endangered species.

[2] Subsec. (a) amends sec. 102(b) of the Mutual Educational and Cultural Exchange Act of 1961 authorizing the President to foster exchanges between the United States and other countries of experts in the fields of environmental science and environmental management.

(1) describing the programs of all Federal agencies concerned with international wildlife resources conservation programs;

(2) recommending an integrated United States plan of action to assist foreign governments and international organizations in conserving wildlife, taking into account the projections in the Global 2000 study;

(3) analyzing the extent to which the Department of State and other relevant Federal agencies are currently involved in—

(A) the establishment of effective liaison with international, national, and local governmental and nongovernmental agencies, organizations, and persons involved in or knowledgeable of wildlife resources conservation abroad;

(B) the provisions of expert international wildlife resources conservation staff assistance and advice to United States Embassies, Agency for International Development missions, United States overseas military installations, and other United States governmental or private interests;

(C) facilitating the provision of advice or assistance to governments, agencies, or organizations which wish to enhance their wildlife resources conservation capabilities abroad;

(D) the acquisition and dissemination of reliable data or information concerning—

(i) the conservation status of species of wild fauna and flora;

(ii) the conservation status of lands and waters upon which wild fauna and flora depend;

(iii) existing or proposed laws proclamations, statutes, orders, regulations, or policies which pertain to the taking, collecting, import, or export of wildlife resources, or to other aspects of international wildlife resources conservation;

(iv) the potential impact upon wildlife resources abroad of actions authorized, funded or carried out by the United States Government; and

(iv) opportunities to initiate or enhance the efficiency of international wildlife resources conservation by the transfer of United States expertise through technical assistance, training, exchange of publications, or other means;

(E) maintaining liaison, for the purposes of providing information needed to make sound conservation decisions, with persons responsible for implementing actions abroad which are authorized, funded, or carried out by Federal agencies or other persons under the jurisdiction of the United States; and

(F) the performance of any other activities which may be relevant to the United States obligations, authorities, or interests in the field of international wildlife resources conservation;

(4) recommending steps which could be taken to increase the capabilities of the Department of State and other relevant Federal agencies in carrying out the functions described in paragraph (3), including estimates of the costs of taking those steps and estimates of the personnel required to increase those capabilities; and

(5) analyzing the desirability of delineating geographic regions abroad (which would be known as "International Wildlife Resources Conservation Regions") and assigning qualified members of the Foreign Service to be responsible for wildlife resource conservation issues in those regions.

11. Omnibus Diplomatic Security and Antiterrorism Act of 1986

Partial text of Public Law 99-399 [HR. 4151], 100 Stat. 853, approved August 27, 1986, as amended by Public Law 99-529 [Special Foreign Assistance Act of 1986; S. 1917]; 100 Stat. 3010, approved October 24, 1986

AN ACT To provide enhanced diplomatic security and combat international terrorism, and for other purposes.

Be it enancted by the Senate and House of Representatives of the United States of America in Congress assembled,[1]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Omnibus Diplomatic Security and Antiterrorism Act of 1986".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Page
Sec. 1. Short title 1432
Sec. 2. Table of contents 1432

TITLE I—DIPLOMATIC SECURITY

Sec. 101. Short title 1434
Sec. 102. Findings and purposes 1434
Sec. 103. Responsibility of the Secretary of State 1435
Sec. 104. Bureau of Diplomatic Security 1436
Sec. 105. Responsibilities of the Assistant Secretary for Diplomatic Security.. 1436
Sec. 106. Cooperation of other Federal agencies 1437
Sec. 107. Protection of foreign consulates 1437

TITLE II—DIPLOMATIC SECURITY SERVICE

Sec. 201. Establishment of Diplomatic Security Service 1438
Sec. 202. Director of Diplomatic Security Service 1438
Sec. 203. Positions in the Diplomatic Security Service 1438

TITLE III—PERFORMANCE AND ACCOUNTABILITY

Sec. 301. Accountability review 1438
Sec. 302. Accountability Review Board 1439
Sec. 303. Procedures 1439
Sec. 304. Findings and recommendations by a Board 1441
Sec. 305. Relation to other proceedings 1442

TITLE IV—DIPLOMATIC SECURITY PROGRAM

Sec. 401. Authorization 1442
Sec. 402. Diplomatic construction program 1444
Sec. 403. Security requirements for contractors 1445
Sec. 404. Qualifications of persons hired for the diplomatic construction program 1445
Sec. 405. Cost overruns 1445
Sec. 406. Efficiency in contracting 1446
Sec. 407. Advisory Panel on Overseas Security 1446
Sec. 408. Training to improve perimeter security at United States diplomatic missions aboard 1446

---

[1] 22 USC 4801 note.

Page
Sec. 409. Protection of public entrances of United States diplomatic missions abroad 1446
Sec. 410. Certain protective functions 1447
Sec. 411. Reimbursement of the Department of the Treasury 1447
Sec. 412. Inspector General for the United States Information Agency 1447
Sec. 413. Inspector General for the Department of State 1447
Sec. 414. Prohibition on the use of funds for facilities in Israel, Jerusalem, or the West Bank 1448

TITLE V—STATE DEPARTMENT AUTHORITIES TO COMBAT INTERNATIONAL TERRORISM

Sec. 501. Rewards for international terrorists 1449
Sec. 501. Rewards for international terrorists 1449
Sec. 502. Rewards for information relating to international narcoterrorism and drug trafficking 1449
Sec. 503. Coordination of terrorism-related assistance 1449
Sec. 504. Counterterrorism Protection Fund 1449
Sec. 505. Terrorism-related travel advisories 1449
Sec. 506. Authority to control certain terrorism-related services 1449
Sec. 507. Management of antiterrorism assistance programs 1449
Sec. 508. Nonlethal airport security equipment and commodities for Egypt 1449
Sec. 509. Exports to countries supporting acts of international terrorism 1449

TITLE VI—INTERNATIONAL NUCLEAR TERRORISM

Sec. 601. Actions to combat international nuclear terrorism 1449
Sec. 602. Authority to suspend nuclear cooperation with nations which have not ratified the Convention on the Physical Protection of Nuclear Material 1450
Sec. 603. Consultation with the Department of Defense concerning certain nuclear exports and subsequent arrangements 1450
Sec. 604. Review of physicial security standards 1450
Sec. 605. International review of nuclear terrorism problem 1451
Sec. 606. Criminal history record checks 1451

TITLE VII—MULTILATERAL COOPERATION TO COMBAT INTERNATIONAL TERRORISM

Sec. 701. International Antiterrorism Committee 1451
Sec. 702. International arrangement relating to passports and visas 1451
Sec. 703. Protection of Americans endangered by the appearance of their place of birth on their passports 1451
Sec. 704. Use of diplomatic privileges and immunities for terrorism purposes 1452
Sec. 705. Reports on progress in increasing multilateral cooperation 1452

TITLE VIII—VICTIMS OF TERRORISM COMPENSATION

Sec. 801. Short title 1452
Sec. 802. Payment to individuals held in captive status between November 4, 1979, and January 21, 1981 1452
Sec. 803. Benefits for captives and other victims of hostile action 1452
Sec. 804. Retention of leave by alien employees following injury from hostile action abroad 1457
Sec. 805. Transition provisions 1457
Sec. 806. Benefits for members of uniformed services who are victims of hostile action 1457
Sec. 807. Regulations 1463
Sec. 808. Effective date of entitlements 1463

TITLE IX—MARITIME SECURITY

Sec. 901. Short title 1463
Sec. 902. International measures for seaport and shipboard security 1463
Sec. 903. Measures to prevent unlawful acts against passengers and crews on board ships 1463
Sec. 904. Panama Canal security 1464
Sec. 905. Threat of terrorism to United States ports and vessels 1464
Sec. 906. Port, harbor, and coastal facility security 1464
Sec. 907. Security standards at foreign ports 1464
Sec. 908. Travel advisories concerning security at foreign ports 1465
Sec. 909. Suspension of passengers services 1466

Page
Sec. 910. Sanctions for the seizure of vessels by terrorists 1466
Sec. 911. Definitions 1466
Sec. 912. Authorization of appropriations 1467
Sec. 913. Reports 1467

TITLE X—FASCELL FELLOWSHIP PROGRAM

Sec. 1001. Short title 1467
Sec. 1002. Fellowship program for temporary service at United States missions in the Soviet Union and Eastern Europe 1467
Sec. 1003. Fellowship Board 1468
Sec. 1004. Fellowships 1468
Sec. 1005. Secretary of State 1469

TITLE XI—SECURITY AT MILITARY BASES ABROAD

Sec. 1101. Findings 1469
Sec. 1102. Recommended actions by the Secretary of Defense 1469
Sec. 1103. Report to the Congress 1469

TITLE XII—CRIMINAL PUNISHMENT OF INTERNATIONAL TERRORISM

Sec. 1201. Encouragement for negotiation of a convention 1470
Sec. 1202. Extraterritorial criminal jurisdiction over terrorist conduct 1470

TITLE XIII—MISCELLANEOUS PROVISIONS

Sec. 1301. Peace Corps authorization of appropriations 1471
Sec. 1302. Demonstrations at embassies in the District of Columbia 1471
Sec. 1303. Kurt Waldheim's retirement allowance 1472
Sec. 1304. Eradication of Amblyomma Variegatum 1472
Sec. 1305. Strengthen foreign language skills 1472
Sec. 1306. Forfeiture of proceeds derived from espionage activities 1472
Sec. 1307. Expression of support of activities of the United States Telecommunications Training Institute 1473
Sec. 1308. Policy toward Afghanistan 1474

TITLE I—DIPLOMATIC SECURITY

SEC. 101. SHORT TITLE.

Titles I through IV of this Act may be cited as the "Diplomatic Security Act".

SEC. 102.[2] FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds and declares that—

(1) the United States has a crucial stake in the presence of United States Government personnel representing United States interests abroad;

(2) conditions confronting United States Government personnel and missions abroad are fraught with security concerns which will continue for the forseeable future; and

(3) the resources now available to counter acts of terrorism and protect and secure United States Government personnel and missions abroad, as well as foreign officials and missions in the United States, are inadequate to meet the mounting threat to such personnel and facilities.

(b) PURPOSES.—The purposes of titles I through IV are—

(1) to set forth the responsibility of the Secretary of State with respect to the security of diplomatic operations in the United States and abroad;

(2) to provide for an Assistant Secretary of State to head the Bureau of Diplomatic Security of the Department of State, and

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[2] 22 U.S.C. 4801.

to set forth certain provisions relating to the Diplomatic Security Service of the Department of State;

(3) to maximize coordination by the Department of State with Federal, State, and local agencies and agencies of foreign governments in order to enhance security programs;

(4) to promote strengthened security measures and to provide for the accountability of United States Government personnel with security-related responsibilities; and

(5) to provide authorization of appropriations for the Department of State to carry out its responsibilities in the area of security and counterterrorism, and in particular to finance the acquisition and improvements of United States Government missions abroad, including real property, buildings, facilities, and communications, information, and security systems.

SEC. 103.[3] RESPONSIBILITY OF THE SECRETARY OF STATE

(a) SECURITY FUNCTIONS.—The Secretary of State shall develop and implement (in consultation with the heads of other Federal agencies having personnel or missions abroad where appropriate and within the scope of the resources made available) policies and programs, including funding levels and standards, to provide for the security of United States Government operations of a diplomatic nature and foreign government operations of a diplomatic nature in the United States. Such policies and programs shall include—

(1) protection of all United States Government personnel on official duty abroad (other than those personnel under the command of a United States area military commander) and their accompanying dependents;

(2) establishment and operation of security functions at all United States Government missions abroad (other than facilities or installations subject to the control of a United States area military commander);

(3) establishment and operation of security functions at all Department of State facilities in the United States; and

(4) protection of foreign missions, international organizations, and foreign officials and other foreign persons in the United States, as authorized by law.

(b) OVERSIGHT OF POSTS ABROAD.—The Secretary of State shall—

(1) have full responsibility for the coordination of all United States Government personnel assigned to diplomatic or consular posts or other United States missions abroad pursuant to United States Government authorization (except for facilities, installations, or personnel under the command of a United States area military commander); and

(2) establish appropriate overseas staffing levels for all such posts or missions for all Federal agencies with activities abroad (except for personnel and activities under the command of a United States area military commander).

(c) FEDERAL AGENCY.—As used in this title and title III, the term "Federal agency" includes any department or agency of the United States Government.

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[3] 22 U.S.C. 4802.

SEC. 104.[4] BUREAU OF DIPLOMATIC SECURITY

(a) THE BUREAU.—There shall be a Bureau of Diplomatic Security in the Department of State, to be headed by the Assistant Secretary for Diplomatic Security. The Assistant Secretary shall be responsible for such functions as may be directed by the Secretary of State.

(b) NUMBER OF ASSISTANT SECRETARIES.—* * *

(c) POSITIONS AT LEVEL IV OF THE EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States Code, is amended by striking out "(14)" following "Assistant Secretaries of State" and inserting in lieu thereof "(15)".

SEC. 105.[5] RESPONSIBILITIES OF THE ASSISTANT SECRETARY FOR DIPLOMATIC SECURITY.

Within the authority of the Secretary of State, the Assistant Secretary for Diplomatic Security should be responsible for the following:

(1) FORMER OFFICE OF SECURITY FUNCTIONS.—Functions and responsibilities exercised by the Office of Security, Department of State, before November 11, 1985.

(2) SECURITY AND PROTECTIVE OPERATIONS ABROAD.—

(A) Establishment and operation of post security and protective functions abroad.

(B) Development and implementation of communications, computer, and information security.

(C) Emergency planning.

(D) Establishment and operation of local guard services.

(E) Supervision of the United States Marine Corps security guard program.

(F) Liaison with American overseas private sector security interests.

(3) SECURTIY AND PROTECTIVE OPERATIONS IN THE UNITED STATES.—

(A) Protection of foreign missions and international organizations, foreign officials, and diplomatic personnel, as authorized by law.

(B) Protection of the Secretary of State and other persons designated by the Secretary of State, as authorized by law.

(C) Physical protection of Department of State facilities, communications, and computer and information systems.

(D) Conduct of investigations relating to protection of foreign officials and diplomatic personnel and foreign missions, suitability for employment, employee security, illegal passport and visa issuance or use, and other investigations, as authorized by law.

(E) Carrying out the rewards program for information concerning international terrorism authorized by section 36(a) of the State Department Basic Authorities Act of 1956.

(F) Performance of other security, investigative, and protective matters as authorized by law.

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[4] 22 U.S.C. 4803.

[5] 22 U.S.C. 4804.

(4) COUNTERTERRORISM PLANNING AND COORDINATION.—Development and coordination of counterterrorism planning, emergency action planning, threat analysis programs, and liaison with other Federal agencies to carry out this paragraph.

(5) SECURITY TECHNOLOGY.—Development and implementation of technical and physical security programs, including security-related construction, radio and personnel security communications, armored vehicles, computer and communications security, and research programs necessary to develop such measures.

(6) DIPLOMATIC COURIER SERVICE.—Management of the diplomatic courier service.

(7) PERSONNEL TRAINING.—Development of facilities, methods, and materials to develop and upgrade necessary skills in order to carry out this section.

(8) FOREIGN GOVERNMENT TRAINING.—Management and development of antiterrorism assistance programs to assist foreign government security training which are administered by the Department of State under chapter 8 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa et seq.).

SEC. 106.[6] COOPERATION OF OTHER FEDERAL AGENCIES.

(a) ASSISTANCE.—In order to facilitate fulfillment of the responsibilities described in section 103(a), other Federal agencies shall cooperate (through agreements) to the maximum extent possible with the Secretary of State. Such agencies may, with or without reimbursement, provide assistance to the Secretary, perform security inspections, provide logistical support relating to the differing missions and facilities of other Federal agencies, and perform other overseas security functions as may be authorized by the Secretary. Specifically, the Secretary may agree to delegate operational control of overseas security functions of other Federal agencies to the heads of such agencies, subject to the Secretary's authority as set forth in section 103(a). The agency head receiving such delegated authority shall be responsible to the Secretary in the exercise of the delegated operational control.

(b) OTHER AGENCIES.—Nothing contained in titles I through IV shall be construed to limit or impair the authority or responsibility of any other Federal, State, or local agency with respect to law enforcement, domestic security operations, or intelligence activities as defined in Executive Order 12333.

(c) CERTAIN LEASE ARRANGEMENTS.—The Administrator of General Services is authorized to lease (to such extent or in cash amounts as are provided in appropriation Acts) such amount of space in the United States as may be necessary for the Department of State to accommodate the personnel required to carry out this title. The Department of State shall pay for such space at the rate established by the Administrator of General Services for space and related services.

SEC. 107. PROTECTION OF FOREIGN CONSULATES.

The Chief of Protocol of the Department of State shall consult with the Assistant Secretary of Diplomatic Security in making determinations with respect to accreditation of all foreign consular personnel in the United States.

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[6] 22 U.S.C. 4805.

TITLE II—DIPLOMATIC SECURITY SERVICE

SEC. 201.[7] ESTABLISHMENT OF DIPLOMATIC SECURITY SERVICE.

There shall be, within the Bureau of Diplomatic Security, the Diplomatic Security Service. The Diplomatic Security Service shall perform such functions as may be assigned to it by the Secretary of State.

SEC. 202.[8] DIRECTOR OF DIPLOMATIC SECURITY SERVICE.

The Diplomatic Security Service shall be headed by a Director designated by the Secretary of State. The Director should be a career member of the Senior Foreign Service or the Senior Executive Service and shall be qualified for the position by virtue of demonstrated ability in the areas of security, law enforcement, management, and public administration. Experience in management or operations abroad shall be considered an affirmative factor in the selection of the Director. The Director shall act under the supervision and direction of the Assistant Secretary for Diplomatic Security.

SEC. 203.[9] POSITIONS IN THE DIPLOMATIC SECURITY SERVICE.

Positions in the Diplomatic Security Service shall be filled in accordance with the provisions of the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.) and title 5, United States Code. In filling such positions, the Secretary of State shall actively recruit women and members of minority groups. The Secretary of State shall prescribe the qualifications required for assignment or appointment to such positions. In the case of positions designated for special agents, the qualifications may include minimum and maximum entry age restrictions and other physical standards and shall incorporate such standards as may be required by law in order to perform security functions, to bear arms, and to exercise investigatory, warrant, arrest, and such other authorities, as are available by law to special agents of the Department of State and the Foreign Service.

TITLE III—PERFORMANCE AND ACCOUNTABILITY

SEC. 301.[10] ACCOUNTABILITY REVIEW.

In any case of serious injury, loss of life, or significant destruction of property at or related to a United States Government mission abroad which is covered by the provisions of titles I through IV (other than a facility or installation subject to the control of a United States area military commander), the Secretary of State shall convene an Accountability Review Board (hereafter in this title referred to as the "Board"). The Secretary shall not convene a Board where the Secretary determines that a case clearly involves only causes unrelated to security.

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[7] 22 U.S.C. 4821.

[8] 22 U.S.C. 4822.

[9] 22 U.S.C. 4823.

[10] 22 U.S.C. 4831.

SEC. 302.[11] ACCOUNTABILITY REVIEW BOARD.

(a) MEMBERSHIP.—A Board shall consist of five members, 4 appointed by the Secretary of State, and 1 appointed by the Director of Central Intelligence. The Secretary of State shall designate the Chairperson of the Board. Members of the Board who are not Federal officers or employees shall each be paid at a rate not to exceed the maximum rate of basic pay payable for level GS–18 of the General Schedule for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Board. Members of the Board who are Federal officers or employees shall receive no additional pay by reason of such membership.

(b) FACILITIES, SERVICES, SUPPLIES, AND STAFF.—

(1) SUPPLIED BY DEPARTMENT OF STATE.—A Board shall obtain facilities, services, and supplies through the Department of State. All expenses of the Board, including necessary costs of travel, shall be paid by the Department of State. Travel expenses authorized under this paragraph shall be paid in accordance with subchapter I of chapter 57 of title 5, United States Code or other applicable law.

(2) DETAIL.—At the request of a Board, employees of the Department of State or other Federal agencies, members of the Foreign Service, or members of the uniformed services may be temporarily assigned, with or without reimbursement, to assist the Board.

(3) EXPERTS AND CONSULTANTS.—A Board may employ and compensate (in accordance with section 3109 of title 5, United States Code) such experts and consultants as the Board considers necessary to carry out its functions. Experts and consultants so employed shall be responsible solely to the Board.

SEC. 303.[12] PROCEDURES.

(a) EVIDENCE.—

(1) UNITED STATES GOVERNMENT PERSONNEL AND CONTRACTORS.—

(A) With respect to any individual described in subparagraph (B), a Board may—

(i) administer oaths and affirmations;

(ii) require that depositions be given and interrogatories answered; and

(iii) require the attendance and presentation of testimony and evidence by such individual.

Failure of any such individual to comply with a request of the Board shall be gounds for discipinary action by the head of the Federal agency in which such individual is employed or serves, or in the case of a contractor, debarment.

(B) The individuals referred to in subparagraph (A) are—

(i) employees as defined by section 2105 of title 5, United States Code (including members of the Foreign Service);

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[11] 22 U.S.C. 4832.

[12] 22 U.S.C. 4833.

(ii) members of the uniformed services as defined by section 101(3) of title 37, United States Code;

(iii) employees of instrumentalities of the United States; and

(iv) individuals employed by any person or entity under contract with agencies or instrumentalities of the United States Government to provide services, equipment, or personnel.

(2) OTHER PERSONS.—With respect to a person who is not described in paragraph (1)(B), a Board may administer oaths and affirmations and require that depositions be given and interrogatories answered.

(3) SUBPOENAS.—(A) The Board may issue a subpoena for the attendance and testimony of any person (other than a person described in clause (i), (ii), or (iii) of paragraph (1)(B)) and the production of documentary or other evidence from any such person if the Board finds that such a subpoena is necessary in the interests of justice for the development of relevant evidence.

(B) In the case of contumacy of refusal to obey a subpoena issued under this paragraph, a court of the United States within the jurisdiction of which a person is directed to appear or produce information, or within the jurisdiction of which the person is found, resides, or transacts business, may upon application of the Attorney General, issue to such person an order requiring such person to appear before the Board to give testimony or produce information as required by the subpoena.

(C) Subpoenaed witnesses shall be paid the same fee and mileage allowances which are paid subpoenaed witnesses in the courts of the United States.

(b) CONFIDENTIALITY.—A Board shall adopt for administrative proceedings under this title such procedures with respect to confidentiality as may be deemed necessary, including procedures relating to the conduct of closed proceedings or the submission and use of evidence in camera, to ensure in particular the protection of classified information relating to national defense, foreign policy, or intelligence matters. The Director of Central Intelligence shall establish the level of protection required for intelligence information and for information relating to intelligence personnel, including standards for secure storage.

(c) RECORDS.—Records pertaining to administrative proceedings under this title shall be separated from all other records of the Department of State and shall be maintained under appropriate safeguards to preserve confidentiality and classification of information. Such records shall be prohibited from disclosure to the public until such time as a Board completes its work and is dismissed. The Department of State shall turn over to the Director of Central Intelligence intelligence information and information relating to intelligence personnel which shall then become records of the Central Intelligence Agency. After that time, only such exemptions from disclosure under section 552(b) of title 5, United States Code (relating to freedom of information), as apply to other records of the Department of State, and to any information transmitted under section

304(c) to the head of a Federal agency or instrumentality, shall be available for the remaining records of the Board.

(d) STATUS OF BOARDS.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App. 1 et seq.) and section 552b of title 5 of the United States Code (relating to open meetings) shall not apply to any Board.

SEC. 304.[13] FINDINGS AND RECOMMENDATIONS BY A BOARD.

(a) FINDINGS.—A Board convened in any case shall examine the facts and circumstances surrounding the serious injury, loss of life, or significant destruction of property at or related to a United States Government mission abroad and shall make written findings determining—

(1) the extent to which the incident or incidents with respect to which the Board was convened was security related;

(2) whether the security systems and security procedures at that mission were adequate;

(3) whether the security systems and security procedures were properly implemented;

(4) the impact of intelligence and information availability; and

(5) such other facts and circumstances which may be relevant to the appropriate security management of United States missions abroad.

(b) PROGRAM RECOMMENDATIONS.—A Board shall submit its findings (which may be classified to the extent deemed necessary by the Board) to the Secretary of State, together with recommendations as appropriate to improve the security and efficiency of any program or operation which the Board has reviewed.

(c) PERSONNEL RECOMMENDATIONS.—Whenever a Board finds reasonable cause to believe that an individual described in section 303(a)(1)(B) has breached the duty of that individual, the Board shall—

(1) notify the individual concerned,

(2) transmit the finding of reasonable cause, together with all information relevant to such finding, to the head of the appropriate Federal agency or instrumentality, and

(3) recommend that such agency or instrumentality initiate an appropriate investigatory or disciplinary action.

In determining whether an individual has breached a duty of that individual, the Board shall take into account any standard of conduct, law, rule, regulation, contract, or order which is pertinent to the performance of the duties of that individual.

(d) REPORTS.—

(1) PROGRAM RECOMMENDATIONS.—In any case in which a Board transmits recommendations to the Secretary of State under subsection (b), the Secretary shall, not later than 90 days after the receipt of such recommendations, submit a report to the Congress on each such recommendation and the action taken with respect to that recommendation.

(2) PERSONNEL RECOMMENDATIONS.—In any case in which a Board transmits a finding of reasonable cause under subsection

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[13] 22 U.S.C. 4834.

(c), the head of the Federal agency or instrumentality receiving the information shall review the evidence and recommendations and shall, not later than 30 days after the receipt of that finding, transmit to the Congress a report specifying—

(A) the nature of the case and a summary of the evidence transmitted by the Board; and

(B) the decision by the Federal agency or instrumentality, to take disciplinary or other appropriate action against that individual or the reasons for deciding not to take disciplinary or other action with respect to that individual.

SEC. 305.[14] RELATION TO OTHER PROCEEDINGS.

Nothing in this title shall be construed to create administrative or judicial review remedies or rights of action not otherwise available by law, nor shall any provision of this title be construed to deprive any person of any right or legal defense which would otherwise be available to that person under any law, rule, or regulation.

TITLE IV—DIPLOMATIC SECURITY PROGRAM

SEC. 401.[15] AUTHORIZATION.

(a) Diplomatic Security Program.—

(1) In general.—In addition to amounts otherwise available for such purposes, the following amounts are authorized to be appropriated for fiscal years 1986 and 1987, for the Department of State to carry out diplomatic security construction, acquisition, and operations pursuant to the Department of State's Supplemental Diplomatic Security Program, as justified to the Congress for the respective fiscal year for "Administration of Foreign Affairs," as follows:

(A) For "Salaries and Expenses," $308,104,000.

(B) For "Acquisition and Maintenance of Buildings Abroad," $857,806,000.

(C) For "Counterterrorism Research and Development," $15,000,000.

(2) Antiterrorism assistance.—* * *.

(3) Capital construction, fiscal years 1988 through 1990.—There is authorized to be appropriated for the Department of State for "Acquisition and Maintenance of Buildings Abroad" for each of the fiscal years 1988 through 1990, $417,962,000 to carry out diplomatic security construction, acquisition, and operations pursuant to the Department of State's Supplemental Diplomatic Security Program.

(4) Allocation of amounts authorized to be appropriated.—Amounts authorized to be appropriated by this subsection, and by the amendment made by paragraph (2), shall be allocated as provided in the table entitled "Diplomatic Security Program" relating to this section which appears in the Joint Explanatory Statement of the Committee of Conference to accompany H.R. 4151 of the 99th Congress (the Omnibus Diplomatic Security and Antiterrorism Act of 1986).

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[14] 22 U.S.C. 4835

[15] 22 U.S.C. 4851.

(b) NOTIFICATION TO AUTHORIZING COMMITTEES OF REQUESTS FOR APPROPRIATIONS.—In any fiscal year, whenever the Secretary of State submits to the Congress a request for appropriations to carry out the program described in subsection (a), the Secretary shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate of such request, together with a justification of each item listed in such request.

(c) REPROGRAMMING TREATMENT.—Amounts made available for capital projects pursuant to subsection (a) shall be treated as a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706) and shall not be available for obligation or expenditure except in compliance with the procedures applicable to such reprogramming.

(d) PROHIBITION ON REALLOCATIONS OF AUTHORIZATIONS.—Section 24(d) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2692(d)) shall not apply with respect to any amounts authorized to be appropriated under this section.

(e) SECURITY REQUIREMENTS OF OTHER FOREIGN AFFAIRS AGENCIES.—Based solely on security reqirements and within the total amount of funds available for security, the Secretary of State shall ensure that an equitable level of funding is provided for the security requirements of other foreign affairs agencies.

(f) INSUFFICIENCY OF FUNDS.—In the event that sufficient funds are not available in any fiscal year for all of the diplomatic security construction, acquisition, and operations pursuant to the Department of State's Supplemental Diplomatic Security Program, as justified to the Congress for such fiscal year, the Secretary of State shall report to the Congress the effect that the insufficiency of funds will have with respect to the Department of State and each of the other foreign affairs agencies.

(g) ALLOCATOIN OF FUNDS FOR CERTAIN SECURITY PROGRAMS.—Of the amount of funds authorized to be appropriated by subsection (a)(1)(A), $34,537,000 shall be available to the Secretary of State only for the protection of classified office equipment, the expansion of information systems security, and the hiring of American systems managers and operators for computers at high threat locations.

(h) FURNITURE, FURNISHINGS, AND EQUIPMENT.

(1) USE OF EXISTING FURNITURE, FURNISHINGS, AND EQUIPMENT.—If physically possible, facilities constructed or acquired pursuant to subsection (a) shall be furnished and equipped with the furniture, furnishings, and equipment that were being used in the facilities being replaced, rather than with newly acquired furniture, furnishings, and equipment.

(2)* * *.

(3) REPROGRAMMING TREATMENT.—Amounts made available for furniture, furnishings, and equipment pursuant to subsection (a) shall be treated as a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706) and shall not be available for obligation or expenditure except in compliance with the procedures applicable to such reprogramming.

SEC. 402.[16] DIPLOMATIC CONSTRUCTION PROGRAM.

(a) PREFERENCE FOR UNITED STATES CONTRACTORS.—Notwithstanding section 11 of the Foreign Service Buildings Act, 1926, and where adequate competition exists, only United States persons and qualified United States joint venture persons may—

(1) bid on a diplomatic construction or design project which has an estimated total project value exceeding $5,000,000; and

(2) bid on a diplomatic construction or design project which involves physical or technical security.

(b) EXCEPTION.—Subsection (a) shall not apply with respect to any diplomatic construction or design project in a foreign country whose statutes prohibit the use of United States contractors on such projects. The exception contained in this subsection shall only become effective with respect to a foreign country 30 days after the Secretary of State certifies to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate what specific actions he has taken to urge such foreign country to permit the use of United States contractors on such projects, and what actions he shall take with respect to that country as authorized by title II of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4301 et seq.; commonly referred to as the "Foreign Missions Act").

(c) DEFINITIONS.—For the purposes of this section—

(1) the term "adequate competition" means with respect to a construction or design project, the presence of two or more qualified bidders submitting responsive bids for that project;

(2) the term "United States person" means a person which—

(A) is incorporated or legally organized under the laws of the United States, including State, the District of Columbia, and local laws;

(B) has its principal place of business in the United States;

(C) has been incorporated or legally organized in the United States—

(i) for more than 5 years before the issuance date of the invitation for bids or request for proposals with respect to a construction project under subsection (a)(1); and

(ii) for more than 2 years before the issuance date of the invitation for bids or request for proposals with respect to a construction or design project which involves physical or technical security under subsection (a)(2);

(D) has performed within the United States administrative and technical, professional, or construction services similar in complexity, type of construction, and value to the project being bid;

(E) with respect to a construction project under subsection (a)(1), has achieved total business volume equal to or greater than the value of the project being bid in 3 years of the 5-year period before the date specified in subparagraph (C)(i);

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[16] 22 U.S.C. 4852.

(F)(i) employs United State citizens in at least 80 percent of its principal management positions in the United States,

(ii) employs United States citizens in more than half of its permanent, full-time positions in the United States, and

(iii) will employ United States citizens in at least 80 percent of the supervisory positions on the foreign buildings office project site; and

(G) has the existing technical and financial resources in the United States to perform the contract; and

(3) the term "qualified United States joint venture person" means a joint venture in which a United States person or persons owns at least 51 percent of the assets of the joint venture.

(d) AMERICAN MINORITY CONTRACTORS.—Not less than 10 percent of the amount appropriated pursuant to section 401(a) for diplomatic construction or design projects each fiscal year shall be allocated to the extent practicable for contracts with American minority contractors.

(e) AMERICAN SMALL BUSINESS CONTRACTORS.—Not less than 10 percent of the amount appropriated pursuant to section 401(a) for diplomatic construction or design projects each fiscal year shall be allocated to the extent practicable for contracts with American small business contractors.

(f) LIMITATION ON SUBCONTRACTING.—With respect to a diplomatic construction project, a prime contractor may not subcontract more than 50 percent of the total value of its contract for that project.

SEC. 403.[17] SECURITY REQUIREMENTS FOR CONTRACTORS.

Not later than 90 days after the date of enactment of this Act, the Secretary of State shall issue regulations to—

(1) strengthen the security procedures applicable to contractors and subcontractors involved in any way with any diplomatic construction or design project; and

(2) permit a contractor or subcontractor to have access to any design or blueprint relating to such a project only in accordance with those procedures.

SEC. 404.[18] QUALIFICATIONS OF PERSONS HIRED FOR THE DIPLOMATIC CONSTRUCTION PROGRAM.

In carrying out the diplomatic construction program referred to in section 401(a), the Secretary of State shall employ as professional staff (by appointment, contract, or otherwise) only those persons with a demonstrated specialized background in the fields of construction law, or contract management. In filling such positions, the Secretary shall actively recruit women and members of minority groups.

SEC. 405.[19] COST OVERRUNS.

Any amount required to complete any capital project described in the Department of State's Supplemental Diplomatic Security

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[17] 22 U.S.C. 4853.

[18] 22 U.S.C. 4854.

[19] 22 U.S.C. 4855.

Program, as justified to the Congress for the respective fiscal year, which is in excess of the amount made available for that project pursuant to section 401(a) (1) or (3) shall be treated as a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706) and shall not be available for obligation or expenditure except in compliance with the procedures applicable to such reprogrammings.

SEC. 406.[20] EFFICIENCY IN CONTRACTING.

(a) Bonuses and Penalties.—The Director of the Office of Foreign Buildings shall provide for a contract system of bonuses and penalties for the diplomatic construction program funded pursuant to the authorizations of appropriations provided in this title. Not later than 3 months after the date of enactment of this Act, the Director shall submit a report to the Congress on the implementation of this section.

(b) Surety Bonds and Guarantees.—The Director of the Office of Foreign Buildings shall require each person awarded a contract for work under the diplomatic construction program to post a surety bond or guarantee, in such amount as the Director may determine, to assure preformance under such contract.

(c) Disqualification of Contractors.—No person doing business with Libya may be eligible for any contract awarded pursuant to this Act.

SEC. 407.[21] ADVISORY PANEL ON OVERSEAS SECURITY.

Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit a report to the Congress on the implementation of the 91 recommendations contained in the final report of the Advisory Panel on Overseas Security. If any such recommendation has been rejected, the Secretary shall provide the reasons why that recommendation was rejected.

SEC. 408.[22] TRAINING TO IMPROVE PERIMETER SECURITY AT UNITED STATES DIPLOMATIC MISSIONS ABROAD.

(a) Training.—It is the sense of Congress that the President should use the authority under chapter 8 of title II of the Foreign Assistance Act of 1976 (relating to antiterrorism assistance) to improve perimeter security of United States diplomatic missions abroad.

(b) Reports.—Not later than October 1 of each year, the President shall submit a report to the Congress on the progress and problems of improving perimeter security of United States diplomatic missions abroad.

SEC. 409.[23] PROTECTION OF PUBLIC ENTRANCES OF UNITED STATES DIPLOMATIC MISSIONS ABROAD.

The Secretary of State shall install and maintain a walk-through metal detector or other advanced screening system at public entrances of each United States diplomatic mission abroad.

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[20] 22 U.S.C. 4856.
[21] 22 U.S.C. 4857.
[22] 22 U.S.C. 4858.
[23] 22 U.S.C. 4859.

SEC. 410. CERTAIN PROTECTIVE FUNCTIONS.

Section 208(a) of title 3, United States Code, is amended by adding at the end thereof the following: "In carrying out any duty under section 202(7), the Secretary of State is authorized to utilize any authority available to the Secretary under title II of the State Department Basic Authorities Act of 1956.".

SEC. 411.[24] REIMBURSEMENT OF THE DEPARTMENT OF THE TREASURY.

The Secretary of State shall reimburse the appropriate appropriations account of the Department of the Treasury out of funds appropriated pursuant to section 401(a)(1) for the actual costs incurred by the United States Secret Service, as agreed to by the Secretary of the Treasury, for providing protection for the spouses of foreign heads of state during fiscal years 1986 and 1987.

SEC. 412. INSPECTOR GENERAL FOR THE UNITED STATES INFORMATION AGENCY.

(a) * * *.

(b) EARMARK.—Of the funds authorized to be appropriated to the United States Information Agency for the fiscal year 1987, not less than $3,000,000 shall be available only for the operation of the office of the Inspector General established by the amendment made by subsection (a).

(c) POSITION AT LEVEL IV OF THE EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following:

"Inspector General, United States Information Agency.".

SEC. 413.[25] INSPECTOR GENERAL FOR THE DEPARTMENT OF STATE.

(a) INSPECTOR GENERAL OF THE DEPARTMENT OF STATE.—

(1) DIRECTION TO ESTABLISH.—The Congress directs the Secretary of State to proceed immediately to establish an Office of Inspector General of the Department of State not later than October 1, 1986. Not later than January 31, 1987, the Secretary of State shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on the progress of establishing that office. Such report shall include an accounting of the obligation of funds for fiscal year 1987 for that office.

(2) DUTIES AND RESPONSIBILITIES.—The Inspector General of the Department of State (as established by the amendment made by section 150(a) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987) is authorized to perform all duties and responsibilities, and to exercise the authorities, stated in section 209 of the Foreign Service Act of 1980 (22 U.S.C. 3929) and in the Inspector General Act of 1978.

(3) EARMARK.—Of the amounts made available for fiscal year 1987 for salaries and expenses under the heading "Administration of Foreign Affairs", not less than $6,500,000 shall be used for the sole purpose of establishing and maintaining the Office of Inspector General of the Department of State.

(4) LIMITATION ON APPOINTMENT.—No career member of the Foreign Service, as defined by section 103 of the Foreign Serv-

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[24] 22 U.S.C. 4860.

[25] 22 U.S.C. 4861.

ice Act of 1980 (22 U.S.C. 3903), may be appointed Inspector General of the Department of State.

(5) POSITION AT LEVEL IV OF THE EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States Code (as amended by section 412), is amended by adding at the end thereof the following:

"Inspector General, Department of State.".

(6)[26] Repealed—1986.

(b)[27] OFFICE OF POLICY AND PROGRAM REVIEW.—

(1) ESTABLISHMENT.—The Secretary of State shall establish an office to be known as the Office of Policy and Program Review (hereafter in this section referred to as the "Office").

(2) DIRECTOR.—

(A) The Office shall be headed by a director, appointed by the Secretary of State, who shall report to and be under the general supervision of the Secretary of State. The director shall be appointed without regard to political affiliation from among individuals exceptionally qualified for the position by virtue of their integrity and their knowledge and experience in the conduct of foreign affairs.

(B) The director shall review activities and operations performed under the direction, coordination, and supervision of chiefs of mission (provided in section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927)) for the purpose of ascertaining their consonance with the foreign policy of the United States and their consistency with the responsibilities of the Secretary of State and the chief of mission. This authority shall not preclude the Inspector General of the Department of State from carrying out any function of section 209(g) of the Foreign Service Act of 1980 (22 U.S.C. 3929(g)).

(3) FUNDING FOR THE OFFICE.—Of the amounts authorized to be appropriated for "Administration of Foreign Affairs" for fiscal year 1987, not more than $4,000,000 shall be available for the purpose of establishing and maintaining the Office.

(4) INSPECTION BY OFFICE OF INSPECTOR GENERAL.—The Office shall be subject to inspection by the Inspector General of the Department of State.

(c) * * *.

"(b) * * *".

SEC. 414.[28] PROHIBITION ON THE USE OF FUNDS FOR FACILITIES IN ISRAEL, JERUSALEM, OR THE WEST BANK.

None of the funds authorized to be appropriated by this Act may be obligated or expended for site acquisition, development, or construction of any facility in Israel, Jerusalem, or the West Bank.

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[26] Para. (6) was repealed by sec. 405 of Public Law 99-529, 100 Stat. 3010.

[27] 22 U.S.C. 4861.

[28] 22 U.S.C. 4862.

TITLE V—STATE DEPARTMENT AUTHORITIES TO COMBAT INTERNATIONAL TERRORISM

SEC. 501.[29] REWARDS FOR INTERNATIONAL TERRORISTS.

It is the sense of the Congress that the Secretary of State should more vigorously utilize the moneys available under section 36(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(a); relating to rewards for information on international terrorism) to more effectively apprehend and prosecute international terrorists. It is further the sense of the Congress that the Secretary of State should consider widely publicizing the sizable rewards available under present law so that major international terrorist figures may be brought to justice.

SEC. 502.* * *.

SEC. 503.* * *.

SEC. 504.* * *.

SEC. 505.[30] TERRORISM-RELATED TRAVEL ADVISORIES.

The Secretary of State shall promptly advise the Congress whenever the Department of State issues a travel advisory, or other public warning notice for United States citizens traveling abroad, because of a terrorist threat or other security concern.

SEC. 506.* * *.

SEC. 507.* * *.

SEC. 508. NONLETHAL AIRPORT SECURITY EQUIPMENT AND COMMODITIES FOR EGYPT.

In addition to funds otherwise available for such purposes under chapter 8 of part II of the Foreign Assistance Act of 1961, assistance authorized to carry out the purposes of chapter 4 of part II of such Act for the fiscal years 1986 and 1987 (as well as undisbursed balances of previously obligated funds under such chapter) which are allocated for Egypt may be furnished, notwithstanding section 660 of such Act, for the provision of nonlethal airport security equipment and commodities, and training in the use of such equipment and commodities. The authority contained in this section shall be exercised by the Department of State's office responsible for administering chapter 8 of part II of the Foreign Assistance Act of 1961, in coordination with the Agency for International Development.

SEC. 509.* * *.

TITLE VI—INTERNATIONAL NUCLEAR TERRORISM

SEC. 601.[31] ACTIONS TO COMBAT INTERNATIONAL NUCLEAR TERRORISM.

(a) ACTIONS TO BE TAKEN BY THE PRESIDENT.—The Congress hereby directs the President—

(1) to seek universal adherence to the Convention on the Physical Protection of Nuclear Material;

(2) to—

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[29] 22 U.S.C. 2708 note.

[30] 22 U.S.C. 2656e.

[31] 22 U.S.C. 2244.

(A) conduct a review, enlisting the participation of all relevant departments and agencies of the Government, to determine whether the recommendations on Physical Protection of Nuclear Material published by the International Atomic Energy Agency are adequate to deter theft, sabotage, and the use of nuclear facilities and materials in acts of international terrorism, and

(B) transmit the results of this review to the Director-General of the International Atomic Energy Agency;

(3) to take, in concert with United States allies and other countries, such steps as may be necessary—

(A) to keep to a minimum the amount of weapons-grade nuclear material in international transit, and

(B) to ensure that when any such material is transported internationally, it is under the most effective means for adequately protecting it from acts or attempted acts of sabotage or theft by terrorist groups or nations; and

(4) to seek agreement in the United Nations Security Council to establish—

(A) an effective regime of international sanctions against any nation or subnational group which conducts or sponsors acts of international nuclear terrorism, and

(B) measures for coordinating responses to all acts of international nuclear terrorism, including measures for the recovery of stolen nuclear material and the clean-up of nuclear releases.

(b) REPORTS TO THE CONGRESS.—The President shall report to the Congress annually, in the reports required by section 601 of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3281), on the progress made during the preceding year in achieving the objectives described in this section.

SEC. 602.* * *.

SEC. 603.* * *.

SEC. 604. REVIEW OF PHYSICAL SECURITY STANDARDS.

(a) REVIEWS.—The Secretary of Energy, the Secretary of Defense, the Secretary of State, the Director of the Arms Controls and Disarmament Agency, and the Nuclear Regulatory Commision shall each review the adequacy of the physical security standards currently applicable with respect to the shipment and storage (outside the United States) of plutonium, and uranium enriched to more than 20 percent in the isotope 233 or the isotope 235, which is subject to United States prior consent rights, with special attention to protection against risks of seizure or other terrorist acts.

(b) REPORTS.—Not later than 6 months after the date of enactment of this Act, the Secretary of Energy, the Secretary of Defense, the Secretary of State, the Director of the Arms Control and Disarmament Agency, and the Nuclear Regulatory Commission shall each submit a written report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate setting forth the results of the review conducted pursuant to this section, together with appropriate recommendations.

SEC. 605. INTERNATIONAL REVIEW OF THE NUCLEAR TERRORISM PROBLEM.

The Congress strongly urges the President to seek a comprehensive review of the problem of nuclear terrorism by an international conference.

SEC. 606.* * *.

TITLE VII—MULTILATERAL COOPERATION TO COMBAT INTERNATIONAL TERRORISM

SEC. 701. INTERNATIONAL ANTITERRORISM COMMITTEE.

(a) FINDINGS.—The Congress finds that—

(1) international terrorism is and remains a serious threat to the peace and security of free, democratic nations;

(2) the challenge of terrorism can only by met effectively by concerted action on the part of all responsible nations;

(3) the major developed democracies evidenced their commitment to cooperation in the fight against terrorism by the 1978 Bonn Economic Summit Declaration on Terrorism; and

(4) that commitment was renewed and strengthened at the 1986 Tokyo Economic Summit and expressed in a joint statement on terrorism.

(b) INTERNATIONAL ANTITERRORISM COMMITTEE—The Congress hereby directs the President to continue to seek the establishment of an international committee, to be known as the International Antiterrorism Committee. As a first step in establishing such committee, the President should propose to the North Atlantic Treaty Organization the establishment of a standing political committee to examine all aspects of international terrorism, review opportunities for cooperation, and make recommendations to member nations. After the establishment of this committee, the President should invite such other countries who may choose to participate. The purpose of the International Antiterrorism Committee should be to focus the attention and secure the cooperation of the governments and the public of the participating countries and of other countries on the problems and responses to international terrorism (including nuclear terrorism), by serving as a forum at both the political and law enforcement levels.

SEC. 702. INTERNATIONAL ARRANGEMENTS RELATING TO PASSPORTS AND VISAS.

The Congress strongly urges the President to seek the negotiation of international agreements (or other appropriate arrangements) to provide for the sharing of information relating to passports and visas in order to enhance cooperation among countries in combating international terrorism.

SEC. 703. PROTECTION OF AMERICANS ENDANGERED BY THE APPEARANCE OF THEIR PLACE OF BIRTH ON THEIR PASSPORTS.

(a) FINDINGS.—The Congress finds that some citizens of the United States may be specially endangered during a hijacking or other terrorist incident by the fact that their place of birth appears on their United States passport.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Congress on the implications of deleting the place of birth as a required item of information on passports.

SEC. 704. USE OF DIPLOMATIC PRIVILEGES AND IMMUNITIES FOR TERRORISM PURPOSES.

The Congress strongly urges the President to instruct the Permanent Representative of the United States to the United Nations to seek the adoption of a resolution in the United Nations condemning the use for terrorist purposes of diplomatic privileges and immunities under the Vienna Convention on Diplomatic Relations, especially the misuse of diplomatic pouches and diplomatic missions.

SEC. 705. REPORTS ON PROGRESS IN INCREASING MULTILATERAL COOPERATION.

Not later than February 1, 1987, the President shall submit a report to the Congress on the steps taken to carry out each of the preceding sections of this title (except for section 703) and the progress being made in achieving the objectives described in these sections.

TITLE VIII—VICTIMS OF TERRORISM COMPENSATION

SEC. 801. SHORT TITLE.

This title may be cited as the "Victims of Terrorism Compensation Act."

SEC. 802. PAYMENT TO INDIVIDUALS HELD IN CAPTIVE STATUS BETWEEN NOVEMBER 4, 1979, AND JANUARY 21, 1981.

The amount of the payment for individuals in the Civil Service referred to in section 5569(d) of title 5, United States Code (as added by section 803 of this title), or for individuals in the uniformed services referred to in section 559(c) of title 37, United States Code (as added by section 806 of this title), as the case may be, shall be $50 for each day any such individual was held in captive status during a period commencing on or after November 4, 1979, and ending on or before January 21, 1981.

SEC. 803. BENEFITS FOR CAPTIVES AND OTHER VICTIMS OF HOSTILE ACTION.

(a) In General.—Subchapter VII of chapter 55 of title 5, United States Code, is amended by adding at the end therefore the following:

"§ 5569. Benefits for captives

"(a) For the purpose of this section—

"(1) 'captive' means any individual in a captive status commencing while such individual is—

"(A) in the Civil Service, or

"(B) a citizen, national, or resident alien of the United States rendering personal service to the United States similar to the service of an individual in the Civil Service (other than as a member of the uniformed services);

"(2) 'captive status' means a missing status which, as determined by the President, arises because of a hostile action and is a result of the individual's relationship with the Government;

"(3) 'missing status'—

"(A) in the case of an employee, has the meaning provided under section 5561(5) of this title; and

"(B) in the case of an individual other than an employee, has a similar meaning; and

"(4) 'family member,' as used with respect to a person, means—

"(A) any dependent of such person; and

"(B) any individual (other than a dependent under subparagraph (A)) who is a member of such person's family or household.

"(b)(1) The Secretary of the Treasury shall establish a savings fund to which the head of an agency may allot all or any portion of the pay and allowances of any captive to the extent that such pay and allowances are not subject to an allotment under section 5563 of this title or any other provision of law.

"(2) Amounts so allotted to the savings fund shall bear interest at a rate which, for any calendar quarter, shall be equal to the average rate paid on United States Treasury bills with 3-month maturities issued during the preceding calendar quarter. Such interest shall be compounded quarterly.

"(3) Amounts in the savings fund credited to a captive shall be considered as pay and allowances for purposes of section 5563 of this title and shall otherwise be subject to withdrawal under procedures which the Secretary of the Treasury shall establish.

"(4) Any interest accruing under this subsection on—

"(A) any amount for which an individual is indebted to the United States under section 5562(c) of this title shall be deemed to be part of the amount due under such section 5562(c); and

"(B) any amount referred to in section 5566(f) of this title shall be deemed to be part of such amount for purposes of such section 5566(f).

"(5) An allotment under this subsection may be made without regard to section 5563(c) of this title.

"(c) The head of an agency shall pay (by advancement or reimbursement) any individual who is a captive, and any family member of such individual, for medical and health care, and other expenses related to such care, to the extent that such care—

"(1) is incident to such individual being a captive; and

"(2) is not covered—

"(A) by any Government medical or health program; or

"(B) by insurance.

"(d)(1) Except as provided in paragraph (3), the President shall make a cash payment, computed under paragraph (2), to any individual who became or becomes a captive commencing on or after November 4, 1979. Such payment shall be made before the end of the one-year period beginning on the date on which the captive status of such individual terminates or, in the case of any individual whose status as a captive terminated before the date of the enactment of the Victims of Terrorism Compensation Act, before the end of the one-year period beginning on such date.

"(2) Except as provided in section 802 of the Victims of Terrorism Compensation Act, the amount of the payment under this subsection with respect to an individual held as a captive shall be not less than one-half of the amount of the world-wide average per diem rate under section 5702 of this title which was in effect for each day that individual was so held.

"(3) The President—

"(A) may refer a payment under this subsection in the case of any individual who, during the one-year period described in paragraph (1), is charged with an offense described in subparagraph (B), until final disposition of such charge; and

"(B) may deny such payment in the case of any individual who is convicted of an offense described in subsection (b) or (c) of section 8312 of this title committed—

"(i) during the period of captivity of such individual; and

"(ii) related to the captive status of such individual.

"(4) A payment under this subsection shall be in addition to any other amount provided by law.

"(5) The provisions of subchapter VIII of this chapter (or, in the case of any person not covered by such subchapter, similar provisions prescribed by the President) shall apply with respect to any amount due an individual under paragraph (1) after such individual's death.

"(6) Any payment made under paragraph (1) which is later denied under paragraph (3)(B) is a claim of the United States Government for purposes of section 3711 of title 31.

"(e)(1) Under regulations prescribed by the President, the benefits provided by the Soldiers' and Sailors' Civil Relief Act of 1940 including the benefits provided by section 701 of such Act but excluding the benefits provided by sections 104, 105, 106, 400 through 408, 501 through 512, and 514 of such Act, shall be provided in the case of any individual who is a captive.

"(2) In applying such Act under this subsection—

"(A) the term 'person in the military service' is deemed to include any such captive;

"(B) the term 'period of military service' is deemed to include the period during which the individual is in a captive status; and

"(C) references to the Secretary of the Army, the Secretary of the Navy, the Adjutant General of the Army, the Chief of Naval Personnel, and the Commandant, United States Marine Corps, are deemed, in the case of any captive, to be references to an individual designated for that purpose by the President.

"(f)(1)(A) Under regulations prescribed by the President, the head of an agency shall pay (by advancement or reimbursement) a spouse or child of a captive for expenses incurred for subsistence, tuition, fees, supplies, books, and equipment, and other educational expenses, while attending an educational or training institution.

"(B) Except as provided in subparagraph (C), payments shall be available under this paragraph for a spouse or child of an individual who is a captive for education or training which occurs—

"(i) after that individual has been in captive status for 90 days or more, and

"(ii) on or before—

"(I) the end of any semester or quarter (as appropriate) which begins before the date on which the captive status of that individual terminates, or

"(II) if the educational or training institution is not operated on a semester or quarter system, the earlier of the end of any course which began before such date or the end of the 16-week period following that date.

In order to respond to special circumstances, the appropriate agency head may specify a date for purposes of cessation of assistance under clause (ii) which is later than the date which would otherwise apply under such clause.

"(C) In the event a captive dies and the death is incident to that individual being a captive, payments shall be available under this paragraph for a spouse or child of such individual for education or training which occurs after the date of such individual's death.

"(D) The preceding provisions of this paragraph shall not apply with respect to any spouse or child who is eligible for assistance under chapter 35 of title 38 or similar assistance under any other provision of law.

"(E) For the purpose of this paragraph, 'child' means a dependent under section 5561(3)(B) of this title.

"(2)(A) In order to respond to special circumstances, the head of an agency may pay (by advancement or reimbursement) a captive for expenses incurred for subsistence, tuition, fees, supplies, books, and equipment, and other educational expenses, while attending an educational or training institution.

"(B) Payments shall be available under this paragraph for a captive for education or training which occurs—

"(i) after the termination of that individual's captive status, and

"(ii) on or before—

"(I) the end of any semester or quarter (as appropriate) which begins before the date which is 10 years after the day on which the captive status of that individual terminates, or

"(II) if the educational or training institution is not operated on a semester or quarter system, the earlier of the end of any course which began before such date or the end of the 16-week period following that date, and

shall be available only to the extent that such payments are not otherwise authorized by law.

"(3) Assistance under this subsection—

"(A) shall be discontinued for any individual whose conduct or progress is unsatisfactory under standards consistent with those established pursuant to section 1724 of title 38; and

"(B) may not be provided for any individual for a period in excess of 45 months (or the equivalent thereof in other than fulltime education or training).

"(4) Regulations prescribed to carry out this subsection shall provide that the program under this subsection shall be consistent with the assistance program under chapters 35 and 36 of title 38.

"(g) Any benefit provided under subsection (c) or (d) may, under regulations prescribed by the President, be provided to a family member of an individual if—

"(1) such family member is held in captive status; and

"(2) such individual is performing service for the United States as described in subsection (a)(1)(A) when the captive status of such family member commences.

"(h) Except as provided in subsection (d), this section applies with respect to any individual in a captive status commencing after January 21, 1981.

"(i) Notwithstanding any other provision of this subchapter, any determination by the President under subsection (a)(2) or (d) shall be conclusive and shall not be subject to judicial review.

"(j) The President may prescribe regulations necessary to administer this section.

"(k) Any benefit or payment pursuant to this section shall be paid out of funds available for salaries and expenses of the relevant agency of the United States.

"§ 5570. Compensation for disability or death

"(a) For the purpose of this section—

"(1) 'employee' means—

"(A) any individual in the Civil Service; and

"(B) any individual rendering personal service to the United States similar to the service of an individual in the Civil Service (other than as a member of the uniformed services); and

"(2) 'family member', as used with respect to an employee, means—

"(A) any dependent of such employee; and

"(B) any individual (other than a dependent under subparagraph (A)) who is a member of the employee's family or household.

"(b) The President shall prescribe regulations under which an agency head may pay compensation for the disability or death of an employee or a family member of an employee if, as determined by the President, the disability or death was caused by hostile action and was a result of the individual's relationship with the Government.

"(c) Any compensation otherwise payable to an individual under this section in connection with any disability or death shall be reduced by any amounts payable to such individual under any other program funded in whole or in part by the United States (excluding any amount payable under section 5569(d) of this title) in connection with such disability or death, except that nothing in this subsection shall result in the reduction of any amount below zero.

"(d) A determination by the President under subsection (b) shall be conclusive and shall not be subject to judicial review.

"(e) Compensation under this section may include payment (whether by advancement or reimbursement) for any medical or health expenses relating to the death or disability involved to the extent that such expenses are not covered under subsection (c) of section 5569 of this title (other than because of paragraph (2) of such subsection).

"(f) This section applies with respect to any disability or death resulting from an injury which occurs after January 21, 1981.

"(g) Any benefit or payment pursuant to this section shall be paid out of funds available for salaries and expenses of the relevant agency of the United States.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5568 the following:

"5569. Benefits for captives.
"5570. Compensation for disability or death.".

SEC. 804. RETENTION OF LEAVE BY ALIEN EMPLOYEES FOLLOWING INJURY FROM HOSTILE ACTION ABROAD.

Section 6325 of title 5, United States Code, is amended by adding at the end thereof the following: "The preceding provisions of this section shall apply in the case of an alien employee referred to in section 6301(2)(viii) of this title with respect to any leave granted to such alien employee under section 6310 of this title or section 408 of the Foreign Service Act of 1980.".

SEC. 805. TRANSITION PROVISIONS

(a) SAVINGS FUND.—(1) Amounts may be allotted to the savings fund under subsection (b) of section 5569 of title 5, United States Code (as added by section 803(a) of this Act) from pay and allowances for any pay period ending after January 21, 1981, and before the establishment of such fund.

(2) Interest on amounts so allotted with respect to any such pay period shall be calculated as if the allotment had occurred at the end of such pay period.

(b) MEDICAL AND HEALTH CARE; EDUCATIONAL EXPENSES.—Subsections (c) and (f) of such section 5569 (as so added) shall be carried out with respect to the period after January 21, 1981, and before the effective date of those subsections, under regulations prescribed by the President.

(c) DEFINITION.—For the purpose of this subsection, "pay and allowances" has the meaning provided under section 5561 of title 5, United States Code.

SEC. 806. BENEFITS FOR MEMBERS OF UNIFORMED SERVICES WHO ARE VICTIMS OF HOSTILE ACTION.

(a) PAYMENTS.—(1) Chapter 10 of title 37, United States Code is amended by adding at the end thereof the following new section:

"§ 559. Benefits for members held as captives

"(a) In this section—

"(1) 'captive status' means a missing status of a member of the uniformed services which, as determined by the President, arises because of a hostile action and is a result of membership in the uniformed services, but does not include a period of capitivity of a member as a prisoner of war if Congress provides to such member, in an Act enacted after the date of the enactment of the Victims of Terrorism Compensation Act, monetary payment in respect of such period of captivity; and

"(2) 'former captive' means a person who, as a member of the uniformed services, was held in a captive status.

"(b)(1) The Secretary of the Treasury shall establish a savings fund to which the Secretary concerned may allot all or any portion of the pay and allowances of any member of the uniformed services who is in a captive status to the extent that such pay and allowances are not subject to an allotment under section 553 of this title or any other provision of law.

"(2) Amounts so allotted shall bear interest at a rate which for any calendar quarter, shall be equal to the average rate paid on United States Treasury bills with three-month maturities issued during the preceding calendar quarter. Such interest shall be computed quarterly.

"(3) Amounts in the savings fund credited to a member shall be considered as pay and allowances for purposes of section 553(c) of this title and shall otherwise be subject to withdrawal under procedures which the Secretary of the Treasury shall establish.

"(4) Any interest accruing under this subsection on—

"(A) any amount for which a member is indebted to the United States under section 552(c) of this title shall be deemed to be part of the amount due under such section; and

"(B) any amount referred to in section 556(f) of this title shall be deemed to be part of such amount for purposes of such section.

"(5) An allotment under this subsection may be made without regard to section 553(c) of this title.

"(c)(1) Except as provided in paragraph (3) of this subsection, the President shall make a cash payment to any person who is a former captive. Such payment shall be made before the end of the one-year period beginning on the date on which the captive status of such person terminates.

"(2) Except as provided in section 802 of the Victims of Terrorism Compensation Act, the amount of such payment shall be determined by the President under the provisions of section 5569(d)(2) of title 5.

"(3)(A) The President—

"(i) may defer such payment in the case of any former captive who during such one-year period is charged with an offense described in clause (ii) of this subparagraph, until final disposition of such charge; and

"(ii) may deny such payment in the case of any former captive who is convicted of a captivity-related offense—

"(I) referred to in subsection (b) or (c) of section 8312 of title 5; or

"(II) under chapter 47 of title 10 (the Unform Code of Military Justice) that is punishable by dishonorable discharge, dismissal, or confinement for one year or more.

"(B) For the purposes of subparagraph (A) of this paragraph, a captivity-related offense is an offense that is—

"(i) committed by a person while the person is in a captive status; and

"(ii) related to the captive status of the person.

"(4) A payment under this subsection is in addition to any other amount provided by law.

"(5) Any amount due a person under this subsection shall, after the death of such person, be deemed to be pay and allowances for the purposes of this chapter.

"(6) Any payment made under paragraph (1) of this subsection that is later denied under paragraph (3)(A)(ii) of this subsection is a claim of the United States Government for purposes of section 3711 of title 31.

"(d) A determination by the President under subsection (a)(1) or (c) of this section is final and is not subject to judicial review.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"559. Benefits for members held as captives.".

(3)(A)(i) Except as provided in clause (ii), section 559 of title 37, United States Code, as added by paragraph (1), shall apply to any person whose captive status begins after January 21, 1981.

(ii)(I) Subsection (c) of such section shall apply to any person whose capitive status begins on or after November 4, 1979.

(II) In the case of any person whose status as a captive terminated before the date of the enactment of this Act, the President shall make a payment under paragraph (1) of such subsection before the end of the one-year period beginning on such date.

(B) Amounts may be allotted to a savings fund established under such section from pay and allowances for any pay period ending after January 21, 1981, and before the establishment of such fund.

(C) Interest on amounts so allotted with respect to any such pay period shall be calculated as if the allotment had occurred at the end of such pay period.

(b) DISABILITY AND DEATH BENEFITS.—(1) Chapter 53 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 1051. Disability and death compensation: dependents of members held as captives

"(a) The President shall prescribe regulations under which the Secretary concerned may pay compensation for the disability or death of a dependent of a member of the uniformed services if the President determines that the disability or death—

"(1) was caused by hostile action; and

"(2) was a result of the relationship of the dependent to the member of the uniformed services.

"(b) Any compensation otherwise payable to a person under this section in connection with any disability or death shall be reduced by any amount payable to such person under any other program funded in whole or in part by the United States in connection with such disability or death, except that nothing in this subsection shall result in the reduction of any amont below zero.

"(c) A determination by the President under subsection (a) is conclusive and is not subject to judicial review.

"(d) In this section:

"(1) 'Dependent' has the meaning given that term in section 551 of that title.

"(2) 'Secretary concerned' and 'uniformed services' have the meanings given those terms in section 101 of that title.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1051. Disability and death compensation: dependents of members held as captives.".

(3) Section 1051 of title 10, United States Code, as added by paragraph (1), shall apply with respect to any disability or death resulting from an injury that occurs after January 21, 1981.

(c) MEDICAL BENEFITS.—(1) Chapter 55 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 1095. Medical care: members held as captives and their dependents

"(a) Under regulations prescribed by the President, the Secretary concerned shall pay (by advancement or reimbursement) any person who is a former captive, and any dependent of that person or of a person who is in a captive status, for health care and other expenses related to such care, to the extent that such care—

"(1) is incident to the captive status; and

"(2) is not covered—

"(A) by any other Government medical or health program; or

"(B) by insurance.

"(b) In the case of any peson who is eligible for medical care under section 1074 or 1076 of this title, such regulations shall require that, whenever practicable, such care be provided in a facility of the uniformed services.

"(c) In this section:

"(1) 'Captive status' and 'former captive' have the meanings given those terms in section 559 of title 37.

"(2) 'Dependent' has the meaning given that term in section 551 of that title.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1095. Medical care: members held as captives and their dependents.".

(3)(A) Section 1095 of title 10, United States Code, as added by paragraph (1), shall apply with respect to any person whose captive status begins after January 21, 1981.

(B) The President shall prescribe specific regulations regarding the carrying out of such section with respect to persons whose captive status begins during the period beginning on January 21, 1981, and ending on the effective date of that section.

(d) EDUCATIONAL ASSISTANCE.—(1) Part III of title 10, United States Code, is amended by adding at the end thereof the following new chapter:

"CHAPTER 110—EDUCATIONAL ASSISTANCE FOR MEMBERS HELD AS CAPTIVES AND THEIR DEPENDENTS

"Sec.
"2181. Definitions.
"2182. Educational assistance: dependents of captives.
"2183. Educational assistance: former captives.
"2184. Termination of assistance.
"2185. Programs to be consistent with programs administered by the Veterans' Administration.

"§ 2181. Definitions

"In this chapter:

"(1) 'Captive status' and 'former captive' have the meanings given those terms in section 559 of title 37.

"(2) 'Dependent' has the meaning given that term in section 551 of that title.

"§ 2182. Educational assistance: dependents of captives

"(a) Under regulations prescribed by the President, the Secretary concerned shall pay (by advancement or reimbursement) a dependent of a person who is in a captive status for expenses incurred, while attending an educational or training institution, for—

"(1) substance;
"(2) tuition;
"(3) fees;
"(4) supplies;
"(5) books;
"(6) equipment; and
"(7) other educational expenses.

"(b) Except as provided in section 2184 of this title, payments shall be available under this section for dependent of a person who is in a captive status for education or training that occurs—

"(1) after that person is in a captive status for not less than 90 days; and

"(2) on or before—

"(A) the end of any semester or quarter (as appropriate) that begins before the date on which the captive status of that person terminates;

"(B) the earlier of the end of any course that began before such date or the end of the 16-week period following that date if the education or training institution is not operated on a semester or quarter system; or

"(C) a date specified by the Secretary concerned in order to repond to special circumstances.

"(c) If a person in a captive status or a former captive dies and the death is incident to the captivity, payments shall be available under this section for a dependent of that person for education or training that occurs after the date of the death of that person.

"(d) The provisions of this section shall not apply to any dependent who is eligible for assistance under chapter 35 of title 38 or similar assistance under any other provision of law.

"§ 2183. Educational assistance: former captives

"(a) In order to respond to special circumstances, the Secretary concerned may pay (by advancement or reimbusement) a person who is a former captive for expenses incurred, while attending an educational or training institution, for—

"(1) substance;
"(2) tuition;
"(3) fees;
"(4) supplies;
"(5) books;
"(6) equipment; and
"(7) other educational expenses.

"(b) Except as provided in section 2184 of this title, payments shall be available under this section for a person who is a former captive for eduction or training that occurs—

"(1) after the termination of the status of that person as a captive; and

"(2) on or before—

"(A) the end of any semester or quarter (as appropriate) that begins before the end of the 10-year period beginning on the date on which the status of that person as a captive terminates; or

"(B) if the educational or training institution is not operated on a semester or quarter system, the earlier of the end of any course that began before such date or the end of the 16-week period following that date.

"(c) Payments shall be available under this section only to the extent that such payments are not otherwise authorized by law.

"§ 2184. Termination of assistance

"Assistance under this chapter—

"(1) shall be discounted for any person whose conduct or progress is unsatisfactory under standards consistent with those established under section 1724 of title 38; and

"(2) may not be provided for any person for more than 45 months (for the equivalent in other than full-time education or training).

"§ 2185. Programs to be consistent with programs administered by the Veterans' Administration

"Regulations prescribed to carry out this chapter shall provide that the programs under this chapter shall be consistant with the educational assistance programs under chapters 35 and 36 of title 38.".

(2) The table of chapters at the beginning of subtitle A of such title, and the table of chapters at the beginning of part III of such subtitle, are amended by inserting after the item relating to chapter 109 the following new item:

"110. Educational Assistance for Members Held as Captives and Their Dependents .... 2181".

(3) Chapter 110 of title 10, United States Code, as added by paragraph (1) shall apply with respect to persons whose captive status begins after January 21, 1981.

(e) Account Used for Payment of Compensation for Victims of Terrorism.—(1) Chapter 19 of title 37, United States Code, is amended by adding at the end thereof the following new section:

"§ 1013. Payment of compensation for victims of terrorism

"Any benefit or payment pursuant to section 559 of this title, or section 1051 or 1095 or chapter 110 of title 10, shall be paid out of funds available to the Secretary concerned for military personnel.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1013. Payment of compensation for victims of terrorism.".

SEC. 807. REGULATIONS.

Any regulation required by this title or by any amendment made by this title shall take effect not later thatn 6 months after the date of enactment of this Act.

SEC. 808. EFFECTIVE DATE OF ENTITLEMENTS.

Provisions enacted by this title which provide new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act of 1974 shall not be effective until October 1, 1986.

TITLE IX—MARITIME SECURITY

SEC. 901. SHORT TITLE.

This title may be cited as the "International Maritime and Port Security Act".

SEC. 902.[32] INTERNATIONAL MEASURES FOR SEAPORT AND SHIPBOARD SECURITY.

The Congress encourages the President to continue to seek agreement through the International Maritime Organization on matters of international seaport and shipboard security, and commends him on his efforts to date. In developing such agreement, each member country of the International Maritime Organization should consult with appropriate private sector interests in that country. Such agreement would establish seaport and vessel security measures and could include—

(1) seaport screening of cargo and baggage similar to that done at airports;

(2) security measures to restrict access to cargo, vessels, and dockside property to authorized personnel only;

(3) additional security on board vessels;

(4) licensing or certification of compliance with appropriate security standards; and

(5) other appropriate measures to prevent unlawful acts against passengers and crews on board vessels.

SEC. 903. MEASURES TO PREVENT UNLAWFUL ACTS AGAINST PASSENGERS AND CREWS ON BOARD SHIPS.

(a) REPORT ON PROGRESS OF IMO.—The Secretary of Transportation and the Secretary of State, jointly, shall report to the Congress by February 28, 1987, on the progress of the International Maritime Organization in developing recommendations on Measures to prevent Unlawful Acts Against Passengers and Crews On Board Ships.

(b) CONTENT OF REPORT.—The report required by subsection (a) shall include the following information—

(1) the specific areas of agreement and disagreement on the recommendations among the member nations of the International Maritime Organization;

(2) the activities of the Maritime Safety Committee, the Facilitation Committee, and the Legal Committee of the International Maritime Organization in regard to the proposed recommendations; and

(3) the security measures specified in the recommendations.

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[32] 46 U.S.C. app. 1801.

(c) SECURITY MEASURES AT UNITED STATES PORTS.—If the member nations of the International Maritime Organization have not finalized and accepted the proposed recommendations by February 28, 1987, the Secretary of Transportation shall include in the report required by this section a proposed plan of action (including proposed legislation if necessary) for the implementation of security measures at United States ports and on vessels operating from those parts based on the assessment of threat from acts of terrorism reported by the Secretary of Transportation under section 905.

SEC. 904. PANAMA CANAL SECURITY.

Not later than 6 months after the date of enactment of this Act, the President shall report to the Congress on the status of physical security at the Panama Canal with respect to the threat of terrorism.

SEC. 905.[33] THREAT OF TERRORISM TO UNITED STATES PORTS AND VESSELS.

Not later than February 28, 1987, and annually thereafter, the Secretary of Transportation shall report to the Congress on the threat from acts of terrorism to United States ports and vessels operating from those ports.

SEC. 906. PORT, HARBOR, AND COASTAL FACILITY SECURITY.

The Ports and Waterways Safety Act of 1972 (33 U.S.C. 1221 et seq.) is amended by inserting after section 6 of the following new section:

"Sec. 7. PORT, HARBOR, AND COASTAL FACILITY SECURITY.

"(a) GENERAL AUTHORITY.—The Secretary may take actions described in subsection (b) to prevent or respond to an act of terrorism against—

"(1) an individual, vessel, or public or commercial structure, that is—

"(A) subject to the jurisdiction of the United States; and

"(B) located within or adjacent to the marine environment; or

"(2) a vessel of the United States or an individual on board that vessel.

"(b) SPECIFIC AUTHORITY.—Under subsection (a), the Secretary may—

"(1) carry out or require measures, including inspections, port and harbor patrols, the establishment of security and safety zones, and the development of contingency plans and procedures, to prevent or respond to acts of terrorism; and

"(2) recruit members of the Regular Coast Guard and the Coast Guard Reserve and train members of the Regular Coast Guard and the Coast Guard Reserve in the techniques of preventing and responding to acts of terrorism.".

SEC. 907.[34] SECURITY STANDARDS AT FOREIGN PORTS.

(a) ASSESSMENT OF SECURITY MEASURES.—The Secretary of Transportation shall develop and implement a plan to assess the effectiveness of the security measures maintained at those foreign ports which the Secretary, in consultation with the Secretary of State, determines pose a high risk of acts of terrorism directed against passenger vessels.

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[33] 46 U.S.C. app. 1802

[34] 46 U.S.C. app. 1803.

(b) CONSULTATION WITH THE SECRETARY OF STATE.—In carrying out subsection (a), the Secretary of Transportation shall consult the Secretary of State with respect to the terrorist threat which exists in each country and poses a high risk of acts of terrorism directed against passenger vessels.

(c) REPORT OF ASSESSMENTS.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall report to the Congress on the plan developed pursuant to subsection (a) and how the Secretary will implement the plan.

(d) DETERMINATION AND NOTIFICATION TO FOREIGN COUNTRY.—If, after implementing the plan in accordance with subsection (a), the Secretary of Transportation determines that a port does not maintain and administer effective security measures, the Secretary of State (after being informed by the Secretary of Transportation) shall notify the appropriate government authorities of the country in which the port is located of such determination, and shall recommend the steps necessary to bring the security measures in use at that port up to the standard used by the Secretary of Transportation in making such assessment.

(e) ANTITERRORISM ASSISTANCE RELATED TO MARITIME SECURITY.—The President is encouraged to provide antiterrorism assistance related to maritime security under chapter 8 of part II of the Foreign Assistance Act of 1961 to foreign countries, especially with respect to a port which the Secretary of Transportation determines under subsection (d) does not maintain and administer effective security measures.

SEC. 908.[35] TRAVEL ADVISORIES CONCERNING SECURITY AT FOREIGN PORTS.

(a) TRAVEL ADVISORY.—Upon being notified by the Secretary of Transportation that the Secretary has determined that a condition exists that threatens the safety or security of passengers, passenger vessels, or crew traveling to or from a foreign port which the Secretary of Transportation has determined pursuant to section 907(d) to be a port which does not maintain and administer effective security measures, the Secretary of State shall immediately issue a travel advisory with respect to that port. Any travel advisory issued pursuant to this subsection shall be published in the Federal Register. The Secretary of State shall take the necessary steps to widely publicize that travel advisory.

(b) LIFTING OF TRAVEL ADVISORY.—The travel advisory required to be issued under subsection (a) may be lifted only if the Secretary of Transportation, in consultation with the Secretary of State, has determined that effective security measures are maintained and administered at the port with respect to which the Secretary of Transportation had made the determination described in section 907(d).

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[35] 46 U.S.C. app. 1804.

(c) NOTIFICATION TO CONGRESS.—The Secretary of State shall immediately notify the Congress of any change in the status of a travel advisory imposed pursuant to this section.

SEC. 909.[36] SUSPENSION OF PASSENGER SERVICES.

(a) PRESIDENT'S DETERMINATION.—Whenever the President determines that a foreign nation permits the use of territory under its jurisdiction as a base of operations or training for, or as a sanctuary for, or in any way arms, aids, or abets, any terrorist or terrorist group which knowingly uses the illegal seizure of passenger vessels or the threat thereof as an instrument of policy, the President may, without notice or hearing and for as long as the President determines necessary to asure the security of passenger vessels against unlawful seizure, suspend the right of any passenger vessel common carrier to operate to and from, and the right of any passenger vessel of the United States to utilize, any port in that foreign nation for passenger service.

(b) PROHIBITION.—It shall be unlawful for any passenger vessel common carrier, or any passenger vessel of the United States, to operate in violation of the suspension of rights by the President under this section.

(c) PENALTY.—(1) If a person operates a vessel in violation of this section, the Secretary of the department in which the Coast Guard is operating may deny the vessels of that person entry to United States ports.

(2) A person violating this section is liable to the United States Government for a civil penalty of not more than $50,000. Each day a vessel utilizes a prohibited port shall be a separate violation of this section.

SEC. 910.[37] SANCTIONS FOR THE SEIZURE OF VESSELS BY TERRORISTS.

The Congress encourages the President—

(1) to review the adequacy of domestic and international sanctions against terrorists who seize or attempt to seize vessels; and

(2) to strengthen where necessary, through bilateral and multilateral efforts, the effectiveness of such sanctions.

Not later than one year after the date of enactment of this Act, the President shall submit a report to the Congress which includes the review of such sanctions and the efforts to improve such sanctions.

SEC. 911.[38] DEFINITIONS.

For purposes of this title—

(1) the term "common carrier" has the same meaning given such term in section 3(6) of the Shipping Act of 1984 (46 U.S.C. App. 1702(6)); and

(2) the terms "passenger vessel" and "vessel of the United States" have the same meaning given such terms in section 2102 of title 46, United States Code.

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[36] 46 U.S.C. app. 1805.
[37] 46 U.S.C. app. 1806.
[38] 46 U.S.C. app. 1807.

SEC 912.[39] AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $12,500,000 for each of the fiscal years 1987 through 1991, to be available to the Secretary of Transportation to carry out this title.

SEC. 913.[40] REPORTS.

(a) CONSOLIDATION.—To the extent practicable, the reports required under sections 903, 905, and 907 shall be consolidated into a single document before being submitted to the Congress. Any classified material in those reports shall be submitted separately as an addendum to the consolidated report.

(b) SUBMISSION TO COMMITTEES.—The reports required to be submitted to the Congress under this title shall be submitted to the Committee on Foreign Affairs and the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Foreign Relations and the Committee on Commerce, Science and Transportation of the Senate.

TITLE X—FASCELL FELLOWSHIP PROGRAM

SEC. 1001. SHORT TITLE.

This title may be cited as the "Fascell Fellowship Act."

SEC. 1002.[41] FELLOWSHIP PROGRAM FOR TEMPORARY SERVICE AT UNITED STATES MISSIONS IN THE SOVIET UNION AND EASTERN EUROPE.

(a) ESTABLISHMENT.—There is hereby established a fellowship program pursuant to which the Secretary of State will provide fellowships to United States citizens while they serve, for a period of between one and two years, in positions formerly held by foreign national employees at United States diplomatic or consular missions in the Soviet Union or Eastern European countries.

(b) DESIGNATION OF FELLOWSHIPS.—Fellowships under this title shall be known as "Fascell Fellowships."

(c) PURPOSE OF THE FELLOWSHIPS.—Fellowships under this title shall be provided in order to allow the recipient (hereafter in this title referred to as a "Fellow") to serve on a short-term basis at a United States diplomatic or consular mission in the Soviet Union or an Eastern European country in order to obtain first hand exposure to that country, including (as appropriate) independent study in Soviet or Eastern European area studies or languages.

(d) INDIVIDUALS WHO MAY RECEIVE A FELLOWSHIP.—To receive a fellowship under this title, an individual must be a United States citizen who is an undergraduate or graduate student, a teacher, scholar, or other academic, or an other individual, who has expertise in Soviet or Eastern European area studies or languages and who has a working knowledge of the principal language of the country in which he or she would serve.

(e) WOMEN AND MEMBERS OF MINORITY GROUPS.—In carrying out this section, the Secretary of State shall activity recruit women and members of minority groups.

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[39] 46 U.S.C. app. 1808.
[40] 46 U.S.C. app. 1809.
[41] 22 U.S.C. 4901.

SEC. 1003.[42] FELLOWSHIP BOARD.

(a) Establishment and Function.—There is hereby established a Fellowship Board (hereafter in this title referred to as the "Board"), which shall select the individuals who will be eligible to serve as Fellows.

(b) Membership.—The Board shall consist of 9 members as follows:

(1) A senior official of the Department of State (who shall be the chair of the Board), designated by the Secretary of State.

(2) An officer or employee of the Department of Commerce, designated by the Secretary of Commerce.

(3) An officer or employee of the United States Information Agency, designated by the Director of that Agency.

(4) Six academic specialists in Soviet or Eastern European area studies or languages, appointed by the Secretary of State (in consultation with the chairman and ranking minority member of the Committee on Foreign Affairs of the House of Representatives and the chairman and ranking miniority of the Committee on Foreign Relations of the Senate).

(c) Meetings.—The Board shall meet at least once each year to select the individuals who will be eligible to serve as Fellows.

(d) Compensation and Per Diem.—Members of the Board shall receive no compensation on account of their service on the Board, but while away from their homes or regular places of business in the performance of their duties under this title, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5 of the United States Code.

SEC. 1004.[43] FELLOWSHIPS.

(a) Number.—Up to 100 fellowships may be provided under this title each year.

(b) Remuneration and Period.—The Board shall determine, taking into consideration the position in which each Fellow will serve and his or her experience and expertise—

(1) the amount of remuneration the Fellow will receive for his or her service under this title, and

(2) the period of the fellowship, which shall be between one and two years.

(c) Training.—Each Fellow may be given appropriate training at the Foreign Service Institute or other appropriate institution.

(d) Housing and transportation.—The Secretary of State shall, pursuant to regulations—

(1) provide housing for each Fellow while the Fellow is serving abroad, including (where appropriate) housing for family members; and

(2) pay the costs and expenses incurred by each Fellow in traveling between the United States and the country in which the Fellow serves, including (where appropriate) travel for family members.

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[42] 22 U.S.C. 4902.

[43] 22 U.S.C. 4903.

(e) Effective Date.—Subsection (d) of this section shall not take effect until October 1, 1986.

SEC. 1005.[44] SECRETARY OF STATE.

(a) Determinations.—The Secretary of State shall determine which of the individuals selected by the Board will serve at each United States diplomatic or consular mission in the Soviet Union or Eastern Europe and the position in which each will serve.

(b) Authorities.—Such service shall be in accordance with the relevant authorities of the Foreign Service Act of 1980, the State Department Basic Authorities Act of 1956, and title 5 of the United States Code.

(c) Funding.—Funds appropriated to the Department of State for "Salaries and Expenses" shall be used for the expenses incurred in carrying out this title.

TITLE XI—SECURITY AT MILITARY BASES ABROAD

SEC. 1101.[45] FINDINGS.

The Congress finds that—

(1) there is evidence that terrorists consider bases and installations of United States Armed Forces outside the United States to be targets for attack;

(2) more attention should be given to the protection of members of the Armed Forces, and members of their families, stationed outside the United States; and

(3) current programs to educate members of the Armed Forces, and members of their families, stationed outside of the United States to the threats of terrorist activity and how to protect themselves should be substantially expanded.

SEC. 1102.[45] RECOMMENDED ACTIONS BY THE SECRETARY OF DEFENSE.

It is the sense of the Congress that—

(1) the Secretary of Defense should review the security of each base and installation of the Department of Defense outside the United States, including the family housing and support activities of each such base or installation, and take the steps the Secretary considers necessary to improve the security of such bases and installations; and

(2) the Secretary of Defense should insitute a program of training for members of the Armed Forces, and for members of their families, stationed outside the United States concerning security and antiterrorism.

SEC. 1103.[45] REPORT TO THE CONGRESS.

No. Later than June 30, 1987, the Secretary of Defense shall report to the Congress on any actions taken by the Secretary described in section 1102.

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[44] 22 U.S.C. 4904.

[45] 10 U.S.C. 133 note.

TITLE XII—CRIMINAL PUNISHMENT OF INTERNATIONAL TERRORISM

SEC. 1201. ENCOURAGEMENT FOR NEGOTIATION OF A CONVENTION.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that the President should establish a process encourage the negotiation of an international convention to prevent and control all aspects of international terrorism.

(b) RELATION TO EXISTING INTERNATIONAL CONVENTIONS.—Such convention should address the prevention and control of international terrorism in a comprehensive fashion, taking into consideration matters not covered by—

(1) the Convention for the Suppression of Unlawful Seizure of Aircraft (the Hague, December 16, 1970; 22 U.S.T. 1641, TIAS 7192);

(2) the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (Montreal, September 23, 1971; 24 U.S.T. 564, TIAS 7570);

(3) the Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons (New York, December 14, 1973; 28 U.S.T. 1975, TIAS 8532);

(4) the Convention Against the Taking of Hostages (New York, December 17, 1979; XVIII International Legal Materials 1457);

(5) the Convention on the Physical Protection of Nuclear Materials (October 26, 1979; XVIII International Legal Materials 1419); and

(6) the Convention on Offenses and Certain Other Acts Committed on Board Aircraft (Tokyo, September 14, 1963; 20 U.S.T. 2941, TIAS 6768).

(c) WHAT THE CONVENTION SHOULD PROVIDE.—Such convention should provide—

(1) an explict definition of conduct constituting terrorism;

(2) effective close intelligence-sharing, joint counterterrorist training, and uniform rules for asylum and extradition for perpetrators of terrorism; and

(3) effective criminal penalties for the swift punishment of perpetrators of terrorism.

(d) CONSIDERATION OF AN INTERNATIONAL TRIBUNAL.—The President should also consider including on the agenda for these negotiations the possibility of eventually establishing an international tribunal for prosecuting terrorists.

SEC. 1202. EXTRATERRITORIAL CRIMINAL JURISDICTION OVER TERRORIST CONDUCT.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 113 the following:

"CHAPTER 113A—EXTRATERRITORIAL JURISDICTION OVER TERRORIST ACTS ABROAD AGAINST UNITED STATES NATIONALS

"§ 2331. Terrorist acts abroad againt United States nationals

"(a) HOMICIDE.—Whoever kills a national of the United States, while such national is outside the United States, shall—

"(1) if the killing is a murder as defined in section 1111(a) of this title, be fined under this title or imprisoned for any term of years or for life, or both so fined and so imprisoned;

"(2) if the killing is a voluntary manslaughter as defined in section 1112(a) of this title, be fined under this title or imprisoned not more than ten years, or both; and

"(3) if the killing is an involuntary manslaughter as defined in section 1112(a) of this title, be fined under this title or imprisoned not more than three years, or both.

"(b) ATTEMPT OR CONSPIRACY WITH RESPECT TO HOMICIDE.—Whoever outside the United States attempts to kill, or engages in a conspiracy to kill, a national of the United States shall—

"(1) in the case of an attempt to commit a killing that is a murder as defined in this chapter, be fined under this title or imprisoned not more than 20 years, or both; and

"(2) in the case of a conspiracy by two or more persons to commit a killing that is a murder as defined in section 1111(a) of this title, if one or more of such persons do any overt act to effect the object of the conspiracy, be fined under this title or imprisoned for any term of years or for life, or both so fined and so imprisoned.

"(c) OTHER CONDUCT.—Whoever outside the United States engages in physical violence—

"(1) with intent to cause serious bodily injury to a national of the United States; or

"(2) with the result that serious bodily injury is caused to a national of the United States;

shall be fined under this title or imprisoned not more than five years, or both.

"(d) DEFINITION.—As used in this section in term 'national of the United States' has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

"(e) LIMITATION ON PROSECUTION.—No prosecution for any offense described in this section shall be undertaken by the United States except on written certification of the Attorney General or the highest ranking subordinate of the Attorney General with responsibility for criminal prosecutions that, in the judgment of the certifying official, such offense was intended to coerce, intimidate, or retaliate against a government or a civilian population.".

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item for chapter 113, the following new item:

"113A. Extraterritorial jurisdiction over terrorist acts abroad against United States nationals.".

TITLE XIII—MISCELLANEOUS PROVISIONS

SEC. 1301.* * *.

SEC. 1302. DEMONSTRATIONS AT EMBASSIES IN THE DISTRICT OF COLUMBIA.

It is the sense of the Congress that—

(1) the District of Columbia law concerning demonstrations near foreign missions in the District of Columbia (D.C. Code,

sec. 22-1115) may be inconsistent with the reasonable exercise of the rights of free speech and assembly, that law may have been selectively enforced, and peaceful demonstrations may have been unfairly arrested under that law;

(2) the obligation of the United States to provide adequate security for the missions and personnel of foreign governments must be balanced with the reasonable exercise of the rights of free speech and assembly; and

(3) therefore, the Council of the District of Columbia should review and, if appropriate, make revisions in the laws of the District of Columbia concerning demonstrations near foreign missions, in consultations with the Secretary of State and the Secretary of the Treasury.

SEC. 1303. KURT WALDHEIM'S RETIREMENT ALLOWANCE.

(a) FINDINGS.—The Congress finds that—

(1) Kurt Waldheim's misrepresentations about his past enabled him to rise to the position of Secretary General of the United Nations;

(2) Kurt Waldheim currently receives $81,650 a year as a retirement allowance for his service in that position; and

(3) Kurt Waldheim's misrepresentations went to matters that lie at the very heart of the purposes of the United Nations.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the President should instruct the Permanent Representative of the United States to the United Nations to act to amend the 1986-1987 Regular Program Budget to eliminate funding of Kurt Waldheim's retirement allowance and to act to deny Kurt Waldheim a retirement allowance in all future budgets.

SEC. 1304.* * *.

SEC. 1305. STRENGTHENING FOREIGN LANGUAGE SKILLS.

It is the sense of the Congress that the Secretary of State should substantially strengthen the foreign language training of Foreign Service officers and other United States diplomatic personnel who may serve in embassies overseas, and to work toward early implementation of a program focusing on acquisition and retention of effective linguistic skills the careers of United States diplomatic personnel.

SEC. 1306. FORFEITURE OF PROCEEDS DERIVED FROM ESPIONAGE ACTIVITIES.

(a) GATHERING, TRANSMITTING, OR LOSING DEFENSE INFORMATION.—Section 793 of title 18, United States Code, is amended by adding at the end thereof the following new subsection:

"(h)(1) Any person convicted of a violation of this section shall forfeit to the United States, irrespective of any provision of State law, any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, from any foreign government, or any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States, as the result of such violation.

"(2) The court, in imposing sentence on a defendant for a conviction of a violation of this section, shall order that the defendant forfeit to the United States all property described in paragraph (1) of this subsection.

"(3) The provisions of subsections (b), (c), and (e) through (o) of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853(b), (c), and (e)–(o)) shall apply to—

"(A) property subject to forfeiture under this subsection;

"(B) any seizure or disposition of such property; and

"(C) any administrative or judicial proceeding in relation to such property,

if not consistent with this subsection.

"(4) Notwithstanding section 524(c) of title 28, there shall be deposited in the Crime Victims Fund in the Treasury all amounts from the forfeiture of property under this subsection remaining after the payment of expenses for forfeiture and sale authorized by law."

(b) Gathering or Delivering Defense Information to Aid Foreign Government.—Section 794 of title 18, United States Code, is amended by adding at the end thereof the following new subsection:

"(d)(1) Any person convicted of a violation of this section shall forfeit to the United States irrespective of any provision of State law—

"(A) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation, and

"(B) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation.

"(2) The court, in imposing sentence on a defendant for a conviction of a violation of this section, shall order that the defendant forfeit to the United States all property described in paragraph (1) of this subsection.

"(3) The provisions of subsections (b), (c) and (e) through (o) of section 413 to the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853(b), (c), and (e)–(o)) shall apply to—

"(A) property subject to forfeiture under this subsection;

"(B) any seizure or disposition of such property; and

"(C) any administrative or judicial proceeding in relation to such property,

if not inconsistent with this subsection.

"(4) Notwithstanding section 524(c) of title 28, there shall be deposited in the Crime Victims Fund in the Treasury all amount from the forfeiture of property under this subsection remaining after the payment of expenses for forfeiture and sale authorized by law."

(c) Order of Special Forfeiture.—Subsection (a) of section 3671 of title 18, United States Code, is amended by inserting after "conviction of a defendant for" the following: "an offense under section 794 of this title or for".

SEC. 1307. EXPRESSION OF SUPPORT OF ACTIVITIES OF THE UNITED STATES TELECOMMUNICATIONS TRAINING INSTITUTE.

Nothing in this Act, the Communications Act of 1934, or any other Act, shall be construed to preclude the Department of State, the United States Agency for International Development, or the United States Information Agency from participation in support of any activities of the United States Telecommunications Training Institute (including use of staff, other appropriate resources and service of the board of the Institute).

SEC. 1308. POLICY TOWARD AFGHANISTAN.

(a) FINDINGS.—The Congress finds that—

(1) the Soviet Union invaded the sovereign territory of Afghanistan on December 27, 1979, and continues to occupy and attempt to subjugate that nation through the use of force, relying upon a puppet regime and an occupying army of an estimated 120,000 Soviet troops;

(2) the outrageous and barbaric treatment of the people of Afghanistan by the Soviet Union is repugnant to all freedom-loving peoples as reflected in seven United Nations resolutions of condemnation, violates all standards of conduct befitting a responsible nation, and contravenes all recognized principles of international law;

(3) the Special Rapporteur of the United Nations Commission on Human Rights, in his November 5, 1985, report to the General Assembly, concludes that "whole groups of persons and tribes are endangered in their existence and in their lives because their living conditions are fundamentally affected by the kind of warfare being waged" and that the "Government of Afghanistan, with heavy support from foreign [Soviet] troops, acts with great severity against opponents or suspected opponents of the regime without any respect for human rights obligations" including "use of antipersonnel mines and of so-called toy bombs" and "the indiscriminate mass killings of civilians, particularly women and children";

(4) the Special Rapporteur also concludes that the war in Afghanistan has been characterized by "the most cruel methods of warfare and by the destruction of large parts of the country which has affected the conditions of life of the population, destabilizing the ethnic and tribal structure and disrupting family units" and that the "demographic structure of the country has changed, since over 4 million refugees from all provinces and all classes have settled outside the country and thousands of internal refugees have crowded into the cities like Kabul";

(5) the United Nations General Assembly, in a recorded vote of 80–22 on December 13, 1985, accepted the findings of the Special Rapporteur and deplored the refusal of Soviet-led Afghan officials to cooperate with the United Nations, and expressed "profound distress and alarm" at "the widespread violations of the right to life, liberty, and security of person, including the commonplace practice of torture and summary executions of the regime's opponents, as well as increasing evidence of a policy of religious intolerance";

(6) in a subsequent report of the Special Rapporteur of February 14, 1986, the Special Rapporteur found that "The only solution to the human rights situation in Afghanistan is the withdrawal of the foreign troops" and that "Continuation of

the military solution will, in the opinion of the Special Rapporteur, lead inevitably to a situation approaching Genocide, which the traditions and culture of this noble people cannot permit";

(7) the Soviet invasion of Afghanistan caused the United States to postpone indefinitely action on the SALT II Treaty in 1979, and the presence of Soviet troops in that country today continues to adversely affect the prospects for long-term improvement of the United States-Soviet bilateral relationship in many fields of great importance to the global community;

(8) the Soviet leadership appears to be engaged in a calculated policy of raising hopes for a withdrawal of Soviet troops from Afghanistan in the apparent belief that words will substitute for genuine action in shaping world opinion; and

(9) President Reagan, in his February 4, 1986, State of the Union Address promised the Afghan people that "America will support with moral and material assistance your right not just to fight and die for freedom, but to fight and win freedom".

(b) POLICY.—(1) It is the sense of the Congress that the United States, so long as Soviet military forces occupy Afghanistan, should support the efforts of the people of Afghanistan to regain the sovereignty and territorial integrity of their nation through—

(A) the appropriate provisions of material support;

(B) renewed multilateral initiatives aimed at encouraging Soviet military withdrawal, the return of an independent and nonaligned status to Afghanistan, and a peaceful political settlement acceptable to the people of Afghanistan, which includes provision for the return of Afghan refugees in safety and dignity;

(C) a continuous and vigorous public information campaign to bring the facts of the situation in Afghanistan to the attention of the world;

(D) frequent efforts to encourage the Soviet leadership and the Soviet-backed Afghan regime to remove the barriers erected against the entry into and reporting of events in Afghanistan by international journalists; and

(E) vigorous efforts to impress upon the Soviet leadership the penalty that continued military action in Afghanistan imposes upon the building of a long-term constructive relationship with the United States, because of the negative effect that Soviet policies in Afghanistan have on attitudes toward the Soviet Union among the American people and the Congress.

(2) It is further the sense of the Congress that the Secretary of State should—

(A) determine whether the actions of Soviet forces against the people of Afghanistan constitute the international crime of Genocide as defined in Article II of the International Convention on the Prevention and Punishment of the Crime of Genocide, signed on behalf of the United States on December 11, 1948, and, if the Secretary determines that Soviet actions may constitute the crime of genocide, he shall report his findings to the President and the Congress, along with recommended actions; and

(B) review United States policy with respect to the continued recognition of the Soviet puppet government in Kabul to determine whether such recognition is in the interest of the United States.

12. Victims of Terrorism Compensation Executive Order 12576, December 2, 1986, 51 F.R. 43721

Victims of Terrorism Compensation

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (Public Law 99-399) ("the Act"), and in order to provide for the implementation of that Title with respect to individuals who have been held hostage in Iran and other former hostages, it is hereby ordered as follows:

Section 1. The functions vested in the President by Section 803 of the Act (5 U.S.C. 5569) are delegated to the Secretary of State for the purpose of paying compensation to individuals who were held in captive status commencing on or before January 21, 1981.

Sec. 2. The functions vested in the President by Section 806 of the Act (37 U.S.C. 559) are delegated to the Secretary of Defense for the purpose of paying compensation to individuals who were held in captive status commencing on or before January 21, 1981.

Sec. 3. The Secretary of State and the Secretary of Defense shall consult with each other and with the heads of other appropriate Executive departments and agencies in carrying out these functions.

RONALD REAGAN.

THE WHITE HOUSE; *December 2, 1986.*

1478

F. INFORMATION AND EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

CONTENTS

Page

1. United States Information and Educational Exchange Act and Related Materials:
    - a. United States Information and Educational Exchange Act of 1948, as amended 1483
    - b. United States Information Agency Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99-93) (partial text) 1504
    - c. United States Information Agency Authorization Act, Fiscal Years 1984 and 1985 (Public Law 98-164) (partial text) 1509
    - d. United States Information Agency Authorization Act, Fiscal Years 1982 and 1983 (Public Law 97-241) (partial text) 1514
    - e. International Communication Agency Authorization Act, Fiscal Years 1980 and 1981 (Public Law 96-60) (partial text) 1518
    - f. International Communication Agency Authorization for Fiscal Year 1979 (Public Law 95-426) (partial text) 1520
    - g. United States Information Agency Authorization for Fiscal Year 1978 (Public Law 95-105) (partial text) 1523
    - h. United States Information Agency Appropriations Authorization Act, 1973 (Public Law 93-168) (partial text) 1526
    - i. USIA Film: "Let Poland Be Poland" (Public Law 97-146) 1527
    - j. USIA Film; "Montana: The People Speak" (Public Law 97-159) 1528
    - k. USIA Film, "Dumas Malone: A Journey With Mr. Jefferson" (Public Law 97-388) 1529
    - l. USIA Film, "The March" (Public Law 99-369) 1530
    - m. Release of USIA Materials to Museums (Public Law 99-475) 1531
    - n. United States Information Agency Appropriations, 1987 (Public Law 99-591) (partial text) 1532
    - o. Supplemental Appropriations, 1987 (Public Law 99-349) (partial text). 1535
    - p. Executive Order 12048 (International Communication Agency) 1536
    - q. Executive Order 10477, as amended (Functions of the Director of the USIA) 1538
    - r. Executive Order 11434 (Foreign Service Personnel System) 1541
2. Mutual Educational and Cultural Exchange Act and Related Materials: 1543
    - a. Mutual Educational and Cultural Exchange Act of 1961, as amended (Fulbright-Hays Act) 1543
    - b. Executive Order 11034, as amended (Administration of the Mutual Educational and Cultural Exchange Act of 1961) 1557
3. United States Scholarship Program for Developing Countries Authorization, Fiscal Years 1986 and 1987 (title VI of Public Law 99-93) 1562
4. National Endowment for Democracy Act (title IV of Public Law 98-164) 1569
5. Soviet-Eastern European Research and Training Act of 1983 (title VIII of Public Law 98-164) 1574
6. United States-India Fund for Cultural, Educational, and Scientific Cooperation Act (title IX of Public Law 98-164) 1579
7. Executive Order 12517 (Delegation Concerning the United States-India Fund for Cultural, Educational and Scientific Cooperation). 1581
8. Center for Cultural and Technical Interchange Between East and West Act of 1960 (Partial Text of Mutual Security Act of 1960) 1582
9. Japan-United States Friendship Act (Public Law 94-118) 1584
10. Exchange of Materials and Objects: 1590
    - a. Executive Order 11311 (Carrying Out Provisions of the Beirut Agreement of 1949) 1590

Page
b. Exemption from Judicial Seizure of Cultural Objects Imported for Temporary Display 1591
  (1) Public Law 89-259 1591
  (2) Executive Order 12047 (Imported Articles of Cultural Significance) 1592
11. Convention on Cultural Property Implementation Act (Public Law 97-446) (partial text) 1593
12. International Expositions 1608
  a. United States Recognition and Participation in International Expositions (Public Law 91-269) 1608
  b. Louisiana World Exposition (Public Law 97-254) 1612
13. Board for International Broadcasting (Radio Free Europe/Radio Liberty) 1617
  a. Public Law 93-129, as amended 1617
  b. Board for International Broadcasting Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99-93) (partial text) 1626
  c. Board for International Broadcasting Authorization Act, Fiscal Years 1984 and 1985 (title III of Public Law 98-164) 1629
  d. Appropriations 1631
    (1) Board for International Broadcasting Appropriations, 1987 (Public Law 99-591) (partial text) 1631
    (2) Urgent Supplemental Appropriations Act, 1986 (Public Law 99-349) (partial text) 1632
14. Radio Broadcasting to Cuba Act (Public Law 98-111) 1633
15. Commission on Security and Cooperation in Europe 1638
  a. Public Law 94-304, as amended 1638
  b. Appropriations, 1987 (Public Law 99-561) (partial text) 1642
  c. Helsinki Human Rights Day—Proclamation (Public Law 99-374) 1643
16. Control of Swine Influenza (Public Law 94-302) (partial text) 1646

1. United States Information and Educational Exchange Act and Related Materials

a. United States Information and Educational Exchange Act of 1948, as amended

CONTENTS

	Page
Title I—Short Title, Objectives, and Definitions	1483
Section 1—Short Title	1483
Section 2—Objectives	1483
Section 3—United Nations	1484
Section 4—Definitions	1484
Title II—Interchange of Persons, Knowledge, and Skills	1484
Section 202—Books and Materials	1484
Section 203—Institutions	1485
Title III—Assignment of Specialists	1485
Section 301—Persons To Be Assigned	1485
Section 302—Status and Allowances	1486
Section 303—Acceptance of Office Under Another Government	1486
Title IV—Participation by Government Agencies	1487
Section 401—General Authority	1487
Section 402—Technical and Other Services	1487
Section 403—Policy Governing Services	1487
Title V—Disseminating Information About the United States Abroad	1488
Section 501—General Authorization	1488
Section 502—Policies Governing Information Activities	1488
Section 503—Voice of America Broadcasts	1489
Title VI—Advisory Commissions To Formulate Policies	1489
Section 601—Advisory Commissions to Formulate Policies	1489
Section 602—Membership of the Commission: General Provisions	1490
Section 603—Recommendations and Reports	1490
Section 604—United States Advisory Commission on Public Diplomacy	1491
Title VII—Appropriations	1491
Section 701—Prior Authorizations by Congress	1491
Section 702—Transfer of Funds	1492
Section 703—Authorization for Grants to Radio Free Europe and Radio Liberty	1492
Section 704—Nondiscretionary Personnel Costs and Currency Fluctuations	1492
Section 705—Notification of Reprogramings and Grants	1493
Title VIII—Administrative Procedures	1494
Section 801—The Secretary	1494
Section 802—Government Agencies	1495
Section 803—Maximum Use of Existing Government Property and Facilities	1496
Section 804—Basic Authority	1496
Section 805—Travel Expenses	1498
Section 806—Replacement of Passenger Motor Vehicles	1498
Section 807—Seal of the International Communication Agency	1498
Section 808—Acting Associate Directors	1498
Section 809—Compensation for Disability or Death	1498
Section 810—Use of English-Teaching Program Fees	1499
Title IX—Funds Provided by Other Sources	1499
Section 901—Reimbursement	1499
Section 902—Advance of Funds	1499

Page
Title X—Miscellaneous 1499
Section 1002—Delegation of Authority 1500
Section 1003—Restricted Information 1500
Section 1004—Repeal of Act of May 25, 1938, as amended ....
Section 1005—Utilization of Private Agencies 1500
Section 1006—Termination Pursuant to Concurrent Resolution of Congress 1500
Section 1007—Veterans' Preference Act 1501
Section 1009—Regulatory Provisions To Apply to All International Information Activities and Educational Exchanges of State Department 1501
Section 1010—Separability of Provisions 1501
Section 1011—Informational Media Guaranties 1501

a. United States Information and Educational Exchange Act of 1948, as amended

Public Law 80-402 [H.R. 3342], 62 Stat. 6; 22 U.S.C. 1431-1442, approved January 27, 1948; as amended by Public Law 82-298 [S. 2077], 66 Stat. 43, approved April 5, 1952; Public Law 82-414 [H.R. 5678], 66 Stat. 276, approved June 27, 1952; Public Law 83-665 [H.R. 9678], 68 Stat. 862, approved August 26, 1954; Public Law 84-555 [S. 2562], 70 Stat. 241, approved June 4, 1956; Public Law 84-726 [H.R. 11356], 70 Stat. 555, approved July 18, 1956; Public Law 85-477 [H.R. 12181], 72 Stat. 261, approved June 30, 1958; Public Law 87-139 [H.R. 3279], 75 Stat. 339, approved August 14, 1961; Public Law 87-256 [H.R. 8666], 75 Stat. 527, approved September 21, 1961; Public Law 92-226 [S. 2819], 86 Stat. 20, approved February 7, 1972; Public Law 92-264 [S. 18], 86 Stat. 114, approved March 30, 1972; Public Law 92-352 [H.R. 14734], 86 Stat. 489, approved July 13, 1972; Public Law 92-394 [S. 3645], 86 Stat. 577, approved August 20, 1972; Public Law 93-59 [S. 1972], 87 Stat. 142, approved July 6, 1973; Public Law 93-168 [S. 2681], 87 Stat. 688, approved November 29, 1973; Public Law 93-475 [S. 3473], 88 Stat. 1439, approved October 26, 1974; Public Law 94-350 [S. 3168], 90 Stat. 823, approved July 12, 1976; Public Law 95-426 [Foreign Relations Authorization Act, Fiscal Year 1979; H.R. 12598], 92 Stat. 963 at 974, approved October 7, 1978; Public Law 96-60 [International Communication Agency Authorization Act, Fiscal Years 1980 and 1981; H.R. 3363], 93 Stat. 395 at 398, approved August 15, 1979; Public Law 96-470 [Congressional Reports Elimination Act of 1980; H.R. 6686], 94 Stat. 2237 at 2240, approved October 19, 1980; Public Law 97-241 [S. 1193], 96 Stat. 273, approved August 24, 1982; and by Public Law 98-164 [Department of State Authorization Act, Fiscal Years 1984 and 1985; H.R. 2915], 97 Stat. 1017, approved November 22, 1983; and by Public Law 99-93 [Foreign Relations Authorization Act, Fiscal Years 1986 and 1987; H.R. 2068], 99 Stat. 405, approved August 16, 1985.

AN ACT To promote the better understanding of the United States among the peoples of the world and to strengthen cooperative international relations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—SHORT TITLE, OBJECTIVES, AND DEFINITIONS

SHORT TITLE

Section 1. This Act may be cited as the "United States Information and Educational Exchange Act of 1948".

OBJECTIVES

Sec. 2.[1] The Congress hereby declares that the objectives of this Act are to enable the Government of the United States to promote a better understanding of the United States in other countries, and to increase mutual understanding between the people of the United States and the people of other countries. Among the means to be used in achieving these objectives are—

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[1] 22 U.S.C. 1431. In an effort to strengthen the objectives and purposes of this Act, sec. 501 of the Foreign Relations Authorization Act, Fiscal Year 1978 (91 Stat. 857), called on the President to submit a report to Congress by Oct. 31, 1977 containing his recommendations for reorganizing the international information, education, cultural, and broadcasting activities of the United States. Pursuant to such request, the President submitted Reorganization Plan No. 2 of 1977 on Oct. 11, 1977 which would establish a new International Communication Agency by consolidating the functions of the State Department's Bureau of Educational and Cultural Affairs and USIA. Such reorganization plan became effective on Apr. 1, 1978. For text of Reorganization Plan No. 2 of 1977, see sec. F, vol. III.

(1) an information service to disseminate abroad information about the United States, its people, and policies promulgated by the Congress, the President, the Secretary of State and other responsible officials of Government having to do with matters affecting foreign affairs;

(2) [Repealed by Public Law 87-256 (75 Stat. 527; 22 U.S.C. 1431(a)), approved September 21, 1961.]

UNITED NATIONS

Sec. 3.[2] In carrying out the objectives of this Act, information concerning the participation of the United States in the United Nations, its organizations and functions, shall be emphasized.

DEFINITIONS

Sec. 4.[3] When used in this Act, the term—

(1) [4] "Secretary" means the Secretary of State.

(2) [4] "Department" means the Department of State.

(3) "Government agency" means any executive department, board, bureau, commission, or other agency of the Federal Government, or independent establishment, or any corporation wholly owned (either directly or through one or more corporations) by the United States.

TITLE II—INTERCHANGE OF PERSONS, KNOWLEDGE AND SKILLS

PERSONS

Sec. 201.[5] * * * [Repealed—1961]

BOOKS AND MATERIALS

Sec. 202.[6] The Secretary[7] is authorized to provide for interchanges between the United States and other countries of books

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[2] 22 U.S.C. 1432.

[3] 22 U.S.C. 1433.

[4] Pursuant to sec. 7 of Reorganization Plan No. 2 of 1977, all functions vested in the President, Secretary of State, the Department of State, the Director of the United States Information Agency, and the United States Information Agency were transferred to the Director of the International Communication Agency. As now codified, these definitions refer to the "Director" and the "Agency" rather than the "Secretary" and the "Department".

Subsequently, sec. 303 of Public Law 97-241 (96 Stat. 291) redesignated the International Communication Agency as the United States Information Agency and stated that any reference to the International Communication Agency in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding, shall be deemed to be a reference to the United States Information Agency. Sec. 303 also stated that references to the Director or other official of the International Communication Agency shall be deemed to refer to the Director or other official of the United States Information Agency.

[5] Sec. 201, which authorized the interchange of persons on a reciprocal basis between the United States and other countries, was repealed by sec. 111 of Public Law 87-256 (75 Stat. 538).

[6] 22 U.S.C. 1447.

[7] Pursuant to sec. 7(a)(1) of Reorganization Plan No. 2 of 1977, all functions vested in the President, Secretary of State, the Department of State, the Director of the United States Infor-

Continued

and periodicals, including government publications, for the translation of such writings, and for the preparation, distribution, and interchange of other educational materials.

INSTITUTIONS

Sec. 203.[8] The Secretary [7] is authorized to provide for assistance to schools, libraries, and community centers abroad, founded or sponsored by citizens of the United States, and serving as demonstration centers for methods and practices employed in the United States. In assisting any such schools, however, the Secretary [7] shall exercise no control over their educational policies and shall in no case furnish assistance of any character which is not in keeping with the free democratic principles and the established foreign policy of the United States.[9]

TITLE III—ASSIGNMENT OF SPECIALISTS

PERSONS TO BE ASSIGNED

Sec. 301.[10] The Director of the United States Information Agency [11] is authorized, when the government of another country is desirous of obtaining the services of a person having special scientific or other technical or professional qualifications, from time to time to assign or authorize the assignment for service, to or in cooperation with such government, any person [12] in the employ or service of the Government of the United States who has such qualifications, with the approval of the Government agency in which such person is employed or serving. No person shall be assigned for service to or in cooperation with the government of any country unless (1) the Director [11] finds that such assignment is necessary in the national interest of the United States, or (2) such government agrees to reimburse the United States in an amount equal to the compensation, travel expenses, and allowances payable to such person during the period of such assignment in accordance with the provisions of section 302, or (3) such government shall have made an advance of funds, property, or services as provided in sec-

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mation Agency, and the United States Information Agency by this Act were transferred to the Director of the International Communication Agency. The codified version of this Act has been changed to reflect this transfer of authority.

Subsequently, sec. 303 of Public Law 97-241 (96 Stat. 291) redesignated the International Communication Agency as the United States Information Agency and stated that any reference to the International Communication Agency in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding, shall be deemed to be a reference to the United States Information Agency. Sec. 303 also stated that references to the Director or other official of the International Communication Agency shall be deemed to refer to the Director or other official of the United States Information Agency.

[8] 22 U.S.C. 1448. This section has been repealed insofar as it relates to schools, by Public Law 87-256 (75 Stat. 527), approved Sept. 21, 1961.

[9] This section is referred to in sec. 104(j) of Public Law 83-480 (68 Stat. 454), as amended by Public Law 84-962 (70 Stat. 988), approved Aug. 3, 1956.

[10] 22 U.S.C. 1451.

[11] The reference to the Director of the United States Information Agency was inserted in lieu of a reference to the Secretary of State by sec. 304(a)(2) of Public Law 97-241 (96 Stat. 292). Previously, Reorganization Plan No. 2 of 1977, which established the International Communication Agency, stated that all functions vested in the Secretary of State by this Act were transferred to the Director of the International Communication Agency.

[12] The word "person" was inserted in lieu of the words "citizen of the United States" by sec. 304(a)(1) of Public Law 97-241 (96 Stat. 292).

tion 902. Nothing in this Act, however, shall authorize the assignment of such personnel for service relating to the organization, training, operation, development, or combat equipment of the armed forces of a foreign government.

STATUS AND ALLOWANCES

Sec. 302.[13] Any person in the employ or service of the Government of the United States,[14] while assigned for service to or in cooperation with another government under the authority of this Act, shall be considered, for the purpose of preserving his rights, allowances, and privileges as such, an officer or employee of the Government of the United States and of the Government agency from which assigned and he shall continue to receive compensation from that agency. He may also receive, under such regulations as the President may prescribe, representation allowances similar to those allowed under section 905 of the Foreign Service Act of 1980.[15] The authorization of such allowances and other benefits and the payment thereof out of any appropriations available therefor shall be considered as meeting all the requirements of section 5536 of title 5, United States Code.[16]

ACCEPTANCE OF OFFICE UNDER ANOTHER GOVERNMENT

Sec. 303.[17] Any person in the employ or service of the Government of the United States,[14] while assigned for service to or in cooperation with another government under authority of this Act may, at the discretion of his Government agency, with the concurrence of the Director of the United States Information Agency,[11] and without additional compensation therefor, accept an office under the government to which he is assigned, if the acceptance of such an office in the opinion of such agency is necessary to permit the effective performance of duties for which he is assigned, including the making or approving on behalf of such foreign government the disbursement of funds provided by such government or of receiving from such foreign government funds for deposit and disbursement on behalf of such government, in carrying out programs undertaken pursuant to this Act: *Provided, however,* That such acceptance of office shall in no case involve the taking of an oath of allegiance to another government.

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[13] 22 U.S.C. 1452.

[14] The words "person in the employ or service of the Government of the United States" were inserted in lieu of the words "citizen of the United States" by sec. 302(a)(1) of Public Law 97-241 (96 Stat. 292).

[15] The reference to sec. 905 of the Foreign Service Act of 1980 was inserted in lieu of a reference to sec. 901(3) of the Foreign Service Act of 1946 (60 Stat. 990) by sec. 304(a)(3) of Public Law 97-241 (96 Stat. 292).

[16] The reference to 5 U.S.C. 5536 was inserted in lieu of a reference to sec. 1765 of the Revised Statutes by sec. 304(a)(3) of Public Law 97-241 (96 Stat. 292).

[17] 22 U.S.C. 1453.

TITLE IV—PARTICIPATION BY GOVERNMENT AGENCIES

GENERAL AUTHORITY

Sec. 401.[18] The Secretary [19] is authorized, in carrying on any activity under the authority of this Act, to utilize, with the approval of the President, the services, facilities, and personnel of the other Government agencies. Whenever the Secretary [19] shall use the services, facilities, or personnel of any Government agency for activities under authority of this Act, the Secretary [19] shall pay for such performance out of funds available to the Secretary [19] under this Act, either in advance, by reimbursement, or direct transfer. The Secretary [19] shall include in each report submitted to the Congress under section 1008 a statement of the services, facilities, and personnel of other Government agencies utilized in carrying on activities under the authority of this Act, showing the names and salaries of the personnel utilized, or performing services utilized, during the period covered by such report, and the amounts paid to such other agencies under this section as payment for such performance.

TECHNICAL AND OTHER SERVICES

Sec. 402.[20] A Government agency, at the request of the Secretary,[19] may perform such technical or other services as such agency may be competent to render for the government of another country desirous of obtaining such services, upon terms and conditions which are satisfactory to the Secretary [19] and to the head of the Government agency, when it is determined by the Secretary [19] that such services will contribute to the purposes of this Act. However, nothing in this Act shall authorize the performance of services relating to the organization, training, operation, development, or combat equipment of the armed forces of a foreign government.

POLICY GOVERNING SERVICES

Sec. 403.[21] In authorizing the performance of technical and other services under this title, it is the sense of the Congress (1) that the Secretary [19] shall encourage through any appropriate Government agency the performance of such services to foreign governments by qualified private American individuals and agencies, and shall not enter into the performance of such services to any foreign government where such services may be performed adequately by qualified private American individuals and agencies and such qualified individuals and agencies are available for the performance of such services; (2) that if such services are rendered by a Government agency, they shall demonstrate the technical accomplishments of the United States, such services being of an advisory, investigative, or instructional nature, or a demonstration of a technical process; (3) that such services shall not include the construction of public works or the supervision of the construction of public works, and that, under authority of this Act, a Government agency shall render engineering services related to public works only when the Secretary [19] shall determine that the national interest demands the rendering of such services by a Government agency, but this policy shall not be interpreted to preclude the assignment of individual specialists as advisers to other governments as provided under title III of this Act, together with such incidental assistance as may be necessary for the accomplishment of their individual assignments.

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[18] 22 U.S.C. 1456.

[19] Pursuant to sec. 7(a)(1) of Reorganization Plan No. 2 of 1977, all functions vested in the President, Secretary of State, the Department of State, the Director of the United States Information Agency, and the United States Information Agency by this Act were transferred to the Director of the International Communication Agency. The codified version of this Act has been changed to reflect this transfer of authority.

Subsequently, sec. 303 of Public Law 97-241 (96 Stat. 291) redesignated the International Communication Agency as the United States Information Agency and stated that any reference to the International Communication Agency in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding, shall be deemed to be a reference to the United States Information Agency. Sec. 303 also stated that references to the Director or other official of the International Communication Agency shall be deemed to refer to the Director or other official of the United States Information Agency.

[20] 22 U.S.C. 1457.

[21] 22 U.S.C. 1458.

TITLE V—DISSEMINATING INFORMATION ABOUT THE UNITED STATES ABROAD

GENERAL AUTHORIZATION

Sec. 501.[22] The Secretary [19] is authorized, when he finds it appropriate, to provide for the preparation, and dissemination abroad, of information about the United States, its people, and its policies, through press, publications, radio, motion pictures, and other information media, and through information centers and instructors abroad. Any such information (other than "Problems of Communism" and the "English Teaching Forum" [23] which may be sold by the Government Printing Office) shall not be disseminated within the United States, its territories, or possessions, but, on request, shall be available in the English language at the Department of State,[19] at all reasonable times following its release as information abroad, for examination only by representatives of United States press associations, newspapers, magazines, radio systems, and stations, and by research students and scholars, and, on request, shall be made available for examination only to Members of Congress.

POLICIES GOVERNING INFORMATION ACTIVITIES

Sec. 502.[24] In authorizing international information activities under this Act, it is the sense of the Congress (1) that the Secretary[19] shall reduce such Government information activities whenever corresponding private information dissemination is found to be adequate; (2) that nothing in this Act shall be construed to give the Department[19] a monopoly in the production or sponsorship on the air of short-wave broadcasting programs, or a monopoly in any other medium of information.

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[22] 22 U.S.C. 1461. The second sentence of sec. 501 was amended by sec. 204 of Public Law 92-352. 86 Stat. 493. It formerly read:

"Any such press release or radio script, on request, shall be available in the English language at the Department of State, at all reasonable times following its release as information abroad, for examination by representatives of United States press associations, newspapers, magazines, radio systems, and stations, and, on request, shall be made available to Members of Congress."

See also sec. 202 of the Foreign Relations Authorization Act, Fiscal Year 1979 (92 Stat. 972) which provides additional direction for the USIA. Entitled "Mission of the International Communication Agency" (since renamed the United States Information Agency), this provision is considered by the USIA as its "second mandate." See page 1384 for complete text of sec. 202.

[23] The reference to the "English Teaching Forum" was added by sec. 208 of the ICA Authorization Act, Fiscal Years 1980 and 1981 (Public Law 96-60: 93 Stat. 401).

[24] 22 U.S.C. 1462.

VOICE OF AMERICA BROADCASTS

Sec. 503.[25] The long-range interests of the United States are served by communicating directly with the peoples of the world by radio. To be effective, the Voice of America (the Broadcasting Service of the United States Information Agency) must win the attention and respect of listeners. These principles will therefore govern Voice of America (VOA) broadcasts:

(1) VOA will serve as a consistently reliable and authoritative source of news. VOA news will be accurate, objective, and comprehensive.

(2) VOA will represent America, not any single segment of American society, and will therefore present a balanced and comprehensive projection of significant America thought and institutions.

(3) VOA will present the policies of the United States clearly and effectively, and will also present responsible discussions and opinion on these policies.

TITLE VI—ADVISORY COMMISSIONS TO FORMULATE POLICIES

Sec. 601.[26] There are hereby created two advisory commissions, (1) United States Advisory Commission on Information (hereinafter in this title referred to as the Commission on Information) and (2) United States Advisory Commission on Educational Exchange (hereinafter in this title referred to as the Commission on Educational Exchange)[27] to be constituted as provided in section 602. The Commissions shall formulate and recommend to the Secretary[19] policies and programs for the carrying out of this Act: *Provided, however,* That the commissions created by this section shall have no authority over the Board of Foreign Scholarships or the program created by Public Law 584 of the Seventy-ninth Congress, enacted August 1, 1946, or the United States National Commission for UNESCO.

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[25] 22 U.S.C. 1463. sec. 503 was added by sec. 206 of the Foreign Relations Authorization Act, Fiscal Year 1977 (Public Law 94-350).

[26] 22 U.S.C. 1466. This section has been repealed insofar as it relates to the United States Advisory Commission on Educational Exchange, by Public Law 87-256 (75 Stat. 527) approved Sept. 21, 1961.

[27] See also sec. 8 of Reorganization Plan No. 2 of 1977 which established the United States Advisory Commission on International Communication, Cultural and Educational Affairs and consolidated functions vested in these two commissions and transferred them to this new commission (vol. III, page 173). Subsequently, sec. 604 of this Act redesignated the United States Advisory Commission on International Communication, Cultural and Educational Affairs as the United States Advisory Commission on Public Diplomacy.

MEMBERSHIP OF THE COMMISSION: GENERAL PROVISIONS

Sec. 602.[28] (a) Each Commission shall consist of five members, not more than three of whom shall be from any one political party. Members shall be appointed by the President, by and with the advice and consent of the Senate. No person holding any compensated Federal or State office shall be eligible for appointment.

(b) The members of the Commission on Information shall represent the public interest, and shall be selected from a cross section of professional, business, and public service backgrounds.

(c) The members of the Commission on Educational Exchange shall represent the public interest and shall be selected from a cross section of educational, cultural, scientific, technical, and public service backgrounds.

(d) The term of each member appointed under subsection (a) of this section shall be three years, except that the terms of office of such members first taking office on each Commission shall expire, as designated by the President at the time of appointment, two at the end of one year, two at the end of two years, and one at the end of three years from the date of the enactment of this Act. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor is appointed shall be appointed for the remainder of such term. Upon the expiration of his term of office any member may continue to serve until his successor is appointed and has qualified.

(e) The President shall designate a chairman for each Commission from among members of the Commission.

(f) The members of the Commissions shall receive no compensation for their services as such members but shall be entitled to reimbursement for travel and subsistence in connection with attendance of meetings of the Commissions away from their places of residences, as provided in subsection (6) of section 801 of this Act.

(g) The Commissions are authorized to adopt such rules and regulations as they may deem necessary to carry out the authority conferred upon them by this title.

(h) The Department [19] is authorized to provide the necessary secretarial and clerical assistance for the Commissions.

RECOMMENDATIONS AND REPORTS

Sec. 603.[29] The Commissions shall meet not less frequently than once each month during the first six months after their establishment, and thereafter at such intervals as the Commissions find advisable, and shall transmit to the Secretary [19] a quarterly report, and to the Congress a semiannual report of all programs and activities carried on under the authority of this Act, including appraisals, where feasible, as to the effectiveness of the several programs, and such recommendations as shall have been made by the Commissions to the Secretary [19] for effectuating the purposes and objectives of this Act and the action taken to carry out such recommendations.

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[28] 22 U.S.C. 1467. This section has been repealed insofar as it relates to the United States Advisory Commission on Educational Exchange, by Public Law 87-256 (75 Stat. 527), approved Sept. 21, 1961.

[29] 22 U.S.C. 1468. This section has been repealed insofar as it relates to the United States Advisory Commission on Educational Exchange, by Public Law 87-256 (75 Stat. 527), approved Sept. 21, 1961.

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

Sec. 604.[30] (a) The United States Advisory Commission on International Communication, Cultural and Educational Affairs, established by section 8 of Reorganization Plan Numbered 2 of 1977, is hereby redesignated as the United States Advisory Commission on Public Diplomacy (hereafter in this section referred to as the "Commission").

(b) The Commission shall have a Staff Director who shall be appointed by the Chairman of the Commission. Subject to such rules and regulations as may be adopted by the Commission, the Chairman of the Commission may—

(1) appoint such additional personnel for the staff of the Commission as the Chairman deems necessary; and

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay payable for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code.

TITLE VII—APPROPRIATIONS

PRIOR AUTHORIZATION BY CONGRESS

Sec. 701.[31] (a) Notwithstanding any provision of law enacted before the date of enactment of the United States Information Agency Appropriation Authorization Act of 1973, no money appropriated to carry out this Act shall be available for obligation or expenditure—

(1) unless the appropriation thereof has been previously authorized by law; or

(2) in excess of an amount previously prescribed by law.

(b) To the extent that legislation enacted after the making of an appropriation to carry out this Act authorizes the obligation or expenditure thereof, the limitation contained in subsection (a) shall have no effect.

(c) The provisions of this section shall not be superseded except by a provision of law enacted after the date of enactment of the United States Information Agency Appropriation Authorization Act of 1973, which specifically repeals, modifies, or supersedes the provisions of this section.

(d) The provisions of this section shall not apply with respect to appropriations made available under the joint resolution entitled

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[30] 22 U.S.C. 1469. Sec. 604 was added by Sec. 203(f) of the ICA Authorization Act, Fiscal Years 1980 and 1981 (Public Law 96–60: 93 Stat. 399). Sec. 209 of Public Law 96–60 also provided that this amendment would be effective on Oct. 1, 1979 and that the authority to expend appropriations "shall apply only with respect to funds appropriated after the date of enactment of this Act." (Aug. 15, 1979).

[31] 22 U.S.C. 1476. Sec. 701 was amended and restated by sec. 3 of Public Law 93–168 Nov. 29, 1973. It was previously amended and restated by sec. 107(d) of Public Law 92–226 (80 Stat. 35); further amended by adding last sentence by Public Law 92–352.

"Joint resolution making continuing appropriations for the fiscal year 1974, and for other purposes", approved July 1, 1973, and any provision of law specifically amending such joint resolution enacted through October 16, 1973.

(e) [32] The provisions of this section shall not apply to, or affect in any manner, permanent appropriations, trust funds, and other similar accounts administered by the United States Information Agency [19] as authorized by law.

TRANSFER OF FUNDS

Sec. 702.[33] The Secretary [19] shall authorize the transfer to other Government agencies for expenditure in the United States and in other countries, in order to carry out the purposes of this Act, any part of any appropriations available to the Department [19] for carrying out the purposes of this Act, for direct expenditure or as a working fund, and any such expenditures may be made under the specific authority contained in this Act or under the authority governing the activities of the Government agency to which a part of any such appropriation is transferred, provided the activities come within the scope of this Act.

AUTHORIZATION FOR GRANTS TO RADIO FREE EUROPE AND RADIO LIBERTY

Sec. 703.[34] There are authorized to be appropriated to the Secretary of State $38,520,000 for fiscal year 1973 to provide grants, under such terms and conditions as the Secretary considers appropriate, to Radio Free Europe and Radio Liberty. There are further authorized to be appropriated in fiscal year 1973 not to exceed $1,150,000 for nondiscretionary costs. Except for funds appropriated pursuant to this section, no funds appropriated after the date of this Act may be made available to or for the use of Radio Free Europe or Radio Liberty in fiscal year 1973.

NONDISCRETIONARY PERSONNEL COSTS AND CURRENCY FLUCTUATIONS

Sec. 704.[35] (a) Amounts appropriated for a fiscal year to carry out this Act are authorized to be made available until expended.

(b) There are authorized to be appropriated for the International Communication Agency,[36] in addition to amounts otherwise authorized to be appropriated for the Agency, such sums as may be necessary for any fiscal year for increases in salary, pay, retirement, and other employee benefits authorized by law.

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[32] Subsec. (e) was added by sec. 6 of Public Law 93-475, 88 Stat. 1439.

[33] 22 U.S.C. 1477.

[34] 22 U.S.C. 1477a. Sec. 703 was added by Public Law 92-264 (86 Stat. 114); further amended when the second sentence was added by Public Law 93-59 on July 6, 1973.

[35] 22 U.S.C. 1477b. Sec. 704 was added by Sec. 204(e) of the ICA Authorization Act, Fiscal Years 1980 and 1981 (Public Law 96-60; 93 Stat. 400). Sec. 209 of Public Law 96-60 also provided that this amendment would be effective on Oct. 1, 1979 and that the authority to expend appropriations "shall apply only with respect to funds appropriated after the date of enactment of this Act." (Aug. 15, 1979).

[36] Sec. 303 of Public Law 97-241 (96 Stat. 291) redesignated the International Communication Agency as the United States Information Agency and stated that any reference to the International Communication Agency in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding, shall be deemed to be a reference to the United States Information Agency. Sec. 303 also stated that references to the Director or other official of the International Communication Agency shall be deemed to refer to the Director or other official of the United States Information Agency.

(c) In order to maintain the levels of program activity provided for by the annual authorizing legislation for the International Communication Agency,[36] there are authorized to be appropriated for the Agency such sums as may be necessary for any fiscal year to offset adverse fluctuations in foreign currency exchange rates, or overseas wage and price changes,[37] occurring after November 30 of the earlier of (1) the calendar year which ended during the fiscal year preceding such fiscal year, or (2) the calendar year which preceded the calendar year during which the authorization of appropriations for such fiscal year was enacted.[38]

Sec. 705.[39] (a) Unless the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate are notified fifteen days in advance of a proposed reprograming, funds appropriated for the United States Information Agency shall not be available for obligation or expenditure through any such reprograming of funds—

(1) which creates new programs;

(2) which eliminates a program, project, or activity;

(3) which increases funds or personnel by any means for any project or activity for which funds have been denied or restricted by the Congress;

(4) which relocates an office or employees;

(5) which reorganizes offices, programs, or activities;

(6) which involves contracting out functions which had been performed by Federal employees; or

(7) which involves a reprograming in excess of $250,000 or 10 percent, whichever is less, and which (A) augments existing programs, projects, or activities, (B) reduces by 10 percent or more the funding for any existing program, project, or activity, or personnel approved by the Congress, or (C) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects approved by the Congress.

(b) In addition, the United States Information Agency may award program grants for the fiscal years 1986 and 1987[40] only if the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate are notified fifteen days in advance of the proposed grant.

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[37] The words ", or overseas wage and price changes," were added by sec. 112(b) of Public Law 97-241 (96 Stat. 278).

[38] The words, to this point beginning with "earlier of (1) . . ." were substituted in lieu of the words "preceding fiscal year" by sec. 112(b) of Public Law 97-241 (96 Stat. 278).

[39] 22 U.S.C. 1477c. Sec. 214 of Public Law 98-164 (97 Stat. 1035) added sec. 705.

[40] Sec. 214 of Public Law 99-93 (99 Stat. 405) replaced the years 1984 and 1985 with the years 1986 and 1987, effective as of October 1, 1985.

TITLE VIII—ADMINISTRATIVE PROCEDURES

THE SECRETARY

Sec. 801.[41] In carrying out the purposes of this Act, the Secretary [42] is authorized, in addition to and not in limitation of the authority otherwise vested in him—

(1) in carrying out title II of this Act,[42] to make grants of money, services, or materials to State and local governmental institutions in the United States, to governmental institutions in other countries, and to individuals and public or private nonprofit organizations both in the United States and in other countries;

(2) to furnish, sell, or rent, by contract or otherwise, educational and information materials and equipment for dissemination to, or use by, peoples of foreign countries;

(3) [43] whenever necessary in carrying out title V of this Act, to purchase, rent, construct, improve, maintain, and operate facilities for radio transmission and reception, including the leasing of associated real property (either within or outside the United States) for periods not to exceed twenty-five years,[44] or for longer periods if provided for by an appropriation Act, and the alteration, improvement, and repair of such property, without regard to section 322 of the Act of June 30, 1932 (40 U.S.C. 278a), and any such real property or interests therein which are outside the United States may be acquired without regard to section 355 of the Revised Statutes of the United States (40 U.S.C. 255) if the sufficiency of the title to such real property or interests therein is approved by the Director of the International Communication Agency; [36]

(4) to provide for printing and binding outside the continental limits of the United States, without regard to section 11 of the Act of March 1, 1919 (44 U.S.C. 111);

(5) [45] to employ persons on a temporary basis without regard to the civil service and classification laws, when such employment is provided for by the pertinent appropriation Act; and

(6) [46] to create with the approval of the Commission on Information and the Commission on Educational Exchange,[47] such

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[41] 22 U.S.C. 1471.

[42] The words "within the limitation of such appropriations as the Congress may provide," which previously appeared at this point, were struck out by sec. 204(a) of the ICA Authorization Act, Fiscal Years 1980 and 1981 (Public Law 96-60; 93 Stat. 400).

[43] Par. (3) was amended and restated by sec. 203(e) of the ICA Authorization Act, Fiscal Years 1980 and 1981 (Public Law 96-60: 93 Stat. 399). The substantive change made by this amendment involved the addition of the words beginning with "and the alteration, improvement * * *" through the end of the paragraph.

[44] Sec. 217 of Public Law 98-164 (97 Stat. 1036) substituted twenty-five years in lieu of ten years.

[45] Par. (5) was amended and restated by sec. 203(b)(1) of the ICA Authorization Act, Fiscal Years 1980 and 1981 (Public Law 96-60: 93 Stat. 398). Formerly, par. (5) also provided for the employment of aliens within the United States for positions relating to translation or narration of colloquial speech in foreign languages when suitably qualified U.S. citizens were not available.

[46] Par. (6) was amended by sec. 11 of Public Law 87-139, approved Aug. 14, 1961 (75 Stat. 341).

[47] Pursuant to sec. 8 of Reorganization Plan No. 2 of 1977, the functions vested in these two commissions were transferred to a newly created United States Advisory Commission on International Communication, Cultural and Educational Affairs (in 1979, such new commission was redesignated as the United States Advisory Commission on Public Diplomacy).

advisory committees as the Secretary [19] may decide to be of assistance in formulating his policies for carrying out the purposes of this Act. No Committee member shall be allowed any salary or other compensation for services; but he may be paid his transportation and other expenses, as authorized by section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 73 b-2).

GOVERNMENT AGENCIES

Sec. 802.[48] (a) In carrying on activities which further the purposes of this Act, subject to approval of such activities by the Secretary,[19] the Department and the other Government agencies are authorized—

(1) to place orders and make purchases and rentals of materials and equipment;

(2) to make contracts, including contracts with governmental agencies, foreign or domestic, including subdivisions thereof, and intergovernmental organizations of which the United States is a member, and, with respect to contracts entered into in foreign countries, without regard to section 3741 of the Revised Statutes (41 U.S.C. 22);

(3) under such regulations as the Secretary [41] may prescribe, to pay the transportation expenses, and not to exceed $10 per diem in lieu of subsistence and other expenses, of citizens or subjects of other countries, without regard to the Standardized Government Travel Regulations and the Subsistence Act of 1926, as amended; and

(4) to make grants for, and to pay expenses incident to, training and study.

(b) [48] (1) Any contract authorized by subsection (a) and described in paragraph (3) of this subsection which is funded on the basis of annual appropriations may nevertheless be made for periods not in excess of 5 years when—

(A) appropriations are available and adequate for payment for the first fiscal year and for all potential cancellation costs; and

(B) the Director of the United States Information Agency determines that—

(i) the need of the Government for the property or service being acquired over the period of the contract is reasonably firm and continuing;

(ii) such a contract will serve the best interests of the United States by encouraging effective competition or promoting economies in performance and operation; and

(iii) such method of contracting will not inhibit small business participation.

(2) In the event that funds are not made available for the continuation of such a contract into a subsequent fiscal year, the contract shall be canceled and any cancellation costs incurred shall be paid from appropriations originally available for the performance

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[48] 22 U.S.C. 1472. Sec. 302(b) of Public Law 97-241 (96 Stat. 292) added the subsection designation "(a)" and a new subsec. (b).

of the contract, appropriations currently available for the acquisition of similar property or services and not otherwise obligated, or appropriations made for such cancellation payments.

(3) This subsection applies to contracts for the procurement of property or services, or both, for the operation, maintenance, and support of programs, facilities, and installations for or related to telecommunication activities, newswire services, and the distribution of books and other publications in foreign countries.

MAXIMUM USE OF EXISTING GOVERNMENT PROPERTY AND FACILITIES

Sec. 803.[49] In carrying on activities under this Act which require the utilization of Government property and facilities, maximum use shall be made of existing Government property and facilities.

BASIC AUTHORITY

Sec. 804.[50] In carrying out the provisions of this Act, the Secretary,[19] or any Government agency authorized to administer such provisions, may—

(1)[51] employ, without regard to the civil service and classification laws, aliens within the United States and abroad for service in the United States relating to the translation or narration of colloquial speech in foreign languages or the preparation and production of foreign language programs when suitably qualified United States citizens are not available, and aliens so employed abroad may be admitted to the United States, if otherwise qualified, as nonimmigrants under section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) for such time and under such conditions and procedures as may be established by the Director of the International Communication Agency[51] and the Attorney General;

(2) pay travel expenses of aliens employed abroad for service in the United States and their dependents to and from the United States;

(3) incur expenses for entertainment within the United States within such amounts as may be provided in appropriations Acts;

(4) obtain insurance on official motor vehicles operated by the Secretary[52] or such agency in foreign countries, and pay the expenses incident thereto;

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[49] 22 U.S.C. 1473.

[50] 22 U.S.C. 1474. Sec. 804 was added by Public Law 92-352 (86 Stat. 389).

[51] Par. (1) was amended and restated by sec. 203(b)(2) of the ICA Authorization Act, Fiscal Years 1980 and 1981 (Public Law 96-60; 93 Stat. 398). Formerly, par. (1) also included a requirement that such aliens must be investigated pursuant to procedures established by the Secretary or the agency and the Attorney General before they could be employed.

[52] Pursuant to sec. 7(a)(1) of Reorganization Plan No. 2 of 1977, all functions vested in the President, Secretary of State, the Department of State, the Director of the United States Information Agency, and the United States Information Agency by this Act were transferred to the Director of the International Communication Agency. The codified version of this Act has been changed to reflect this transfer of authority.

Subsequently, sec. 303 of Public Law 97-241 (96 Stat. 291) redesignated the International Communication Agency as the United States Information Agency and stated that any reference to the International Communication Agency in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding, shall be deemed to be a reference to the United States Information Agency. Sec. 303 also stated that references to the Director or other official of the International Communication Agency shall be deemed to refer to the Director or other official of the United States Information Agency.

(5) notwithstanding the provisions of section 2680(k) of title 28, United States Code, pay tort claims in the manner authorized in the first paragraph of section 2672 of such title, when such claims arise in foreign countries in connection with operations conducted abroad under this Act;

(6) employ aliens by contract for services abroad;

(7) provide ice and drinking water abroad;

(8) pay excise taxes on negotiable instruments abroad;

(9) pay the actual expenses of preparing and transporting to their former homes the remains of persons, not United States Government employees, who may die away from their homes while participating in activities conducted under this Act;

(10) rent or lease, for periods not exceeding ten years,[53] office buildings, grounds, and living quarters abroad for employees carrying out this Act, and make payments therefor in advance;

(11) maintain, improve, and repair properties used for information activities in foreign countries;

(12) furnish fuel and utilities for Government-owned or leased property abroad;

(13) pay travel expenses of employees attending official international conferences, without regard to sections 5701–5708 of title 5, United States Code, and regulations issued thereunder, but at rates not in excess of comparable allowances approved for such conferences by the Secretary;[54]

(14)[54] purchase uniforms;

(15)[55] hire passenger motor vehicles;

(16)[56] purchase passenger motor vehicles for use abroad, and right-hand drive and security[56] vehicles may be so purchased without regard to any maximum price limitation established by law;

(17)[55] procure services of experts and consultants in accordance with section 3109 of title 5 of the United States Code;

(18)[55] make advances of funds;

(19)[55] notwithstanding section 5946 of title 5 of the United States Code, pay dues for library membership in organizations which issue publications to members only, or to members at a price lower than to others; and

(20)[57] subject to the availability of appropriated funds, purchase motion picture, radio and television producers' liability insurance to cover errors and omissions or similar insurance coverage for the protection of interests in intellectual property.

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[53] This period was changed from five years to ten years by sec. 204(b)(1) of the ICA Authorization Act, Fiscal Years 1980 and 1981 (Public Law 96–60; 93 Stat. 400).

[54] Par. (14) was added by sec. 203 of the Foreign Relations Authorization Act, Fiscal Year 1977 (Public Law 94–350). Par. (14) was further amended when sec. 204(b)(3) of the ICA Authorization Act, Fiscal Years 1980 and 1981 (Public Law 96–60; 93 Stat. 400) struck out the words "when funds are appropriated therefor" at the end of the paragraph.

[55] Pars. (15) through (19) were added by sec. 204(b)(4) of the ICA Authorization Act, Fiscal Years 1980 and 1981 (Public Law 96–60; 93 Stat. 400).

[56] The words "and security" were added by sec. 302(c) of Public Law 97–241 (96 Stat. 293).

[57] Par. (20) was added by sec. 304(d) of Public Law 97–241 (96 Stat. 293).

TRAVEL EXPENSES

Sec. 805.[58] Appropriated funds made available for any fiscal year to the Secretary [58] or any Government agency, to carry out the provisions of this Act, for expenses in connection with travel of personnel outside the continental United States, including travel of dependents and transportation of personal effects, household goods, or automobiles of such personnel, shall be available for all such expenses in connection with travel or transportation which begins in that fiscal year pursuant to travel orders issued in that year, notwithstanding the fact that such travel or transportation may not be completed until the following fiscal year.

REPLACEMENT OF PASSENGER MOTOR VEHICLES

Sec. 806.[59] The exchange allowances or proceeds derived from the exchange or sale of passenger motor vehicles used abroad for purposes of this Act or the Mutual Educational and Cultural Exchange Act of 1961 shall be [60] available without fiscal year limitation for replacement of an equal number of such vehicles in accordance with section 201(c) of the Federal Property and Administrative Services Act of 1949.

SEAL OF THE INTERNATIONAL COMMUNICATION AGENCY

Sec. 807.[61] The seal of the International Communication Agency shall be the arms and crest of the United States, encircled by the words "International Communication Agency". Judicial notice shall be taken of the seal.

ACTING ASSOCIATE DIRECTORS

Sec. 808.[62] If an Associate Director of the United States Information Agency dies, resigns, or is sick or absent, the Associate Director's principal assistant shall perform the duties of the office until a successor is appointed or the absence or sickness stops.

COMPENSATION FOR DISABILITY OR DEATH

Sec. 809.[63] A cultural exchange, international fair or exposition, or other exhibit or demonstration of United States economic accomplishments and cultural attainments, provided for under this Act or the Mutual Educational and Cultural Exchange Act of 1961 shall not be considered a "public work" as that term is defined in the first section of the Act of August 16, 1941 (42 U.S.C. 1651; commonly known as the "Defense Base Act").

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[58] 22 U.S.C. 1475. Sec. 805 was added by sec. 202 of Public Law 92-352 (86 Stat. 494).

[59] 22 U.S.C. 1475a. Sec. 806 was added by sec. 204 of the Foreign Relations Authorization Act, Fiscal Year 1977 (Public Law 94-350).

[60] The words "shall be" were substituted in lieu of the words "are authorized to be made" by sec. 204(c) of the ICA Authorization Act, Fiscal Years 1980 and 1981 (Public Law 96-60; 93 Stat. 400).

[61] 22 U.S.C. 1475b. Sec. 807 was added by sec. 204(c) of Public Law 95-426 (92 Stat. 974). Sec. 303 of Public Law 97-241 (96 Stat. 291) redesignated the International Communication Agency as the United States Information Agency and stated that any reference to the International Communication Agency in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding, shall be deemed to be a reference to the United States Information Agency. Sec. 303 also stated that references to the Director or other official of the International Communication Agency shall be deemed to refer to the Director or other official of the United States Information Agency.

[62] 22 U.S.C. 1475c. Sec. 808 was added by sec. 304(e) of Public Law 97-241 (96 Stat. 293).

[63] 22 U.S.C. 1475d. Sec. 809 was added by sec. 304(e) of Public Law 97-241 (96 Stat. 293).

USE OF ENGLISH-TEACHING PROGRAM FEES

Sec. 810.[64] (a) Notwithstanding section 3617 of the Revised Statutes of the United States (31 U.S.C. 484) or any other law or limitation of authority, tuition fees or other payments received by or for the use of the International Communication Agency [36] from or in connection with English-teaching programs conducted by or on behalf of the Agency under the authority of this Act or the Mutual Educational and Cultural Exchange Act of 1961 may be credited to the Agency's applicable appropriation to such extent as may be provided in advance in an appropriation Act.

(b) This section shall take effect on October 1, 1982.

TITLE IX—FUNDS PROVIDED BY OTHER SOURCES

REIMBURSEMENT

Sec. 901.[65] The Secretary [52] shall, when he finds it in the public interest, request and accept reimbursement from any cooperating governmental or private source in a foreign country, or from State or local governmental institutions or private sources in the United States, for all or part of the expenses of any portion of the program undertaken hereunder. The amounts so received shall be covered into the Treasury as miscellaneous receipts.

ADVANCE OF FUNDS

Sec. 902.[66] If any other government shall express the desire to provide funds, property, or services to be used by this Government, in whole or in part, for the expenses of any specific part of the program undertaken pursuant to this Act, the Secretary [52] is authorized, when he finds it in the public interest, to accept such funds, property, or services. Funds so received may be established as a special deposit account in the Treasury of the United States, to be available for the specified purpose, and to be used for reimbursement of appropriations or direct expenditure, subject to the provisions of this Act. Any unexpended balance of the special deposit account and other property received, under this section and no longer required for the purposes for which provided shall be returned to the government providing the funds or property.

TITLE X—MISCELLANEOUS

LOYALTY CHECK OF PERSONNEL

Sec. 1001.[67] * * * [Repealed—1979]

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[64] 22 U.S.C. 1475e. Sec. 810 was added by sec. 304(e) of Public Law 97-241 (96 Stat. 293).

[65] 22 U.S.C. 1478.

[66] 22 U.S.C. 1479.

[67] Sec. 1001, which concerned loyalty checks for personnel, was repealed by sec. 203(a)(1) of the ICA Authorization Act, Fiscal Years 1980 and 1981 (Public Law 96-60; 93 Stat. 398).

DELEGATION OF AUTHORITY

Sec. 1002.[68] The Secretary [52] may delegate to such officers of the Government as the Secretary [52] determines to be appropriate, any of the powers conferred upon him by this Act to the extent that he finds such delegation to be in the interest of the purposes expressed in this Act and the efficient administration of the programs undertaken pursuant to this Act.

RESTRICTED INFORMATION

Sec. 1003.[69] Nothing in this Act shall authorize the disclosure of any information or knowledge in any case in which such disclosure (1) is prohibited by any other law of the United States, or (2) is inconsistent with the security of the United States.

REPEAL OF ACT OF MAY 25, 1938, AS AMENDED

Sec. 1004. (a) The Act of May 25, 1938, entitled "An Act authorizing the temporary detail of United States employees, possessing special qualifications, to governments of American Republics and the Philippines, and for other purposes," as amended (52 Stat. 442; 53 Stat. 652), is hereby repealed.

(b) Existing Executive orders and regulations pertaining to the administration of such Act of May 25, 1938, as amended, shall remain in effect until superseded by regulations prescribed under the provisions of this Act.

(c) Any reference in the Foreign Service Act of 1946 (60 Stat. 999), or in any other law, to provisions of such Act of May 25, 1938, as amended, shall be construed to be applicable to the appropriate provisions of titles III and IX of this Act.

UTILIZATION OF PRIVATE AGENCIES

Sec. 1005.[70] In carrying out the provisions of this Act it shall be the duty of the Secretary [52] to utilize, to the maximum extent practicable, the services and facilities of private agencies, including existing American press, publishing, radio, motion picture, and other agencies, through contractual arrangements or otherwise. It is the intent of Congress that the Secretary [52] shall encourage participation in carrying out the purposes of this Act by the maximum number of different private agencies in each field consistent with the present or potential market for their services in each country.

TERMINATION PURSUANT TO CONCURRENT RESOLUTION OF CONGRESS

Sec. 1006. The authority granted under this Act shall terminate whenever such termination is directed by concurrent resolution of the two Houses of the Congress.

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[68] 22 U.S.C. 1435.

[69] 22 U.S.C. 1436.

[70] 22 U.S.C. 1437.

VETERANS' PREFERENCE ACT

Sec. 1007.[71] No provision of this Act shall be construed to modify or to repeal the provisions of the Veterans' Preference Act of 1944.

REPORTS TO CONGRESS

Sec. 1008.[72] * * * [Repealed—1980]

REGULATORY PROVISIONS TO APPLY TO ALL INTERNATIONAL INFORMATION ACTIVITIES AND EDUCATIONAL EXCHANGES OF STATE DEPARTMENT

Sec. 1009.[73] All provisions in this Act regulating the administration of international information activities and educational exchanges provided herein, shall apply to all such international activities under jurisdiction of the Department of State.

SEPARABILITY OF PROVISIONS

Sec. 1010. If any provision of this Act or the application of any such provision to any person or circumstance shall be held invalid, the validity of the remainder of the Act and the applicability of such provision to other persons or circumstances shall not be affected thereby.

INFORMATIONAL MEDIA GUARANTIES

Sec. 1011.[74] (a)[75] The Director of the United States Information Agency may make guaranties, in accordance with the provisions of subsection (b) of section 413 of the Mutual Security Act of 1954,[76] of investments in enterprises producing or distributing informational media consistent with the national interests of the United States: *Provided,* That the purpose of making informational media guaranties shall be the achievement of the foreign policy objectives of the United States, including the objective mentioned in sections 413(b)(4)(A) and 413(b)(4)(G) of the Mutual Security Act of 1954,[76] as amended.

(b) The Director is authorized to assume the obligation of not to exceed $28,000,000 of the notes authorized to be issued pursuant to subsection 111(c)(2) of the Economic Cooperation Act of 1948, as amended (22 U.S.C. 1509(c)(2)), together with the interest accrued and unpaid thereon, and to obtain advances from time to time from the Secretary of the Treasury up to such amount, less amounts previously advanced on such notes, as provided for in said notes. Such advances shall be deposited in a special account in the Treasury available for payments under informational media guaranties.

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[71] 22 U.S.C. 1438.

[72] Sec. 1008, which had required an annual report from the Secretary to Congress on expenditures and activities carried out under this Act, was repealed by sec. 117 of Public Law 96–470 (94 Stat. 2240).

[73] 22 U.S.C. 1440. This section has been repealed insofar as it relates to educational exchange activities, by sec. 111(a)(2) of Public Law 87-256 (75 Stat. 538), approved Sept. 21, 1961.

[74] 22 U.S.C. 1442.

[75] This subsection was added by sec. 544 of the Mutual Security Act of 1954 (68 Stat. 862). The proviso was added by sec. 701(c) of the Mutual Security Act of 1959 (73 Stat. 257).

[76] Sec. 413 of the Mutual Security Act of 1954, which related to the encouragement of free enterprise and private participation, was repealed by sec. 642(a)(2) of the Foreign Assistance Act of 1961 (75 Stat. 460). See sec. 601 of such Act for similar language.

(c)[77] The Director is authorized to make informational media guaranties without regard to the limitations of time contained in subsection 413(b)(4) of the Mutual Security Act of 1954, as amended (22 U.S.C. 1933(b)(4)), but the total of such guaranties outstanding at any one time shall not exceed the sum of the face amount of the notes assumed by the Director less the amounts previously advanced on such notes by the Secretary of the Treasury plus the amount of the funds in the special account referred to in subsection (b).

(d)[77] Foreign currencies available after June 30, 1955, from conversions made pursuant to the obligation of informational media guaranties may be sold, in accordance with Treasury Department regulations, for dollars which shall be deposited in the special account and shall be available for payments under new guaranties. Such currencies shall be available, as may be provided for by the Congress in appropriation Acts, for use of educational, scientific, and cultural purposes which are in the national interest of the United States, and for such other purposes of mutual interest as may be agreed to by the governments of the United States and the country from which the currencies derive.

(e)[77] Notwithstanding the provisions of subparagraph 413(b)(4)(E) of the Mutual Security Act of 1954, as amended (22 U.S.C. 1933(b)(4)(E), (1) fees collected for the issuance of informational media guaranties shall be deposited in the special account and shall be available for payments under informational media guaranties; and (2) the Director may require the payment of a minimum charge of up to fifty dollars for issuance of guaranty contracts, or amendments thereto.

(f)[77] The Director is further authorized, under such terms as he may prescribe, to make advance payments under informational media guaranties: *Provided,* That currencies receivable from holders of such guaranties on account of such advance payments shall be paid to the United States within nine months from the date of the advance payment and that appropriate security to assure such payments is required before any advance payment is made.

(g)[77] As soon as feasible after the enactment of this subsection, all assets, liabilities, income, expenses, and charges of whatever kind pertaining to informational media guaranties, including any charges against the authority to issue notes provided in section 111(c)(2) of the Economic Cooperation Act of 1948, as amended, cumulative from the enactment of that Act, shall be accounted for separately from other guaranties issued pursuant to subsection 413(b) of the Mutual Security Act of 1954, as amended (22 U.S.C. 1933(b)): *Provided,* That there shall be transferred from the special account established pursuant to subsection (b), into the account available for payments under guaranties other than informational media guaranties, an amount equal to the total of the fees received for the issuance of guaranties other than informational media guaranties, and used to make payments under informational media guaranties.

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[77] Subsecs. (b) through (g) were added by sec. 11(g) of the Mutual Security Act of 1956 (70 Stat. 563).

(h)[78] (1) There is authorized to be appropriated annually an amount to restore in whole or in part any realized impairment to the capital used in carrying on the authority to make informational media guaranties, as provided in subsection (c), through the end of the last completed fiscal year.

(2) Such impairment shall consist of the amount by which the losses incurred and interest accrued on notes exceed the revenue earned and any previous appropriations made for the restoration of impairment. Losses shall include the dollar losses on foreign currencies sold, and the dollar cost of foreign currencies which (a) the Secretary of the Treasury, after consultation with the Director, has determined to be unavailable for, in excess of, requirements of the United States, or (b) have been transferred to other accounts without reimbursement to the special account.

(3) Dollars appropriated pursuant to this section shall be applied to the payment of interest and in satisfaction of notes issued or assumed hereunder, and to the extent of such application to the principal of the notes, the Director is authorized to issue notes to the Secretary of the Treasury which will bear interest at a rate to be determined by the Secretary of the Treasury, taking into consideration the current average market yields of outstanding marketable obligations of the United States having maturities comparable to the guaranties. The currencies determined to be unavailable for, or in excess of requirements of the United States as provided above shall be transferred to the Secretary of the Treasury to be held until disposed of, and any dollar proceeds realized from such disposition shall be deposited in miscellaneous receipts.

(4)[79] Section 701(a) of this Act shall not apply with respect to any amounts appropriated under this section for the purpose of liquidating the notes (and any accrued interest thereon) which were assumed in the operation of the informational media guaranty program under this section and which were outstanding on the date of enactment of this paragraph.

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[78] Subsec. (h) was added by sec. 502(i) of the Mutual Security Act of 1958 (72 Stat. 274).

[79] Par. (4) was added by sec. 304(f) of Public Law 97-241 (96 Stat. 293).

b. United States Information Agency Authorization Act, Fiscal Years 1986 and 1987

Partial text of Public Law 99-93 [H.R. 2068], 99 Stat. 405, approved August 16, 1985

AN ACT To authorize appropriations for fiscal years 1986 and 1987 for the Department of State, the United States Information Agency, the Board for International Broadcasting, and for other purposes.

NOTE.—Deleted sections of this Act amend State Department, USIA, and other foreign affairs legislation and are incorporated in the appropriate acts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—DEPARTMENT OF STATE

* * * * * * *

TITLE II—UNITED STATES INFORMATION AGENCY

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

In addition to amounts otherwise available for such purposes, there are authorized to be appropriated for the United States Information Agency $887,900,000 for the fiscal year 1986[1] and $887,900,000 for the fiscal year 1987[1a] to carry out international information, educational, cultural, and exchange programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, the Radio Broadcasting to Cuba Act, and other purposes authorized by law. Amounts appropriated under this section are authorized to remain available until expended.

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[1] The Department of State and Related Agencies Appropriation Act, 1986 (Title V of Public Law 99-180, 99 Stat. 1167), included for fiscal year 1986 the following appropriations: salaries and expenses—$571,000,000; educational and cultural exchange programs—$128,106,000 (and $9,894,000 for private sector exchange programs); acquisition and construction of radio facilities—$114,000,000; radio broadcasting to Cuba—$10,700,000; Center for Cultural and Technical Interchange Between East and West—$20,750,000; National Endowment for Democracy—$18,000,000.

[1a] Title V of Section 101(b) of the Continuing Appropriations Act, 1987, Public Law 99-591, 100 Stat. 3341 included for fiscal year 1987 the following appropriations: salaries and expenses—$570,000,000; educational and cultural exchange programs—$135,270,000 (and $9,730,000 for private sector exchange programs); acquisition and construction of radio facilities—$46,000,000; radio broadcasting to Cuba—$11,250,000; Center for Cultural Interchange between East and West—$20,000,000; National Endowment for Democracy—$15,000,000.

SEC. 202. MODERNIZATION OF VOICE OF AMERICA.

Of the authorizations of appropriations contained in section 201, authorizations of $136,594,000 for the fiscal year 1986 and $136,594,000 for the fiscal year 1987, which shall be available for essential modernization of the facilities and operations of the Voice of America, shall remain available until the appropriations are made and when those amounts are appropriated they are authorized to remain available until expended.

SEC. 203. RADIO BROADCASTING TO CUBA.

Of the amounts authorized to be appropriated by section 201, not less than $11,500,000 for the fiscal year 1986 and not less than $11,700,000 for the fiscal year 1987 shall be available for the implementation of the Radio Broadcasting to Cuba Act.

SEC. 204. FUNDS FOR EDUCATIONAL AND CULTURAL EXCHANGES.

Of the amounts authorized to be appropriated by section 201—

(1) not less than $128,899,500 for the fiscal year 1986 and not less than $141,996,000 for the fiscal year 1987 shall be available only for grants for the Fulbright Academic Exchange Programs and the International Visitor Program;

(2) not less than $4,891,500 for the fiscal year 1986 and not less than $5,479,000 for the fiscal year 1987 shall be available only for grants for the Humphrey Fellowship Program; and

(3) $45,400,000 for the fiscal year 1986 and $45,100,000 for the fiscal year 1987 shall be allocated to fund grants and exchanges to Latin America and the Caribbean, and the amounts utilized for programs in Central America shall be obligated in a manner consistent with the recommendations of the National Bipartisan Commission on Central America.

SEC. 205. FUNDS FOR WORLDWIDE BOOK PROGRAM INITIATIVE.

Of the amounts authorized to be appropriated by section 201, not less than $7,500,000 for each of the fiscal years 1986 and 1987 shall be available only for the worldwide book program initiative.

SEC. 206. FUNDS FOR EXCHANGE ACTIVITIES ASSOCIATED WITH THE 1987 PAN AMERICAN GAMES.

Of the amounts authorized to be appropriated for the fiscal years 1986 and 1987 by section 201, not less than $1,500,000 for each such fiscal year shall be available only to the Indiana Sports Corporation for exchanges of persons and other exchange-related activities associated with the 1987 Pan American Games to be held in Indianapolis, Indiana.

SEC. 207. FUNDS FOR INTERNATIONAL GAMES FOR THE HANDICAPPED.

Of the amounts authorized to be appropriated for fiscal year 1986 by section 201, $3,000,000 shall be available only to reimburse expenses for exchange of athletes, coaches, and officals participating in international games for the handicapped which are conducted in the United States.

SEC. 208. BAN ON DOMESTIC ACTIVITIES BY THE USIA.

Except as provided in section 501 of the United States Information and Education Exchange Act of 1948 (22 U.S.C. 1461) and this section, no funds authorized to be appropriated to the United States Information Agency shall be used to influence public opinion in the United States, and no program material prepared by the United States Information Agency shall be distributed within the United States. This section shall not apply to programs carried out pursuant to the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.).

SEC. 209. PRIVATE SECTOR FUNDING FOR USIA'S PRIVATE SECTOR PROGRAM.

(a) Limitation on Grants.—No grant shall be made to any organization through the Private Sector Program of the United States Information Agency unless—

(1) costs equal to at least 15 percent of grants from the United States Information Agency in fiscal year 1986, and

(2) costs equal to at least 25 percent of grants from the United States Informaton Agency in fiscal year 1987, for that organization's exchange and exchange-related programs are provided for from non-United States Government sources.

(b) Exemption for Certain Organizations.—Subsection (a) shall not apply to grantee organizations which have been in existence for less than one year.

(c) Prohibition on Funding 1985 International Youth Year Activities.—No funds from fiscal year 1986 appropriations for the United States Information Agency or for any other United States Government agency shall be available for grants related to 1985 International Youth Year activities.

SEC. 210. * * *

SEC. 211. PROMOTING DEMOCRACY AND AN END TO THE APARTHEID POLICIES IN SOUTH AFRICA.

(a) Purpose.—It is the purpose of this section to encourage funding for programs that would promote democracy and seek to end the apatheid policies in South Africa, and that would be in addition to the programs for South Africa funded under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.).

(b) USIA Grants to the National Endowment for Democracy.—It is the sense of the Congress that the Director of the United States Information Agency should make a grant of up to $500,000 for each of the fiscal years 1986 and 1987 to the National Endowment for Democracy (in addition to grants otherwise made by the Director to the Endowment) for use by the Endowment in providing financing for programs that are designated to promote democracy and that seek to end the apartheid policies in South Africa.

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(c) Programs Designed To End the Apartheid Policies.—The programs funded pursuant to this section shall be programs of support for actions of non-white led community organizations in South Africa to terminate apartheid policies such as—

(1) removal of black populations from certain geographic areas on account of race or ethnic origin;

(2) denationalization of blacks, including any distinctions between the South African citizenships of blacks and whites;

(3) residence restrictions based on race or ethnic origin;

(4) restrictions on the rights of blacks to seek employment in South Africa and live wherever they find employment in South Africa; and

(5) restrictions which make it impossible for black employees and their families to be housed in family accommodations near their place of employment.

(d) ELIGIBLE ORGANIZATIONS IN SOUTH AFRICA.—Any program funded in accordance with this section, which is to be carried out within South Africa, should be a program which in both its character and organizational sponsorship in South Africa clearly reflects the aspirations of the indigenous majority of South Africans for the establishment of democratic institutions and for an end to the apartheid system of separate development, and should not be a program which is financed or controlled by the Government of South Africa.

SEC. 212. DISTRIBUTION WITHIN THE UNITED STATES OF THE USIA FILM ENTITLED "HAL DAVID: EXPRESSING A FEELING".

Notwithstanding section 208 of this Act and the second sentence of section 501 of the United States Information and Education Exchange Act of 1948 (22 U.S.C. 1461)—

(1) the Director of the United States Information Agency shall make available to the Archivist of the United States a master copy of the film entitled "Hal David: Expressing a Feeling"; and

(2) upon evidence that necessary United States rights and licenses have been secured and paid for by the person seeking domestic release of the film, the Archivist shall reimburse the Director for any expenses of the Agency in making that master copy available, shall deposit that film in the National Archives of the United States, and shall make copies of that film available for purchase and public viewing within the United States.

Any reimbursement to the Director pursuant to this section shall be credited to the applicable appropriation of the United States Information Agency.

SEC. 213. DISTRIBUTION WITHIN THE UNITED STATES OF THREE USIA FILMS RELATING TO AFGHANISTAN.

Notwithstanding section 208 of this Act and the second sentence of section 501 of the United States Information and Education Exchange Act of 1948 (22 U.S.C. 1461)—

(1) the Director of the United States Information Agency shall make available to the Archivist of the United States a master copy of the films entitled "Afghanistan 1982; the Struggle for Freedom Continues", "We are Afghanistan", and "Afghanistan: The Hidden War"; and

(2) upon evidence that necessary United States rights and licenses have been secured and paid for by the person seeking domestic release of such a film, the Archivist shall reimburse the Director for any expenses of the Agency in making the master copy of such film available, shall deposit such film in

the National Archives of the United States, and shall make copies of such film available for purchase and public viewing within the United States.

Any reimbursement to the Director pursuant to this section shall be credited to the applicable appropriation of the United States Information Agency.

c. United States Information Agency Authorization Act, Fiscal Years 1984 and 1985

Partial text of Public Law 98-164 [H.R. 2915], 97 Stat. 1017, approved November 22, 1983

AN ACT To authorize appropriations for fiscal years 1984 and 1985 for the Department of State, the United States Information Agency, the Board for International Broadcasting, the Inter-American Foundation, and the Asia Foundation, to establish the National Endowment for Democracy, and for other purposes.

NOTE.—Deleted sections of this Act amend State Department, USIA, and other foreign affairs legislation and are incorporated in the appropriate acts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—DEPARTMENT OF STATE

* * * * * * *

TITLE II—UNITED STATES INFORMATION AGENCY

SHORT TITLE

Sec. 201. This title may be cited as the "United States Information Agency Authorization Act, Fiscal Years 1984 and 1985".

AUTHORIZATION OF APPROPRIATIONS

Sec. 202. In addition to the amounts otherwise authorized for such purposes, there are authorized to be appropriated for the United States Information Agency $642,348,000 for the fiscal year 1984 [1] and $806,239,000 for the fiscal year 1985 [2] to carry out inter-

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[1] The Department of State and Related Agencies Appropriations Act, 1984 (title III of Public Law 98-166; 97 Stat. 1097) included $624,565,000 for fiscal year 1984, itemized as follows: salaries and expenses—$471,853,000; educational and cultural exchange programs—$92,900,000; salaries and expenses (special foreign currency program)—$9,800,000; Center for Cultural and Technical Interchange between East and West—$18,362,000; and acquisition and construction of radio facilities—$31,000,000.

[2] The Department of State and Related Agencies Appropriations Act, 1985 (title III of Public Law 98-411; 98 Stat. 1564) included $768,856,000 for fiscal year 1985, itemized as follows: salaries and expenses—$545,856,000; salaries and expenses (special foreign currency program)—$8,000,000; educational and cultural exchange programs—$130,000,000; acquisition and construction of radio facilities—$85,000,000. The Supplemental Appropriations Act, 1985 (title I of Public Law 99-88; 99 Stat. 293), for fiscal year 1985, provided as follows:

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

Of the funds made available under this head in Public Law 98-411, $3,800,000 for the pilot Central American Undergraduate Scholarship program shall remain available until September

Continued

national information, educational, cultural, and exchange programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, and Reorganization Plan Numbered 2 of 1977, and other purposes authorized by law.

IMPROVEMENT OF VOA FACILITIES AND OPERATIONS

Sec. 203. Of the authorizations of appropriations contained in section 202—

(1) authorizations of $47,959,000 for the fiscal year 1984, which shall be available for the acquisition and contruction of radio facilities,[1] and

(2) authorizations of $164,800,000 for the fiscal year 1985, which shall be available for essential modernization of the facilities and operations of the Voice of America,[2]

shall remain available until the appropriations are made and when those amounts are appropriated they are authorized to remain available until expended.

INTERNAL AUDITORS

Sec. 204. Of the amounts authorized to be appropriated by section 202, not less than $600,000 for each of the fiscal years 1984 and 1985 shall be available only for the employment of twelve professional internal auditors for the United States Information Agency in excess of any internal auditors employed by the Agency during fiscal year 1983.

FUNDS FOR THE NATIONAL ENDOWMENT FOR DEMOCRACY

Sec. 205. Of the amounts appropriated for the United States Information Agency for each of the fiscal years 1984 and 1985, not less than $31,300,000 shall be available only for a grant, in accordance with title V of this Act, to the National Endowment for Democracy for use in carrying out its purposes.[3]

30, 1986; and for an additional amount under this head, $9,000,000, to remain available until September 30, 1986.

For an additional amount under this head to promote the development of an independent media service by the Afghan people and to provide for the training of Afghans in media and media-related fields, $500,000, to remain available until September 30, 1986: *Provided*, That the Director, with the Secretary of State, shall report to the appropriate committees of Congress on the obligation of these funds 60 days from the date of enactment of this Act.

For the Private Sector Exchange Programs, an additional $500,000 is provided, to remain available until expended, for the model Chinese-American Development Student Exchange Program at Tufts University as authorized by the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2451 et seq.).

ACQUISITION AND CONSTRUCTION OF RADIO FACILITIES

For an additional amount for "Acquisition and Construction of Radio Facilities", $6,648,000, to remain available until expended.

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

(RESCISSION)

Of available funds under this head, $2,879,000 are rescinded.

[3] The Department of State and Related Agency Appropirations Act, 1984 (title III of Public Law 98-166; 97 Stat. 1098) included $18,000,000 for the National Endowment for Democracy during fiscal year 1984. The Department of State and Related Agencies Appropriations Act, 1985

Continued

EDUCATIONAL AND CULTURAL EXCHANGES

Sec. 206. (a) Of the funds authorized to be appropriated for the United States Information Agency for the fiscal year 1984, not less than $100,500,000 shall be available only for grants for the Fulbright Academic Exchange Programs and the International Visitor Program, not less than $3,729,000 shall be available only for grants for the Humphrey Fellowship Program, and not more than $7,100,000 shall be available for the Private Sector Program.[4] Funds authorized to be appropriated by this title for the Private Sector Program shall be available only for grants to not-for-profit cultural, educational, or exchange-of-persons organizations. Of the funds authorized to be appropriated for the United States Information Agency for fiscal year 1984, $3,000,000 shall be available only for enhancements of United States libraries overseas and programs providing support services to foreign students studying, or intending to study, in the United States.

(b) Of the funds authorized to be appropriated for the United States Information Agency for the fiscal year 1985, not less than $123,100,000 shall be available only for grants for the Fulbright Academic Exchange Programs and the International Visitor Program, and not less than $4,435,000 shall be available only for grants for the Humphrey Fellowship Program.[5]

PRIVATE SECTOR PROGRAM

Sec. 207.[6] (a) No funds authorized to be appropriated for the Private Sector Program shall be used to pay for foreign travel by any United States citizen who, in the five years preceding the date of the proposed foreign travel, made two or more trips financed in whole or in substantial part by grants from the Private Sector Program. This limitation shall not apply to escort interpreters accompanying delegations, to artists accompanying exhibitions, to persons engaging in theatrical or musical performances, or to the full-time staff of the grantee organization. In addition, the Director of the Bureau of Educational and Cultural Affairs may waive this limitation in exceptional cases if he determines that foreign travel is essential to the successful completion of the grant program and so certifies in writing to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate at least 15 days prior to the commencement of the proposed foreign travel.

(b) Not later than January 31 of each year, the Director of the Bureau of Educational and Cultural Affairs shall submit to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate a report listing all

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(title III of Public Law 98-411; 98 Stat. 1569) included $18,500,000 for the National Endowment for Democracy during fiscal year 1985. See also page 1569 for the text of the National Endowment for Democracy Act.

[4] The Department of State and Related Agencies Appropriations Act, 1984 (title III of Public Law 98-166; 97 Stat. 1097) included $92,900,000 for educational and cultural exchange programs and $7,100,000 for the Private Sector Exchange Program during fiscal year 1984.

[5] The Department of State and Related Agencies Appropriations Act, 1985 (title III of Public Law 98-411; 98 Stat. 1569) included $121,352,000 for educational and cultural exchange programs and $8,648,000 for the Private Sector Exchange Program during fiscal year 1985.

[6] 22 U.S.C. 2460 note.

individuals, with their organization, who in the preceding 5 years made two or more trips involving foreign travel financed in whole or substantial part by grants from the Private Sector Program.

INTERNATIONAL YOUTH YEAR

Sec. 208. (a) From the funds allocated to the Private Sector Program, the United States Information Agency may make grants to youth and youth service organizations in support of activities to promote participation by American young people in the activities of International Youth Year. Activities to be supported shall involve exchange-of-persons. Grants under this subsection shall be subject to all applicable guidelines and notification requirements, except that organizations receiving such grants shall not be subject to the funding limitation on newer organizations which is contained in the "ECA Grant Guidelines" which were submitted to the Congress on May 4, 1983 (see pages 42–44 of the report of the Committee on Foreign Relations on S. 1342 (Senate report numbered 98–143) and pages 66–68 of the report of the Committee on Foreign Affairs to accompany H.R. 2915 (House of Representatives report numbered 98–130)).

(b) The Secretary of State shall ensure that any organization designated by the United States Government, or any agency thereof, as the official United States commission or committee for United States participation in International Youth Year meets the following criteria: (1) the membership of such organization is open to all major youth and youth service organizations; (2) the charter of such organization provides that the organization will have full financial responsibility for its own assets, receipts, and expenditures; and (3) the composition of the Governing Board shall be elected from the constituent youth and youth service organizations, and in such an election the size of the membership of the constituent youth and youth service organizations shall be an important factor. Clause (3) shall not be construed as requiring any particular system of proportional representation in the election of the Governing Board.

(c) No funds authorized to be appropriated by this Act shall be made available to any organization to coordinate or plan for United States participation in International Youth Year if that organization does not meet the criteria specified in subsection (b).

PROHIBITION ON LOBBYING WITH UNITED STATES FUNDS BY USIA GRANTEE ORGANIZATIONS

Sec. 209. None of the funds authorized to be appropriated by this title shall be used by any grantee organization of the United States Information Agency for lobbying or propaganda which is directed at influencing public policy decisions of the Government of the United States or any State or locality thereof. This section shall not be construed so as to abridge the right of any grantee organization to exercise the same freedom of speech as is protected by the first article of amendment of the United States Constitution, so long as such organization does not use funds provided under this title in exercising such right.

FUNDS FOR OFFICIAL RECEPTIONS AND ENTERTAINMENT EXPENSES

Sec. 210. Notwithstanding any other provision of law, not more than $20,000 of the funds authorized to be appropriated to the United States Information Agency for the fiscal year 1984 or for the fiscal year 1985 shall be available for domestic representation or entertainment expenses, including official receptions.

FUNDS FOR UNITED STATES-GERMAN TEENAGE EXCHANGE

Sec. 211. In addition to amounts otherwise authorized to be appropriated for the United States Information Agency, there are authorized to be appropriated $2,500,000 for the fiscal year 1984 and $2,500,000 for the fiscal year 1985 to carry out a United States-German teenage exchange sponsored by the Members of the United States Congress and the West German Bundestag.

FUNDING FOR UNITED STATES PARTICIPATION IN THE TSUKUBA, JAPAN EXPOSITION 1985

Sec. 212. In addition to amounts otherwise made available for such purpose, there are authorized to be appropriated to the United States Information Agency, without fiscal year limitation, $4,000,000 for expenses in connection with United States participation in the Tsukuba, Japan Exposition 1985.

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DISTRIBUTION WITHIN THE UNITED STATES OF THE USIA FILM ENTITLED "THANKSGIVING IN PESHAWAR"

Sec. 216. (a) Notwithstanding the second sentence of section 501 of the United States Information and Education Exchange Act of 1948 (22 U.S.C. 1461(a))—

(1) the Director of the United States Information Agency shall make available to the Administrator of General Services a master copy of the film entitled "Thanksgiving in Peshawar"; and

(2) upon evidence that necessary United States rights and licenses have been secured and paid for by the person seeking domestic release of the film, the Administrator shall reimburse the Director for any expenses of the Agency in making that master copy available, shall deposit that film in the National Archives of the United States, and shall make copies of that film available for purchase and public viewing within the United States.

(b) Any reimbursement to the Director pursuant to this section shall be credited to the applicable appropriation of the United States Information Agency.

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d. United States Information Agency Authorization Act, Fiscal Years 1982 and 1983

Partial text of Public Law 97-241 [S. 1193], 96 Stat. 273 at 291, approved August 24, 1982

AN ACT To authorize appropriations for fiscal years 1982 and 1983 for the Department of State, the International Communication Agency, and the Board for International Broadcasting, and for other purposes.

> NOTE.—Deleted sections in this Act amend State Department, USIA, and other foreign affairs legislation and are incorporated in the appropriate acts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—DEPARTMENT OF STATE

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TITLE II—FOREIGN MISSIONS

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TITLE III—UNITED STATES INFORMATION AGENCY

SHORT TITLE

Sec. 301. This title may be cited as the "United States Information Agency Authorization Act, Fiscal Years 1982 and 1983".

AUTHORIZATIONS OF APPROPRIATIONS

Sec. 302. There are authorized to be appropriated for the United States Information Agency, as so redesignated by section 303 of this Act, $494,034,000 for the fiscal year 1982 [1] and $559,000,000 for the fiscal year 1983 [2] to carry out international communication,

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[1] The Continuing Appropriations Act, 1982 (Public Law 97-92; 95 Stat. 1183) and H.R. 4169, as passed by the House and made applicable to Public Law 97-92, included $488,886,000 for FY 1982, itemized as follows: salaries and expenses—$443,286,000; salaries and expenses (special foreign currency program)—$9,800,000; Center for Cultural and Technical Interchange between East and West—$16,800,000; and acquisition and construction of radio facilities—$19,000,000.

[2] Public Law 97-377 (Further Continuing Appropriations Act, 1983; 96 Stat. 1830 at 1877) and S. 2956, as reported in the Senate on Sept. 24, 1982 and made part of Public Law 97-377, appropriated $545,449,000 for fiscal year 1983 itemized in the following manner: salaries and expenses—$492,122,000, of which $84,292,000 shall be for certain USIA exchange programs; salaries and expenses (special foreign currency program)—$10,327,000; Center for Cultural and Tech-

Continued

educational, cultural, and exchange programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, and Reorganization Plan Numbered 2 of 1977, and other purposes authorized by law.

REDESIGNATION OF THE INTERNATIONAL COMMUNICATION AGENCY AS THE UNITED STATES INFORMATION AGENCY

Sec. 303.[3] (a) The International Communication Agency, established by Reorganization Plan Numbered 2 of 1977, is hereby redesignated the United States Information Agency. The Director of the International Communication Agency or any other official of the International Communication Agency is hereby redesignated the Director or other official, as appropriate, of the United States Information Agency.

(b) Any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to the International Communication Agency or the Director or other official of the International Communication Agency shall be deemed to refer respectively to the United States Information Agency or the Director or other official of the United States Information Agency, as so redesignated by subsection (a).

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INTERNATIONAL EXCHANGES AND NATIONAL SECURITY

Sec. 305. (a) The Congress finds that—

(1) United States Government sponsorship of international exchange-of-persons activities has, during the postwar era, contributed significantly to United States national security interests;

(2) during the 1970's, while United States programs declined dramatically, Soviet exchange-of-persons activities increased steadily in pace with the Soviet military buildup;

(3) as a consequence of these two trends, Soviet exchange-of-persons programs now far exceed those sponsored by the United States Government and thereby provide the Soviet Union an important means of extending its worldwide influence;

(4) the importance of competing effectively in this area is reflected in the efforts of major United States allies, whose pro-

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nical Interchange Between East and West—$18,000,000; and acquisition of radio facilities—$25,000,000.

In addition to funds contained in Public Law 97-377 for the United States Information Agency during fiscal year 1983, the Supplemental Appropriations Act, 1983 (Public Law 98-63; 97 Stat. 307 provided the following:

"UNITED STATES INFORMATION AGENCY

"SALARIES AND EXPENSES

"For an additional amount for 'Salaries and expenses', $9,000,000, and, in addition there shall be available the sum of $4,000,000.

"ACQUISITION AND CONSTRUCTION OF RADIO FACILITIES

"For an additional amount for 'Acquisition and construction of radio facilities', $10,800,000."

[3] 22 U.S.C. 1461 note.

grams also represent far greater emphasis on exchange-of-persons activities than is demonstrated by the current United States effort; and

(5) with the availability of increased resources, the United States exchange-of-persons program could be greatly strengthened, both qualitatively and quantitatively.

(b) It is therefore the sense of the Congress that—

(1) United States exchange-of-persons activities should be strengthened;

(2) the allocation of resources necessary to accomplish this improvement would constitute a highly cost-effective means of enhancing the United States national security; and

(3) because of the integral and continuing national security role of exchange-of-persons programs, such activities should be accorded a dependable source of long-term funding.

(c)[4] The amount obligated by the United States Information Agency each fiscal year for grants for exchange-of-persons activities shall be increased, through regular annual increases, so that by the fiscal year 1986 the amount obligated for such grants is at least double (in terms of constant dollars) the amount obligated for such grants for the fiscal year 1982.

(d)[4] (1) In furtherance of the purposes of subsection (c), the Congress directs that of the amount appropriated for the United States Information Agency for the fiscal year 1983—

(A) $84,256,000 shall be available only for grants for the Fulbright Academic Exchange Programs and the International Visitor Program; and

(B) $3,248,000 shall be available only for grants for the Humphrey Fellowship Program; and

(C) $8,906,000 shall be available only for grants to private, not-for-profit organizations engaging in exchange-of-persons programs;

subject to paragraphs (2) and (3) of this subsection.

(2) If the amount appropriated for the United States Information Agency for the fiscal year 1983 is less than the amount authorized for the fiscal year 1983, then the amounts specified in subparagraphs (A) through (C) of paragraph (1) shall each be deemed to be reduced to the amount which bears the same ratio to the specified amount as the amount appropriated bears to the amount authorized. For purposes of this paragraph—

(A) the term "amount appropriated" means the amount appropriated under section 302 of this Act (less any rescissions), and does not include amounts appropriated under section 704 of the United States Information and Educational Exchange Act of 1948 (relating to nondiscretionary personnel costs and currency fluctuations) or under any other provision of law; and

(B) the term "amount authorized" means the amount authorized to be appropriated by section 302 of this Act, less an amount equal to any amount which was withheld from appropriation (or was rescinded) in order to reduce the amount available for a particular program or activity.

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[4] 22 U.S.C. 2455 note.

(3) The Director of the United States Information Agency may authorize up to 5 percent of the amount earmarked under subparagraph (A), (B), or (C) of paragraph (1) to be used for a purpose other than the exchange-of-persons activities specified in that subparagraph. Not less than 15 days prior to any such authorization, the Director shall submit to the Committee on Foreign Affairs of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a justification for authorizing the use of earmarked funds for a purpose other than the specified exchange-of-persons activities.

DISTRIBUTION WITHIN THE UNITED STATES OF CERTAIN UNITED STATES INFORMATION AGENCY FILMS

Sec. 306. (a) Notwithstanding the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461)—

(1) the Director of the United States Information Agency shall make available to the Administrator of General Services a master copy of each of the films listed in subsection (b) of this section; and

(2) the Administrator shall reimburse the Director for any expenses of the Agency in making that master copy available, shall secure any licenses or other rights required for distribution of that film within the United States, shall deposit that film in the National Archives of the United States, and shall make copies of that film available for purchase and public viewing within the United States.

Any reimbursement to the Director pursuant to this section shall be credited to the applicable appropriation of the United States Information Agency.

(b) The films to be made available pursuant to this section are the following: "Reflections: Samuel Eliott Morison"; "And Now Miguel"; and "In their Own Words".

TITLE IV—BOARD FOR INTERNATIONAL BROADCASTING

SHORT TITLE

Sec. 401. This title may be cited as the "Board for International Broadcasting Authorization Act, Fiscal Years 1982 and 1983".

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RADIO BROADCASTING TO CUBA

Sec. 404. Any program of the United States Government involving radio broadcasts directed principally to Cuba, for which funds are authorized to be appropriated by this Act or any other Act, shall be designated as "Radio Marti".

TITLE IV—MISCELLANEOUS PROVISIONS

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e. International Communication Agency Authorization Act, Fiscal Years 1980 and 1981

Partial text of Public Law 96-60 [H.R. 3363], 93 Stat. 395 at 398, approved August 15, 1979

AN ACT To authorize appropriations for fiscal years 1980 and 1981 for the Department of State, the International Communication Agency, and the Board for International Broadcasting.

> NOTE.—Deleted sections in this Act amend State Department, ICA, and other foreign affairs legislation and are incorporated in the appropriate acts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—DEPARTMENT OF STATE

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TITLE II—INTERNATIONAL COMMUNICATION AGENCY

SHORT TITLE

Sec. 201. This title may be cited as the "International Communication Agency Authorization Act, Fiscal Years 1980 and 1981".

AUTHORIZATIONS OF APPROPRIATIONS

Sec. 202. There are authorized to be appropriated for the International Communication Agency $432,547,000 for the fiscal year 1980 and $465,944,000 for the fiscal year 1981[1] to carry out international communication, educational, cultural, and exchange programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, and Reorganization Plan Numbered 2 of 1977, and other purposes authorized by law.

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Sec. 203. (a) * * *

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[1] The Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1981 (H.R. 7584), which includes funds for the ICA, was adopted by Congress on Dec. 3, 1980, but vetoed by the President on Dec. 13, 1980. Appropriations for the ICA during fiscal year 1981 were governed by Public Law 96–536, a continuing resolution providing funds for any Federal agency which had not received funding through an appropriation act. Under the terms of Public Law 96–536, the ICA was funded at levels established in H.R. 7584. H.R. 7584 provided $419,000,000, of which not to exceed $3,746,000 allocated by the ICA to carry out section 102(a)(3) of the Mutual Educational and Cultural Exchange Act shall remain available until expended. "*Provided*, That not to exceed $460,000 may be used for representation abroad."

(b) * * *

(c) [2] Section 602(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 474) is amended—

(1) by striking out "or" at the end of paragraph (19);

(2) by striking out the period at the end of paragraph (20) and inserting in lieu thereof "; or"; and

(3) by inserting immediately after paragraph (20) the following new paragraph:

"(21) the Director of the International Communication Agency with respect to the furnishing of facilities in foreign countries and reception centers within the United States.".

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DISTRIBUTION WITHIN THE UNITED STATES OF THE FILM ENTITLED "MARGARET MEAD—REFLECTIONS" [3]

Sec. 206. Notwithstanding the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461), the Director of the International Communication Agency shall, upon receipt of reimbursement for any expenses involved, make available to the Administrator of General Services, for deposit in the National Archives of the United States, a master copy of the film entitled "Margaret Mead—Reflections" (including the unedited footage for such film), and the Administrator shall make copies of such film available for purchase and public viewing in the United States.

DISTRIBUTION WITHIN THE UNITED STATES OF THE FILM ENTITLED "ASPEN"

Sec. 207. Notwithstanding the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461), the Director of the International Communication Agency shall, upon receipt of reimbursement for any expenses involved, make available to the Administrator of General Services, for deposit in the National Archives of the United States, a master copy of the film entitled "Aspen", and the Administrator shall make copies of such film available for purchase and public viewing in the United States.

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EFFECTIVE DATE

Sec. 209. The amendments made by sections 203 and 204 shall take effect on October 1, 1979, and to the extent that they provide new authorities involving the expenditure of appropriated funds, shall apply only with respect to funds appropriated after the date of enactment of this Act.

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[2] The Federal Property and Administrative Services Act of 1946 provides for a uniform procedure for the management and disposal of Government property. Sec. 602(d) of such Act exempts the provisions of the Act from impairing or affecting any authority of 21 specified Government agency heads to perform specific tasks. This amendment adds the Director of the ICA to this exemption list.

[3] Public Law 96-116 (93 Stat. 857) provided for the distribution within the United States of an additional film entitled: "Reflections: George Meany".

f. International Communication Agency Authorization for Fiscal Year 1979

Partial text of Public Law 95-426 [H.R. 12598], 92 Stat. 963 at 972, approved October 7, 1978

AN ACT To authorize appropriations for fiscal year 1979 for the Department of State, the International Communication Agency, and the Board for International Broadcasting, to make changes in the laws relating to those agencies, to make changes in the Foreign Service personnel system, to establish policies and responsibilities with respect to science, technology, and American diplomacy, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Foreign Relations Authorization Act, Fiscal Year 1979".

* * * * * * *

TITLE II—INTERNATIONAL COMMUNICATION AGENCY

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1979

Sec. 201. (a) There is authorized to be appropriated for the International Communication Agency for fiscal year 1979 to carry out international communication, educational, cultural, and exchange programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, and Reorganization Plan Numbered 2 of 1977, and other purposes authorized by law, $420,577,000, and such additional amounts as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law, and for other nondiscretionary costs.

(b) Amounts appropriated under this section are authorized to remain available until expended.

MISSION OF THE INTERNATIONAL COMMUNICATION AGENCY

Sec. 202.[1] The mission of the International Communication Agency shall be to further the national interest by improving

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[1] 22 U.S.C. 1461-1. Sec. 303 of Public Law 97-241 (96 Stat. 291) redesignated the International Communication Agency as the United States Information Agency and stated that any reference to the International Communication Agency in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding, shall be deemed to be a reference to the United States Information Agency. Sec. 303 also stated that references to the Director or other official of the International Communication Agency shall be deemed to refer to the Director or other official of the United States Information Agency.

United States relations with other countries and peoples through the broadest possible sharing of ideas, information, and educational and cultural activities. In carrying out this mission, the International Communication Agency shall, among other activities—

(1) conduct Government-sponsored information, educational, and cultural activities designed—

(A) to provide other peoples with a better understanding of the policies, values, institutions, and culture of the United States; and

(B) within the statutory limits governing domestic activities of the Agency, to enhance understanding on the part of the Government and people of the United States of the history, culture, attitudes, perceptions, and aspirations of others;

(2) encourage private institutions in the United States to develop their own exchange activities, and provide assistance for those exchange activities which are in the broadest national interest;

(3) coordinate international informational, educational, or cultural activities conducted or planned by departments and agencies of the United States Government;

(4) assist in the development of a comprehensive national policy on international communications; and

(5) promote United States participation in international events relevant to the mission of the Agency.

EXPANDED EXCHANGE ACTIVITIES

Sec. 203. The President shall, by a process of gradual expansion during the four-year period beginning October 1, 1979, increase significantly the financial resources expended annually by the International Communication Agency for exchange-of-persons activities. The President shall prepare at an early date a general plan for the accomplishment of this goal and shall adjust that plan annually, as he finds appropriate, in consultation with the Congress.

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FUNCTIONS RELATING TO THE NATIONAL GALLERY OF ART

Sec. 205. The Secretary of State may delegate to the Director of the International Communication Agency, with the consent of the Director, the functions vested in the Secretary by section 2(a) of the joint resolution entitled "Joint Resolution providing for the construction and maintenance of a National Gallery of Art", approved March 24, 1937 (20 U.S.C. 72(a)).

FUNCTIONS RELATING TO THE WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

Sec. 206. (a) Subsection (b) of section 3 of the Woodrow Wilson Memorial Act of 1968 (20 U.S.C. 80f(b)) is amended—

(1) in the text preceding paragraph (1) by striking out "fifteen" and inserting in lieu thereof "sixteen";

(2) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively; and

(3) by striking out paragraph (1) and inserting in lieu thereof the following new paragraphs:

"(1) the Secretary of State;

"(2) the Director of the International Communication Agency;".

(b)(1) Subsection (c) of that section (20 U.S.C. 80f(c)) is amended by striking out "(7)" and inserting in lieu thereof "(8)".

(2) Subsection (d) of that section (20 U.S.C. 80f(d)) is amended by striking out "(8)" and inserting in lieu thereof "(9)".

DISTRIBUTION WITHIN THE UNITED STATES OF AN INTERNATIONAL COMMUNICATION AGENCY FILM ON ROY WILKINS

Sec. 207. Notwithstanding the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461), the Director of the International Communication Agency shall, upon receipt of reimbursement for any expenses involved, make available to the Administrator of General Services, for deposit in the National Archives of the United States, a master copy of the film entitled "The Right to Dignity", and the Administrator shall make copies of such film available for purchase and public viewing in the United States.

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g. United States Information Agency Authorization for Fiscal Year 1978

Partial text of Public Law 95-105 [H.R. 6689], 91 Stat. 844 at 849, approved August 17, 1977

AN ACT To authorize fiscal year 1978 appropriations for the Department of State, the United States Information Agency, and the Board for International Broadcasting, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Foreign Relations Authorization Act, Fiscal Year 1978".

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TITLE II—UNITED STATES INFORMATION AGENCY

AUTHORIZATION OF APPROPRIATIONS

Sec. 201. (a) There are authorized to be appropriated for the United States Information Agency for fiscal year 1978, to carry out international informational activities and programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, and Reorganization Plan Numbered 8 of 1953, and other purposes authorized by law, the following amounts:

(1) For "Salaries and expenses" and "Salary and expenses (special foreign currency program)", $269,286,000.

(2) For "Special international exhibitions", $4,360,000.

(3) For "Acquisition and construction of radio facilities", $19,872,000.

(4) For increases in salary, pay, retirement, and other employee benefits authorized by law, and for other nondiscretionary costs, such additional amounts as may be necessary.

(b) Amounts appropriated under this section are authorized to remain available until expended.

TRANSFER AUTHORITY

Sec. 202. Funds authorized to be appropriated for fiscal year 1978 by any paragraph of section 201(a) (other than paragraph (4)) may be appropriated for such fiscal year for a purpose for which appropriations are authorized by any other paragraph of such section (other than paragraph (4)), except that the total amount appropriated for a purpose described in any paragraph of section 201(a) (other than paragraph (4)) may not exceed the amount specifically authorized for such purpose by section 201(a) by more than 10 per centum.

REPLACEMENT OF FACILITIES IN SOWETO, REPUBLIC OF SOUTH AFRICA

Sec. 203. The Director of the United States Information Agency [1] shall prepare and submit to the Secretary of State plans for the replacement under the Foreign Service Buildings Act, 1926, of the Agency's facilities in Soweto, Republic of South Africa.

DISTRIBUTION WITHIN THE UNITED STATES OF CERTAIN FILMS PREPARED BY THE UNITED STATES INFORMATION AGENCY

Sec. 204. Notwithstanding the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461), the Director of the United States Information Agency [1] may make available to the Administrator of General Services, for deposit in the National Archives of the United States, a master copy of—

(1) the film entitled "Hirshhorn Museum and Sculpture Garden";

(2) the film entitled "Man in the Environment"; and

(3) any of the films sponsored by the Agency for its two "Young Filmmakers Bicentennial Film Series";

and the Administrator shall make copies of such films available for public viewing within the United States.

USE BY THE JOHN FITZGERALD KENNEDY LIBRARY OF CERTAIN FILMS PREPARED BY THE UNITED STATES INFORMATION AGENCY

Sec. 205. Notwithstanding the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461), the Director of the United States Information Agency [1] shall, upon receipt of reimbursement for any expenses involved, make available to the Administrator of General Services for deposit or use at the John Fitzgerald Kennedy Library in Boston, Massachusetts, copies of the following films and trims and outs:

"President Kennedy Addresses Canadian Parliament".
"United in Progress".
"America Welcomes Prime Minister Baldewa (Nigeria)".
"U.S. Welcomes Crown Prince Hassan (Libya)".
"America Welcomes Ayub Khan".
"America Welcomes President Aboud (Sudan)".
"Firm Alliance (Iran)".

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[1] Pursuant to sec. 7(a)(1) of Reorganization Plan No. 2 of 1977, all functions vested in the President, Secretary of State, the Department of State, the Director of the United States Information Agency, and the United States Information Agency by this Act were transferred to the Director of the International Communication Agency. The codified version of this Act has been changed to reflect this transfer of authority.

However, sec. 303 of Public Law 97-241 (96 Stat. 291) redesignated the International Communication Agency as the United States Information Agency and stated that any reference to the International Communication Agency in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding, shall be deemed to be a reference to the United States Information Agency. Sec. 303 also stated that references to the Director or other official of the International Communication Agency shall be deemed to refer to the Director or other official of the United States Information Agency.

"American Journey (Ivory Coast)".
"A Welcome Visitor (Nehru)".
"Haile Selassie (Return Trip)".
"His Majesty, King Hassan (Morocco) Visits U.S.".
"Salute to an African Leader (Bourguiba-Tunisia)".
"Inauguration of John F. Kennedy".
"The Task Begun".
"Progress Through Freedom".
"Forging the Alliance".
"Prime Minister of Somali Republic Visits U.S.".
"President Olympio of Togo Visits U.S.".
"Five Cities in June".
"From Uganda to America".
"President Ahidjo Visits U.S.".
"Mrs. Kennedy's Asian Journey".
"Invitation to India".
"Invitation to Pakistan".

h. United States Information Agency Appropriations Authorization Act of 1973

Partial text of Public Law 93-168 [S. 2681], 87 Stat. 688, approved November 29, 1973 [1]

Sec. 4. The United States Information Agency shall, upon request by Little League Baseball, Incorporated, authorize the purchase by such corporation of copies of the film "Summer Fever", produced by such agency in 1972 depicting events in Little League Baseball in the United States Information and Educational Exchange Act of 1948. Little League Baseball, Incorporated, shall have exclusive rights to distribute such film for viewing within the United States in furtherance of the object and purposes of such corporation as set forth in section 3 of the Act entitled "An Act to incorporate the Little League Baseball, Incorporated", approved July 16, 1964 (78 Stat. 325).

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[1] Sec. 3 of Public Law 93-168 amended sec. 701 of the United States Information and Educational Exchange Act of 1948, as amended.

i. USIA Film: "Let Poland Be Poland"

Public Law 97-146 [H.J. Res. 382], 96 Stat. 3, approved January 30, 1982

JOINT RESOLUTION To permit the broadcasting in the United States of the International Communication Agency film "Let Poland be Poland: A Day of Solidarity With the People of Poland".

Whereas the Polish Action Committee has called on free peoples everywhere to commemorate January 30, 1982, as a Day of Solidarity with the People of Poland;

Whereas the American Federation of Labor and Congress of Industrial Organizations, the International Confederation of Free Trade Unions (ICFTU), and other labor organizations throughout the world are commemorating this day with rallies and other observances;

Whereas the President has issued a proclamation declaring January 30, 1982, to be Solidarity Day in the United States;

Whereas the heads of state of many Free World nations will join in observing Solidarity Day;

Whereas these observances will be broadcast worldwide, over television and radio, to an expected audience of over 300 million people; and

Whereas it is desirable that the people of the United States be aware of, and participants in, this worldwide effort: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461), the Director of the International Communication Agency [1] may make the film entitled "Let Poland Be Poland: A Day of Solidarity With the People of Poland" available for broadcasting in the United States on January 31, 1982, or within thirty days thereafter.

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[1] Sec. 303 of Public Law 97-241 (96 Stat. 291) redesignated the International Communication Agency as the United States Information Agency and stated that any reference to the International Communication Agency in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding, shall be deemed to be a reference to the United States Information Agency. Sec. 303 also stated that references to the Director or other official of the International Communication Agency shall be deemed to refer to the Director or other official of the United States Information Agency.

j. USIA Film, "Montana: The People Speak"

Public Law 97-159 [S. 2166], 96 Stat. 20, approved March 24, 1982

AN ACT To provide for the distribution within the United States of the International Communication Agency slide show entitled "Montana: The People Speak".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461)—

(1) the Director of the International Communication Agency [1] shall make available to the Administrator of General Services a master copy of the slide show entitled "Montana: The People Speak"; and

(2) the Administrator shall reimburse the Director [1] for any expenses of the Agency in making that master copy available, shall secure any licenses or other rights required for distribution of that slide show within the United States, shall deposit that slide show in the National Archives of the United States, and shall make copies of that slide show available for purchase and public viewing within the United States.

(b) Any reimbursement to the Director [1] pursuant to this section shall be credited to the applicable appropriation of the International Communication Agency.[1]

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[1] Sec. 303 of Public Law 97-241 (96 Stat. 291) redesignated the International Communication Agency as the United States Information Agency and stated that any reference to the International Communication Agency in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding, shall be deemed to be a reference to the United States Information Agency. Sec. 303 also stated that references to the Director or other official of the International Communication Agency shall be deemed to refer to the Director or other official of the United States Information Agency.

k. USIA Film, "Dumas Malone: A Journey With Mr. Jefferson"

Public Law 97-388 [S. 3073], 96 Stat. 1948, approved December 23, 1982

AN ACT To provide for the distribution within the United States of the United States Information Agency film entitled "Dumas Malone: A Journey With Mr. Jefferson".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461)—

(1) the Director of the United States Information Agency shall make available to the Administrator of General Services a master copy of the film entitled "Dumas Malone: A Journey With Mr. Jefferson", and

(2) the Administrator shall reimburse the Director for any expenses of the Agency in making that master copy available, shall secure any licenses or other rights required for distribution of that film within the United States, shall deposit that film in the National Archives of the United States, and shall make copies of that film available for purchase and public viewing within the United States.

(b) Any reimbursement to the Director pursuant to this section shall be credited to the applicable appropriation of the United States Information Agency.

1. USIA FILM, "The March"

Public Law 99-369 [H.R. 4985], 100 Stat. 778, approved August 1, 1986

AN ACT to authorize the distribution within the United States of the USIA film entitled "The March".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DISTRIBUTION WITHIN THE UNITED STATES OF THE USIA FILM ENTITLED "THE MARCH".

Notwithstanding section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 and the second sentence of section 501 of the United States Information and Education Exchange Act of 1948 (22 U.S.C. 1461)—

(1) the Director of the United States Information Agency shall make available to the Archivist of the United States a master copy of the film entitled "The March"; and

(2) upon evidence that necessary United States rights and licenses have been secured and paid for by the person seeking domestic release of the film, the Archivist shall reimburse the Director for any expenses of the Agency in making that master copy available, shall deposit that film in the National Archives of the United States, and shall make copies of that film available for purchase and public viewing in the United States.

Any reimbursement to the Director pursuant to this section shall be credited to the applicable appropriation of the United States Information Agency.

m. Release of USIA Materials to Museums

Public Law 99-475 [H.R. 5522]; 100 Stat. 1217, approved October 16, 1986

AN ACT To authorize the release to museums in the United States of certain objects owned by the United States Information Agency.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RELEASE OF CERTAIN OBJECTS OWNED BY USIA.

Notwithstanding section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461-1a), and the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461), the Director of the United States Information Agency may release to any museum located in the United States the objects described in section 2 if that museum pays all costs associated with the transfer of such objects to that museum (as determined by the Director).

SEC. 2. OBJECTS SUBJECT TO RELEASE.

The objects referred to in section 1 are those objects displayed at the United States Pavilion at the 86 Expo in Vancouver, British Columbia, Canada, which are owned by the United States Information Agency but (as determined by the Director of the United States Information Agency) not committed by it for other purposes.

n. United States Information Agency Appropriations, 1987

Partial text of Public Law 99-591 [Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 1987, Sec. 101(b) of the Continuing Appropriations Act, 1987, H.J. Res. 738 and the Omnibus Drug Supplemental Appropriations Act of 1987, Sec. 101(n), Title II, Chapter I, of the Continuing Appropriations Act, 1987, H.J. Res. 738]; 100 Stat. 3341, approved October 30, 1986

JOINT RESOLUTION Making continuing appropriations for the fiscal year 1987, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1987, and for other purposes, namely:

SEC. 101. * * *

(b) Such amounts as may be necessary for programs, projects or activities provided for in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1987, at a rate of operations and to the extent and in the manner provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

AN ACT Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1987, and for other purposes.

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TITLE V—RELATED AGENCIES

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by Reorganization Plan No. 2 of 1977, the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.), to carry out international communication, educational and cultural activities, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $270,000, of which $250,000 is to facilitate United States participation in international expositions abroad); expenses authorized by the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.), living quarters as authorized by 5 U.S.C. 5912, and allowances as authorized by 5 U.S.C. 5921–5928 and 22 U.S.C. 287e–1; and entertainment, including official receptions, within the United States, not to exceed $20,000; $570,000,000, none of which shall be restricted from use for the purposes appropriated herein: *Provided,* That not to exceed $1,000,000 may be used for representation abroad: *Provided further,* That not to exceed $15,558,000 of the amounts allocated by the United States Information Agency to carry out section 102(a)(3) of the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2452(a)(3)), shall remain available until expended: *Provided further,* That receipts not to exceed $1,000,000 may be credited to this appropriation from fees or other payments received from or in connection with English-teaching programs as authorized by section 810 of the United States Information and Educational Exchange Act of 1948, as amended: *Provided further,* That not to exceed $2,750,000 shall be available for the Office of Inspector General.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of Fulbright, International Visitor, Humphrey Fellowship and Congress-Bundestag Exchange Programs, as authorized by Reorganization Plan No. 2 of 1977 and the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2451 et seq.), $135,270,000, of which $24,270,000, to remain available until expended, shall be available for expenditure on October 1, 1987. For the Private Sector Exchange Programs, $9,730,000 of which $730,000, to remain available until expended, shall be available for expenditure on October 1, 1987, and of which $1,500,000, to remain available until expended, is for the Eisenhower Exchange Fellowship Program notwithstanding section 209 of Public Law 99–93.

RADIO CONSTRUCTION

For an additional amount for the purchase, rent, construction, and improvement of facilities for radio transmission and reception and purchase and installation of necessary equipment for radio transmission and reception, $46,000,000, to remain available until expended: *Provided,* That not to exceed $12,000,000 of these funds shall be available for construction of facilities for Radio in the American Sector: *Provided further,* That such amounts as may be necessary shall be available until expended for contingent termination or cancellation costs: *Provided further,* That the Funds appropriated in this paragraph shall be available for expenditure on October 1, 1987.

RADIO BROADCASTING TO CUBA

For an additional amount, necessary to enable the United States Information Agency to carry out the Radio Broadcasting to Cuba Act (providing for the Radio Marti program or Cuba Service of the Voice of America), including the purchase, rent, construction, and improvement of facilities for radio transmission and reception and purchase and installation of necessary equipment for radio transmission and reception, $11,250,000, to remain available until expended.

EAST-WEST CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to any appropriate recipient in the State of Hawaii, $20,000,000: *Provided,* That none of the funds appropriated herein shall be used to pay any salary, or to enter into any contract providing for the payment thereof, in excess of the highest rate authorized in the General Schedule of the Classification Act of 1949, as amended.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $15,000,000.

ADMINISTRATIVE PROVISION—UNITED STATES INFORMATION AGENCY

Funds appropriated under this title to the United States Information Agency shall be available notwithstanding the provisions of sections 203, 204, 205, and 210(c) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99-93).

* * * * * * *

(n) Such amounts as may be necessary for continuing the following activities, not otherwise provided for in this joint resolution, which were conducted in the fiscal year 1986, under the terms and conditions provided in applicable appropriations Acts for the fiscal year 1986, at the current rate or as otherwise provided herein: *Provided,* That no appropriation or fund made available or authority granted pursuant to this subsection shall be used to initiate or resume any project or activity for which appropriations, funds, or authority were not available during fiscal year 1986 unless otherwise provided for herein:

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TITLE II

OMNIBUS DRUG SUPPLEMENTAL APPROPRIATIONS ACT OF 1987

CHAPTER I

* * * * * * *

RELATED AGENCY

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $2,000,000, to be available only for drug education programs abroad.

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o. Supplemental Appropriations, 1986

Partial text of Public Law 99-349 [Urgent Supplemental Appropriation's Act, 1986, H.R. 451J], 100 Stat. 719, approved July 2, 1986

An Act making urgent supplemental appropriations for the fiscal year ending September 30, 1986, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1986, and for other purposes, namely:

TITLE I

* * * * * * *

CHAPTER II

* * * * * * *

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

For an additional amount for "Salaries and Expenses", $3,900,000, to be derived by transfer from "Acquisition and Construction of Radio Facilities", to remain available until expended.

The limitation in Public Law 99-180 on the receipts credited to this appropriation from fees or other payments received from or in connection with English-teaching programs is increased by $175,000.

p. Executive Order 12048, March 27, 1978, 43 F.R. 13361, as amended by Executive Order 12388, October 14, 1982, 47 F.R. 46245

INTERNATIONAL COMMUNICATION AGENCY [1]

By virtue of the authority vested in me by the Constitution and laws of the United States of America, including Section 11 of Reorganization Plan No. 2 of 1977 (42 FR 62461 (December 13, 1977)), Section 202 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c), and Section 301 of Title 3 of the United States Code, and as President of the United States of America, in order to provide for the establishment of the International Communication Agency, it is hereby ordered as follows:

Sec. 1. (a) Reorganization Plan No. 2 of 1977 (42 FR 62461), which establishes the International Communication Agency, except for Section 7(a)(14) thereof, is hereby effective.[2]

(b) Section 7(a)(14) of Reorganization Plan No. 2 of 1977, relating to the Woodrow Wilson Memorial Act of 1968, shall be effective on July 1, 1978.

Sec. 2. The functions vested in the Secretary of State by Executive Order No. 11312 are assigned and redelegated to the Director of the International Communication Agency.[3] All authority vested in the United States Information Agency or its Director by Executive Order is reassigned and redelegated to the International Communication Agency or its Director, respectively.

Sec. 3. In order to ensure appropriate coordination among the Executive agencies, the Director of the International Communication Agency shall exercise primary responsibility for Government-wide policy guidance for international informational, educational, and cultural activities, including exchange programs. The Director shall take into account the statutory functions of the other concerned Executive agencies.

Sec. 4. The Director of the International Communication Agency, with the assistance of the Secretary of Health, Education, and Welfare, shall prepare and submit to the President the reports which the President is to transmit to the Congress pursuant to Section 108(b) of the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2458).

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[1] Sec. 303 of Public Law 97-241 (96 Stat. 291) redesignated the International Communication Agency as the United States Information Agency and stated that any reference to the International Communication Agency in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding, shall be deemed to be a reference to the United States Information Agency. Sec. 303 also stated that references to the Director or other official of the International Communication Agency shall be deemed to refer to the Director or other official of the United States Information Agency. See sec. 10 of this order.

[2] For text of Reorganization Plan No. 2 of 1977, see vol. III, sec. F.

[3] E.O. 11312 was revoked by E.O. 12047, effective Apr. 1, 1978.

Sec. 5. The functions vested in the President by Sections 108(c) and 108(d) of the Mutual Educational and Cultural Exchange Act of 1961, as amended, are delegated to the Director of the International Communication Agency; because, (a) such a delegation is in the interest of the purposes expressed in that Act and the efficient administration of the programs undertaken pursuant thereto, (b) the Director is an appropriate official to perform those functions, and (c) those functions are not now delegated to any other officer of the Government.

Sec. 6. The Director of the International Communication Agency shall be the principal adviser to the President, the National Security Council, and the Secretary of State on international informational, educational, and cultural matters. As such, the Director shall provide advice within the policy formulation activities of the National Security Council when such matters are considered. The Director shall ensure that the senior official of the Agency at each diplomatic mission provides advice to the Chief of Mission on such matters. The scope of the Director's advice shall include assessments of the impact of actual and proposed United States foreign policy decisions on public opinion abroad.

Sec. 7. The records, property, personnel, and unexpended balances of appropriations, available or to be made available, which relate to the functions transferred or reassigned, or redelegated as provided in this Order, are hereby transferred to the Director of the International Communication Agency.

Sec. 8. The Director of the Office of Management and Budget shall make such determinations, issue such orders, and take all actions, necessary or appropriate to effectuate the transfers or reassignments provided in this Order, including the transfer of funds, records, property, and personnel.

Sec. 9. This Order shall be effective on April 1, 1978.

Sec. 10.[4] In accord with the name change provisions of Section 303 of Public Law 97-241 and effective on August 24, 1982, references in this Order to the International Communication Agency shall be deemed to be references to the United States Information Agency.

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[4] Sec. 10 was added by sec. 2 of E.O. 12388.

q. Executive Order 10477, as amended

Executive Order 10477, August 1, 1953, 18 F.R. 4540, 3 CFR, 1949–1953 Comp., p. 958, as amended by Executive Order 10822, May 20, 1959, 24 F.R. 4159, 3 CFR, 1959–1963 Comp., p. 357

AUTHORIZING THE DIRECTOR OF THE UNITED STATES INFORMATION AGENCY TO EXERCISE CERTAIN AUTHORITY AVAILABLE BY LAW TO THE SECRETARY OF STATE AND THE DIRECTOR OF THE FOREIGN OPERATIONS ADMINISTRATION

By virtue of the authority vested in me by section 2(d) of Reorganization Plan No. 8 of 1953, and as President of the United States, it is ordered as follows:

Section 1. Determination. It is hereby determined that it is necessary, in order to carry out the functions transferred to the Director of the United States Information Agency (hereinafter referred to as the Director) by the provisions of subsections (a), (b), and (c) of section 2 of the said Reorganization Plan No. 8 of 1953, to authorize the Director to exercise, in relation to the respective functions so transferred, the authority specified in sections 2 and 3 hereof.

Sec. 2. Authority under the Foreign Service Act and related laws. (a) Except as provided in section 2(c) of this order, the Director is authorized to exercise, with respect to Foreign Service Reserve officers, Foreign Service staff officers and employees, and alien clerks and employees employed to perform the said transferred functions, the authority available to the Secretary of State under the Foreign Service Act of 1946, 60 Stat. 999, as heretofore or hereafter amended, or under any other provision of law pertaining specifically, or generally applicable, to Foreign Service Reserve officers, Foreign Service staff officers and employees, and alien clerks and employees, including the authority to prescribe regulations, not inconsistent with applicable laws, incident to the exercise of such authority, and including also the authority available to the Secretary of State under section 571 of the Foreign Service Act of 1946, as amended.[1] The Director is further authorized to exercise in the performance of the said transferred functions the authority available to the Secretary of State under sections 561 and 562 of the Foreign Service Act of 1946, as amended, and under sections 1021 through 1071 thereof.

(b) The prohibitions and requirements contained in sections 1001 through 1005 and section 1011 of the Foreign Service Act of 1946, as amended, shall be applicable to the personnel of the United States Information Agency.

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[1] The last clause of this sentence, beginning with the words "and including also" added by sec. 3 of Executive Order 10822.

(c) There are hereby excluded from the authority granted to the Director by section 2(a) of this order the following-described powers now vested in or delegated to the Secretary of State:

(1) The authority of the Secretary of State to make recommendations to the President for the commissioning of Foreign Service Reserve officers as diplomatic or consular officers, or both, under section 524 of the Foreign Service Act of 1946, as amended, and to make recommendations for the commissioning of Foreign Service staff officers or employees as consuls under section 533 of such act, and the authority of the Secretary to commission Foreign Service staff officers as vice consuls under the said section 533. The Director may, whenever he considers it necessary to carry out the functions transferred to him by the said Reorganization Plan No. 8 of 1953, request the Secretary of State to recommend to the President that persons employed under section 2(a) of this order be commissioned as diplomatic or consular officers, or both, or to grant such persons diplomatic or consular commissions, as appropriate.

(2) The authority vested in the President by sections 443 and 901 of the Foreign Service Act of 1946, as amended, which has been delegated to the Secretary of State by Executive Orders Nos. 10000 and 10011, and successive amendments thereof, to designate places, fix rates and prescribe regulations governing the payment of additional compensation, known as "foreign post differential", to employees in foreign areas of executive departments and independent establishments of the United States, and to designate places, fix rates, and prescribe regulations, with respect to civilian employees of the Government serving abroad, governing living-quarters allowances, cost-of-living allowances, and representation allowances.

Sec. 3. **Authority under various other statutes.** The Director is authorized to exercise the authority available to the Secretary of State or the Director of the Foreign Operations Administration, as the case may be, under the following-described provisions of law:

(a) The Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292–300), regarding the acquisition, construction, alteration, repair, furnishing, exchange, and disposal of buildings and grounds in foreign countries.

(b) The act of July 9, 1949 (5 U.S.C. 170 a, b, and c), regarding the transfer, acquisition, use, and disposal of international broadcasting facilities.

(c) The act of August 3, 1950 (19 U.S.C. 1201, par. 1628), regarding the importation of sound recordings.

(d) The provisions under the first heading "Salaries and Expenses" of the Department of State Appropriation Act, 1954, regarding (1) employment of aliens, by contract, for services abroad, (2) purchase of uniforms, (3) cost of transporting to and from a place of storage and the cost of storing the furniture and household effects of an employee of the Foreign Service who is assigned to a post at which he is unable to use his furniture and effects, under such regulations as the Secretary of State may prescribe, (4) dues for library membership in organizations which issue publications to members only, or to members at a price lower than to others, (5) examination of estimates of appropriations in the field, (6) purchase of ice and drinking water abroad, (7) payment of excise taxes on negotiable instruments abroad, and (8) procurement, by contract or otherwise, of services, supplies, and facilities, as follows: (i) maintenance, improvement, and repair of properties used for international information activities in foreign countries, (ii) fuel and utilities for Government-owned or leased property abroad, and (iii) rental or lease for periods not exceeding ten years of offices, buildings, ground, and living quarters, and the furnishing of living quarters to officers and employees engaged in international information activities abroad (22 U.S.C. 291).

(e) The provisions of the Department of State Appropriation Act, 1954, regarding (1) exchange of funds for payment of expenses in connection with the operation of information establishments abroad without regard to the provisions of section 3651 of the Revised Statutes (31 U.S.C. 543) (section 103 of the General Provisions of the Department of State Appropriation Act, 1954), (2) payment of travel expenses outside the continental limits of the United States from funds available in the fiscal year that such travel is authorized and actually begins (section 104 of the General Provisions of the Department of State Appropriation Act, 1954), (3) granting authority to the chief of each information Field Staff to approve, with the concurrence of the Chief of Mission, use of Government-owned vehicles for travel under conditions described in section 105 of the General Provisions of the Department of State Appropriation Act, 1954, and (4) purchase with foreign currencies for use abroad of passenger motor vehicles (exclusive of buses, ambulances, and station wagons) at a cost not to exceed the equivalent of $2,200 for each vehicle (section 106 of the General Provisions of the Department of State Appropriation Act, 1954).

(f) Section 202 of the Revised Statutes of the United States (5 U.S.C. 156), so far as it authorizes the Secretary of State to keep the American public informed about the international information aspects of the United States foreign affairs.

(g) Section 504(d) of the Mutual Security Act of 1951, as amended (relating to reduction in personnel), with respect to personnel transferred from the Mutual Security Agency or the Foreign Operations Administration to the United States Information Agency.

(h) Section 161 of the Revised Statutes of the United States (5 U.S.C. 301) and section 4 of the act of May 26, 1949 (5 U.S.C. 151c), regarding the promulgation of rules and regulations and the delegation of authority.

Sec. 4. Effective date. This order shall become effective on August 1, 1953.

r. Executive Order 11434, November 8, 1968, 33 F.R. 16485, 3 CFR, 1966–70 Comp., p. 752

RELATING TO THE ADMINISTRATION OF THE FOREIGN SERVICE PERSONNEL SYSTEMS OF THE UNITED STATES, AND FOR OTHER PURPOSES

By virtue of the authority vested in me by the Foreign Service Act of 1946, as amended (22 U.S.C. 801 et seq.),[1] Reorganization Plan No. 8 of 1953 (67 Stat. 642), Reorganization Plan No. 4 of 1965 (79 Stat. 1321), Public Law 90–494 (82 Stat. 810),[1] and Section 301 of Title 3 of the United States Code, and as President of the United States, it is ordered as follows:

Section 1. Policies and Regulations. The Secretary of State with respect to the Foreign Service personnel and retirement systems and the Director of the United States Information Agency with respect to the Foreign Service personnel system of the United States Information Agency shall promulgate policies and related regulations governing such systems after consultation with the Director of the Bureau of the Budget and the Chairman of the Civil Service Commission.

Sec. 2. Board of the Foreign Service and Board of Examiners for the Foreign Service. The Board of the Foreign Service and the Board of Examiners for the Foreign Service established by Executive Order No. 11264 of December 31, 1965, as hereinafter amended, shall exercise with respect to Foreign Service information officers the functions delegated to them by that order with respect to Foreign Service officers. The Boards shall perform such additional functions with respect to Foreign Service personnel of the United States Information Agency as the Director may from time to time delegate or otherwise assign.

Sec. 3. Foreign Service Retirement and Disability System. The authority vested in the President by Sections 9(b) and 16(a) of Public Law 90–494 to prescribe regulations relating to participation of Foreign Service staff officers and employees of the United States Information Agency and Foreign Service Reserve officers with unlimited tenure, respectively, in the Foreign Service Retirement and Disability System is hereby delegated to the Secretary of State.

Sec. 4. Amendment of Executive Order No. 11264. Section 21 of Executive Order No. 11264 of December 31, 1965, is amended as follows:

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[1] The Foreign Service Act of 1946 and Public Law 90–494 were repealed by the Foreign Service Act of 1980 (Public Law 96–465; 94 Stat. 2071), effective Feb. 15, 1981. However, sec. 2401 of Public Law 96–465 provided that all orders in effect under the authority of the Foreign Service Act of 1946 shall continue in full force and effect until modified, revoked, or superseded by appropriate authority.

(a) Paragraph (2) of subsection (b) is amended by deleting "(iii) The United States Information Agency" and redesignating subdivision (iv) as subdivision (iii).

(b) Paragraph (3) of subsection (b) is redesignated as paragraph (4) and the following new paragraph (3) is added:

"(3) Two officials of the United States Information Agency who shall be designated as members of the Board by the Director of the United States Information Agency."

(c) Subsection (d) is amended by substituting "subsection (b)(1), (b)(2) or (b)(3)" for "subsection (b)(1) or (b)(2)."

Sec. 5. Effective Date. This order shall be effective as of August 20, 1968, and the Secretary of State and the Director of the United States Information Agency, in their discretion and consistent with law, may make rules and regulations pursuant to this order effective on or after that date.

2. Mutual Educational and Cultural Exchange Act and Related Materials

a. Mutual Educational and Cultural Exchange Act of 1961, as amended (Fulbright-Hays Act)

Public Law 87-256 [H.R. 8666], 75 Stat. 527, approved September 21, 1961; as amended by Public Law 87-565 [S. 2996], 76 Stat. 255, approved August 1, 1962; Public Law 87-793 [H.R. 7927], 76 Stat. 832, approved October 11, 1962; Public Law 89-698 [H.R. 14263], 80 Stat. 1066, approved October 29, 1966; Public Law 94-350 [S. 3168], 90 Stat. 823, approved July 12, 1976; Public Law 95-426 [Foreign Relations Authorization Act, Fiscal Year 1979; H.R. 12598], 92 Stat. 963 at 973, approved October 7, 1978; Public Law 96-60 [ICA Authorization Act, Fiscal Years 1980 and 1981; H.R. 3363] 93 Stat. 395 at 398, approved August 15, 1979; Public Law 96-465 [Foreign Service Act of 1980; H.R. 6790], 94 Stat. 2071 at 2160, approved October 17, 1980; Public Law 96-470 [Congressional Reports Elimination Act of 1980; H.R. 6686], 94 Stat. 2237 at 2246, approved October 19, 1980; and by Public Law 98-164 [H.R. 2915], 97 Stat. 1017, approved November 22, 1983

AN ACT To provide for the improvement and strengthening of the international relations of the United States by promoting better mutual understanding among the peoples of the world through educational and cultural exchanges.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Mutual Educational and Cultural Exchange Act of 1961."

Sec. 101.[1] **Statement of Purpose.**—The purpose of this Act is to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries by means of educational and cultural exchange; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations, and the contributions being made toward a peaceful and more fruitful life for people throughout the world; to promote international cooperation for educational and cultural advancement; and thus to assist in the development of friendly, sympathetic, and peaceful relations between the United States and the other countries of the world.

Sec. 102.[2] (a) The President [3] is authorized, when he considers that it would strengthen international cooperative relations, to provide, by grant, contract, or otherwise, for—

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[1] 22 U.S.C. 2451. Sec. 107 of the Foreign Relations Authorization Act, Fiscal Year 1978 (91 Stat. 845), called for a strengthening of educational exchange programs. For text of the Congressional findings and reference to a report due from State Department regarding these programs.

[2] 22 U.S.C. 2452.

[3] Pursuant to sec. 7(a)(1) of Reorganization Plan No. 2 of 1977, all functions vested in the President, Secretary of State, the Department of State, the Director of the United States Infor-

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(1) educational exchanges, (i) by financing studies, research, instructions, and other educational activities—

(A) of or for American citizens and nationals in foreign countries, and

(B) of or for citizens and nationals of foreign countries in American schools and institutions of learning located in or outside the United States;

and (ii) by financing visits and interchanges between the United States and other countries of students, trainees, teachers, instructors, and professors;

(2) cultural exchanges, by financing—

(i) visits and interchanges between the United States and other countries of leaders, experts in fields of specialized knowledge or skill, and other influential or distinguished persons;

(ii) tours in countries abroad by creative and performing artists and athletes from the United States, individually and in groups, representing any field of the arts, sports, or any other form of cultural attainment;

(iii) United States representation in international artistic, dramatic, musical, sports, and other cultural festivals, competitions, meetings, and like exhibitions and assemblies;

(iv) participation by groups and individuals from other countries in nonprofit activities in the United States similar to those described in subparagraphs (ii) and (iii) of this paragraph, when the President[4] determines that such participation is in the national interest.

(3)[4] United States participation in international fairs and expositions abroad, including trade and industrial fairs and other public or private demonstrations of United States economic accomplishments and cultural attainments.

(b) In furtherance of the purposes of this Act, the President[3] is further authorized to provide for—

(1) interchanges between the United States and other countries of handicrafts, scientific, technical, and scholarly books, books of literature, periodicals, and Government publications,

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mation Agency, and the United States Information Agency by this section except for those in subsec. (b)(6) and (b)(10) were transferred to the Director of the International Communication Agency. The codified version of this Act has been changed to reflect this transfer of authority.

Subsequently, sec. 303 of Public Law 97-241 (96 Stat. 291) redesignated the International Communication Agency as the United States Information Agency and stated that any reference to the International Communication Agency in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding, shall be deemed to be a reference to the United States Information Agency. Sec. 303 also stated that references to the Director or other official of the International Communication Agency shall be deemed to refer to the Director or other official of the United States Information Agency.

[4] This paragraph was amended by sec. 403 of Public Law 87-565 (76 Stat. 263), approved Aug. 1, 1962, inserting the word "abroad" after the word "expositions." The intent of Congress, as stated in the conference report (House Report 2008, 87th Congress) was to make clear that U.S. participation in fairs is limited to fairs held abroad and to conform to the long-established practice by which Congress authorizes on an individual basis U.S. participation in major fairs held in the United States. The amendment excepted U.S. participation in fairs or expositions for which an appropriation had already been provided, specifically participation in the New York World's Fair of 1964-65 for which funds had been approved. (Sec. 403, Public Law 87-565.)

The Department of State and Related Agencies Appropriations Act, 1985 (title III of Public Law 98-411; 98 Stat. 1569) provided $7,303,000 to carry out the purposes of this paragraph during fiscal year 1985.

and the reproduction and translation of such writings, and the preparation, distribution, and interchange of other educational and research materials, including laboratory and technical equipment for education and research;

(2) establishing and operating in the United States and abroad centers for cultural and technical interchanges to promote better relations and understanding between the United States and other nations through cooperative study, training, and research;

(3) assistance in the establishment, expansion, maintenance, and operation of schools and institutions of learning abroad, founded, operated, or sponsored by citizens or nonprofit institutions of the United States, including such schools and institutions serving as demonstration centers for methods and practices employed in the United States;

(4) fostering and supporting American studies in foreign countries through professorships, lectureships, institutes, seminars, and courses in such subjects as American history, government, economics, language and literature, and other subjects related to American civilization and culture, including financing the attendance at such studies by persons from other countries;

(5) promoting and supporting medical, scientific, cultural, and educational research and development;

(6) promoting modern foreign language training and area studies in United States schools, colleges, and universities by supporting visits and study in foreign countries by teachers and prospective teachers in such schools, colleges, and universities for the purpose of improving their skill in languages and their knowledge of the culture of the people of those countries, and by financing visits by teachers from those countries to the United States for the purpose of participating in foreign language training and area studies in United States schools, colleges, and universities;

(7) United States representation at international nongovernmental educational, scientific, and technical meetings;

(8) participation by groups and individuals from other countries in educational, scientific, and technical meetings held under American auspices in or outside the United States;

(9) encouraging independent research into the problem of educational and cultural exchange;

(10)[5] promoting studies, research, instruction, and other educational activities of citizens and nationals of foreign countries in American schools, colleges, and universities located in the United States by making available to citizens and nationals of less developed friendly foreign countries for exchange for currencies of their respective countries (other than excess foreign currencies), at United States embassies, United States dollars in such amounts as may be necessary to enable such foreign citizens or nationals who are coming temporarily to the United States as students, trainees, teachers, instructors, or professors to meet expenses of the kind described in section 104(e)(1) of this Act, and

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[5] Par. (10) was added by sec. 203(a) of the International Education Act of 1966. (Public Law 89-698; 80 Stat. 1071).

(11)[6] interchanges and visits between the United States and other countries of scientists, scholars, leaders, and other experts in the fields of environmental science and environmental management.

Sec. 103.[7] (a) The President[8] is authorized to enter into agreements with foreign governments and international organizations, in furtherance of the purposes of this Act. In such agreements the President[8] is authorized, when he deems it in the public interest, to seek the agreement of the other governments concerned to cooperate and assist, including making use of funds placed in special accounts pursuant to agreements concluded in accordance with section 115(b)(6) of the Economic Cooperation Act of 1948, or any similar agreements,[9] in providing for the activities authorized in section 102, and particularly those authorized in subsection 102(a)(1), of this Act with respect to the expenses of international transportation of their own citizens and nationals and of activities in furtherance of the purposes of this Act carried on within the borders of such other nations.

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[6] Par. 11 was added by sec. 703(a) of Public Law 98-164 (97 Stat. 1045). Sec. 703(b) of Public Law 98-164 also specified the following:

"(b) Of the amount by which expenditures for the Fulbright Academic Exchange Programs, for the Humphrey Fellowship Program, and for the International Visitor Program for each of the fiscal years 1984 and 1985 exceeds the expenditures for these programs in fiscal year 1982, 5 percent shall be used to finance programs authorized by the amendment made by subsection (a) of this section."

[7] 22 U.S.C. 2453.

[8] Pursuant to sec. 7(a)(1) of Reorganization Plan No. 2 of 1977, all functions vested in the President, Secretary of State, the Department of State, the Director of the United States Information Agency, and the United States Information Agency by this subsec. were transferred to the Director of the International Communication Agency. The codified version of this Act has been changed to reflect this transfer of authority.

Subsequently, sec. 303 of Public Law 97-241 (96 Stat. 291) redesignated the International Communication Agency as the United States Information Agency and stated that any reference to the International Communication Agency in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding, shall be deemed to be a reference to the United States Information Agency. Sec. 303 also stated that references to the Director or other official of the International Communication Agency shall be deemed to refer to the Director or other official of the United States Information Agency.

[9] The Economic Cooperation Act of 1948, as amended, was repealed by sec. 542(a) of the Mutual Security Act of 1954. Sec. 115(b)(6) and (h) of the former act were replaced by sec. 142(b) of the latter act. Sec. 142(b) of the Mutual Security Act of 1954, as amended, was in turn repealed by the Foreign Assistance Act of 1961, Public Law 87-195 (75 Stat. 424), approved Sept. 4, 1961. It was replaced by sec. 609 of Public Law 87-195, which provides as follows:

"SEC. 609. SPECIAL ACCOUNT.—(a) In cases where any commodity is to be furnished on a grant basis under chapter 4 of part I under arrangements which will result in the accrual of proceeds to the recipient country from the sale thereof, the President shall require the recipient country to establish a Special Account, and

"(1) deposit in the Special Account, under such terms and conditions as may be agreed upon, currency of the recipient country in amounts equal to such proceeds;

"(2) make available to the United States Government such portion of the Special Account as may be determined by the President to be necessary for the requirements of the United States Government: *Provided,* That such portion shall not be less than 10 per centum in the case of any country to which such minimum requirement has been applicable under any Act repealed by this Act; and

"(3) utilize the remainder if the Special Account for programs agreed to by the United States Government to carry out the purposes for which new funds authorized by this Act would themselves be available: *Provided,* That whenever funds from such Special Account are used by a country to make loans, all funds received in repayment of such loans prior to termination of assistance to such country shall be reused only for such purposes as shall have been agreed to between the country and the United States Government.

"(b) Any unencumbered balances of funds which remain in the Account upon termination of assistance to such country under this Act shall be disposed of for purposes as may, subject to approval by Act of the Congress, be agreed to between such country and the United States Government."

(b) Such agreements may also provide for the creation or continuation of binational or multinational educational and cultural foundations and commissions for the purpose of administering programs in furtherance of the purposes of this Act.

(c) In such agreements with international organizations, the President [10] may provide for equitable United States participation in and support for, including a reasonable share of the cost of, educational and cultural programs to be administered by such organizations.

Sec. 104.[11] (a) The President may delegate, to such officers of the Government as he determines to be appropriate, any of the powers conferred upon him by this Act to the extent that he finds such delegation to be in the interest of the purposes expressed in this Act and the efficient administration of the programs undertaken pursuant to this Act: *Provided,* That where the President has delegated any of such powers to any officer, before the President implements any proposal for the delegation of any of such powers to another officer, that proposal shall be submitted to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate, and thereafter a period of not less than sixty days shall have elapsed while Congress is in session. In computing such sixty days, there shall be excluded the days on which either House is not in session because of an adjournment of more than three days.

(b) [12] The President is authorized to employ such other personnel as he deems necessary to carry out the provisions and purposes of this Act, and of such personnel not to exceed ten may be compensated without regard to the provisions of the Classification Act of 1949, as amended,[13] but not in excess of the highest rate of grade 18 of the general schedule established by such Act. Such positions shall be in addition to the number authorized by section 505 of the Classification Act of 1949, as amended.[14]

(c) [15] * * * [Repealed—1981]

(d) For the purpose of performing functions under this Act outside the United States, the President [16] is authorized to provide

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[10] Pursuant to sec. 7(a)(1) of Reorganization Plan No. 2 of 1977, all functions vested in the President, Secretary of State, the Department of State, the Director of the United States Information Agency, and the United States Information Agency by this subsec. were transferred to the Director of the International Communication Agency. The codified version of this Act has been changed to reflect this transfer of authority.

Subsequently, sec. 303 of Public Law 97-241 (96 Stat. 291) redesignated the International Communication Agency as the United States Information Agency and stated that any reference to the International Communication Agency in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding, shall be deemed to be a reference to the United States Information Agency. Sec. 303 also stated that references to the Director or other official of the International Communication Agency shall be deemed to refer to the Director or other official of the United States Information Agency.

[11] 22 U.S.C. 2454.

[12] This subsection was amended and restated by sec. 1001(j) of Public Law 87-793 (76 Stat. 865).

[13] 5 U.S.C. 5101 et seq.

[14] 5 U.S.C. 5332(a).

[15] Subsec. (c), which authorized the Secretary of State to employ or assign persons in or to the Foreign Service Reserve or Foreign Service Staff and alien clerks and employees for the purpose of performing functions under this Act outside of the United States, was repealed by sec. 2205(7) of the Foreign Service Act of 1980 (Public Law 96-465; 94 Stat. 2160).

[16] Pursuant to sec. 7(a)(1) of Reorganization Plan No. 2 of 1977, all functions vested in the President, Secretary of State, the Department of State, the Director of the United States Infor-

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that any person employed or assigned by a United States Government agency shall be entitled, except to the extent that the President [16] may specify otherwise in cases in which the period of employment or assignment exceeds thirty months, to the same benefits as are provided by section 310 of the Foreign Service Act of 1980, for individuals appointed to the Foreign Service.[17]

(e)(1) In providing for the activities and interchanges authorized by section 102 of this Act, grants may be made to or for individuals, either directly or through foundations or educational or other institutions, which foundations or institutions are public or private nonprofit, and may include funds for tuition and other necessary incidental expenses, for travel expenses from their places of residence and return for themselves, and, whenever it would further the purposes of this Act, for the dependent members of their immediate families, for health and accident insurance premiums, emergency medical expenses, costs of preparing and transporting to their former homes the remains of any of such persons who may die while away from their homes as participants or dependents of participants in any program under this Act, and for per diem in lieu of subsistence at rates prescribed by the Director of the International Communication Agency,[18] for all such persons, and for such other expenses as are necessary for the successful accomplishment of the purposes of this Act.

(2) Funds available for programs under this Act may be used (i) to provide for orientation courses, language training, or other appropriate services and materials for persons traveling out of the countries of their residence for educational and cultural purposes which further the purposes of this Act, whether or not they are receiving other financial support from the Government, and (ii) to provide or continue services to increase the effectiveness of such programs following the return of such persons to the countries of their residence.

(3) For the purpose of assisting foreign students in making the best use of their opportunities while attending colleges and universities in the United States, and assisting such students in directing their talents and initiative into channels which will make them more effective leaders upon return to their native lands, the Presi-

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mation Agency, and the United States Information Agency by this subsec. were transferred to the Director of the International Communication Agency. The codified version of this Act has been changed to reflect this transfer of authority.

Subsequently, sec. 303 of Public Law 97-241 (96 Stat. 291) redesignated the International Communication Agency as the United States Information Agency and stated that any reference to the International Communication Agency in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding, shall be deemed to be a reference to the United States Information Agency. Sec. 303 also stated that references to the Director or other official of the International Communication Agency shall be deemed to refer to the Director or other official of the United States Information Agency.

[17] The reference to sec. 310 of the Foreign Service Act of 1980 was substituted in lieu of a reference to sec. 528 of the Foreign Service Act of 1946 by sec. 2206(9) of Public Law 96-465 (94 Stat. 2162).

[18] This reference to the Director of the Agency was substituted in lieu of a reference to the President by sec. 204(a) of Public Law 95-426 (92 Stat. 973). Sec. 303 of Public Law 97-241 (96 Stat. 291) redesignated the International Communication Agency as the United States Information Agency and stated that any reference to the International Communication Agency in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding, shall be deemed to be a reference to the United States Information Agency. Sec. 303 also stated that references to the Director or other official of the International Communication Agency shall be deemed to refer to the Director or other official of the United States Information Agency.

dent may make suitable arrangements, by contract or otherwise, for the establishment and maintenance at colleges and universities in the United States attended by foreign students of an adequate counseling service.

(4) The President is authorized to provide for publicity and promotion (including representation) abroad of activities of the type provided for in this Act.

(f) [19] * * * [Repealed—1979]

(g) [20] (1) For the purpose of performing functions authorized by section 102(b)(10) of this Act, the President is authorized to establish the exchange rates at which all foreign currencies may be acquired through operations under such section, and shall issue regulations binding upon all embassies with respect to the exchange rates to be applicable in each of the respective countries where currency exchanges are authorized under such section.

(2) In performing the functions authorized under section 102(b)(10) of this Act, the President shall make suitable arrangements for protecting the interests of the United States Government in connection with the ownership, use, and disposition of all foreign currencies acquired pursuant to exchanges made under such section.

(3) The total amount of United States dollars acquired by any individual through currency exchanges under the authority of section 102(b)(10) of this Act shall in no event exceed $3,000 during any academic year.

(4) An individual shall be eligible to exchange foreign currency for United States dollars at United States embassies under section 102(b)(10) of this Act only if he gives satisfactory assurances that (A) he will devote essentially full time to his proposed educational activity in the United States and will maintain good standing in relation to such program; (B) he will return to the country of his citizenship or nationality prior to coming to the United States and will render such public service as is determined acceptable for a period of time determined reasonable and necessary by the government of such country; and (C) he will not apply for an immigrant visa or for permanent residence or for a nonimmigrant visa under the Immigration and Nationality Act after having received any benefits under such section for a period of time equal to the period of study, research, instruction, or other educational activity he performed pursuant to such section.

(5) As used in section 102(b)(10) of this Act, the term "excess foreign currencies" means foreign currencies, which if acquired by the United States (A) would be in excess of the normal requirements of departments, agencies, and embassies of the United States for such currencies, as determined by the President, and (B) would be available for the use of the United States Government under applicable agreements with the foreign country concerned.

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[19] Subsec. (f), which required that all persons employed or assigned duties under this Act be investigated with respect to loyalty and suitability, was repealed by sec. 203(a)(1) of the ICA Authorization Act, Fiscal Years 1980 and 1981 (Public Law 96-60; 93 Stat. 398).

[20] Subsec. (g) was added by sec. 203(b) of the International Education Act of 1966 (Public Law 89-698; 80 Stat. 1071).

Sec. 105.[21] (a) Appropriations to carry out the purposes of this Act, to remain available until expended, are hereby authorized, and this authorization includes the authority to grant, in any appropriation Act, the authority to enter into contracts, within the amounts so authorized, creating obligations in advance of appropriations.

(b) Funds appropriated for programs under this Act may, without regard to section 3651 of the Revised Statutes (31 U.S.C. 543), be used for the acquisition from any source of foreign currencies in such amounts as may be necessary for current expenditures and for grants, including grants to foundations and commissions in accordance with international agreements providing for the accomplishment of the purposes of this Act.

(c) Moneys appropriated to any department or agency of the Government in furtherance of the purposes of this Act for research, technical aid, and educational and cultural programs, may be transferred by the President to any other appropriation available for like purposes, but no appropriation authorized by this Act shall be increased or decreased by more than 10 per centum by reason of transfers pursuant to this paragraph.

(d) The President is authorized—

(1) to reserve in such amounts and for such periods as he shall determine to be necessary to provide for the programs authorized by subsections 102(a)(1) and 102(a)(2)(i), and

(2) notwithstanding the provisions of any other law, to use in such amounts as may from time to time be specified in appropriation Acts, to the extent that such use is not restricted by agreement with the foreign nations concerned, for any programs authorized by this Act,

any currencies of foreign nations received or to be received by the United States or any agency thereof—

(i) under agreements disposing of surplus property or settling lend-lease and other war accounts concluded after World War II;

(ii) as the proceeds of sales or loan repayments, including interests, for transactions heretofore or hereafter effected under the Agricultural Trade Development and Assistance Act of 1954, as amended;

(iii) in repayment of principal or interest on any other credit extended or loan heretofore or hereafter made by the United States or any agency thereof; or

(iv) as deposits to the account of the United States pursuant to section 115(b)(6) or section 115(h) of the Economic Cooperation Act of 1948, as amended, or any similar provision of any other law.[22]

(e) The President [23] is further authorized to reserve and use for educational and cultural exchange programs and other activities

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[21] 22 U.S.C. 2455.

[22] See footnote 9.

[23] Pursuant to sec. 7(a)(1) of Reorganization Plan No. 2 of 1977, all functions vested in the President, Secretary of State, the Department of State, the Director of the United States Information Agency, and the United States Information Agency by this subsec. were transferred to

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authorized in subsections 102 (a) and (b) of this Act, in relation to Finland and the people of Finland, all sums due or paid on and after August 24, 1949, by the Republic of Finland to the United States as interest on or in retirement of the principal of the debt incurred under the Act of February 25, 1919, as refunded by the agreement dated May 1, 1923, pursuant to the authority contained in the Act of February 9, 1922, or of any other indebtedness incurred by that Republic and owing to the United States as a result of World War I.

(f) Foreign governments, international organizations and private individuals, firms, associations, agencies, and other groups shall be encouraged to participate to the maximum extent feasible in carrying out this Act and to make contributions of funds, property, and services which the President is hereby authorized to accept, to be utilized to carry out the purposes of this Act. Funds made available for the purposes of this Act may be used to contribute toward meeting the expenses of activities carried out through normal private channels, by private means, and through foreign governments and international organizations.

(g) [24] Notwithstanding any other provision of this Act, there are authorized to be appropriated for the purposes of making currency exchanges under section 102(b)(10) of this Act, not to exceed $10,000,000 for the fiscal year ending June 30, 1968, and not to exceed $15,000,000 for the fiscal year ending June 30, 1969.

Sec. 106.[25] (a)(1) For the purpose of selecting students, scholars, teachers, trainees, and other persons to participate in the programs authorized under section 102(a)(1) of this Act, and of supervising such programs and the programs authorized under section 102(b)(4) and (6), there is hereby continued the authority of the President to appoint a Board of Foreign Scholarships (hereinafter referred to as the "Board") consisting of twelve members. In connection with appointments to such Board, due consideration shall be given to the selection of distinguished representatives of cultural, educational, student advisory, and war veterans groups, and representatives of the United States Office of Education, the United States Veterans' Administration, public and private nonprofit educational institutions.

(2) In the selection of American citizens for participation in programs under this Act, preference shall be given to those who have served in the Armed Forces of the United States, and due consideration shall be given to applicants from all geographical areas of the United States.

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the Director of the International Communication Agency. The codified version of this Act has been changed to reflect this transfer of authority.

Subsequently, sec. 303 of Public Law 97-241 (96 Stat. 291) redesignated the International Communication Agency as the United States Information Agency and stated that any reference to the International Communication Agency in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding, shall be deemed to be a reference to the United States Information Agency. Sec. 303 also stated that references to the Director or other official of the International Communication Agency shall be deemed to refer to the Director or other official of the United States Information Agency.

[24] Subsec. (g) was added by sec. 203(c) of the International Education Act of 1966. (Public Law 89-698; 80 Stat. 1072).

[25] 22 U.S.C. 2456.

(b)(1) The United States Advisory Commission on International Educational and Cultural Affairs [26] (hereinafter referred to as the "Commission") is hereby established to replace the United States Advisory Commission on Educational Exchange. The Commission shall formulate and recommend to the President policies for exercising his authority under this Act and shall appraise the effectiveness of programs carried out pursuant to it. The Commission shall make a special study of the effectiveness of past programs with emphasis on the activities of a reasonably representative cross section of past recipients of aid and shall submit a report to the Congress not later than December 31, 1962.

(2) The Commission shall consist of nine members who shall be appointed by the President, by and with the advice and consent of the Senate. Members of the Commission shall be appointed on a nonpartisan basis.

(3) The members of the Commission shall represent the public interest and shall be selected from a cross section of educational, cultural, scientific, technical, and public service backgrounds.

(4) The term of each member shall be three years except that, of the first nine appointments, three shall be for a term of one year and three shall be for a term of two years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor is appointed shall be appointed for the remainder of such term. Upon the expiration of his term of office any member may continue to serve until his successor is appointed and has qualified.

(5) The President shall designate a Chairman from among members of the Commission.

(6) The Commission is authorized to adopt such rules and regulations as it may deem necessary to carry out the authority conferred upon it by this Act.

(c)(1) There is hereby continued the Advisory Committee on the Arts [27] (hereinafter referred to as the "Committee") created under section 10 of the International Cultural Exchange and Trade Fair Participation Act of 1956,[28] consisting of a Chairman and nine other members of whom at least one shall be a member of the Commission. Appointment of all members and selection of the Chairman of this Committee shall hereafter be made by the Secretary of State. In making such appointments due consideration shall be given to the recommendations for nomination submitted by leading national organizations in the major art fields.

(2) The members of the Committee shall be individuals whose knowledge of or experience in, or whose profound interest in, one or more of the arts will enable them to assist the Commission, the President, and other officers of the Government in performing the functions described in paragraph (3) of this subsection.

(3) The Committee shall, in connection with activities authorized under subsection 102(a)(2) of this Act—

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[26] The functions vested in this commission were consolidated and vested in a new United States Advisory Commission on International Communication, Cultural and Educational Affairs, pursuant to sec. 8(b) of Reorganization Plan No. 2 of 1977 (such new commission was redesignated as the U.S. Advisory Commission on Public Diplomacy in 1979).

[27] This committee was abolished by sec. 9(6) of Reorganization Plan No. 2 of 1977.

[28] See sec. 111(a)(3) *post.*

(A) advise and assist the Commission in the discharge of its responsibilities in the field of international educational exchange and cultural presentations with special reference to the role of the arts in such fields;

(B) advise other interested officers of the Government in the discharge of their responsibilities in connection with such activities and in connection with other international activities concerned with the arts;

(C) provide such other advice and assistance as may be necessary or appropriate.

(4) The term of office of each of the members of the Committee shall be three years.

(d) The President is authorized to create such interagency and other advisory committees as in his judgment may be of assistance in carrying out the purposes of this Act, and from time to time to convene conferences of persons interested in educational and cultural affairs to consider matters relating to the purposes of this Act.

(e) The provisions of section 214 of the Act of May 3, 1945 (59 Stat. 134; 31 U.S.C. 691), shall be applicable to any interagency committee created pursuant to the provisions of this Act. Members of the Commission, the Committee, and other committees provided for in this section shall be entitled (i) to transportation expenses and per diem in lieu of subsistence at the rate prescribed by or established pursuant to section 5 of the Administrative Expense Act of 1946, as amended (5 U.S.C. 73b-2), while away from home in connection with attendance at meetings or in consultation with officials of the Government or otherwise carrying out duties as authorized, and (ii) if not otherwise in the employ of the United States Government, to compensation at rates not in excess of $50 per diem while performing services for Commission, Committee, or other committee. Members of the Board shall be entitled to such expenses and per diem in lieu of subsistence as provided for under clause (i) of the preceding sentence and, while performing services for the Board, to compensation at a rate, prescribed by the Director of the International Communication Agency,[29] not in excess of the daily rate for the first step of GS-15 of the General Schedule under section 5332 of title 5, United States Code.[30]

(f) The President is authorized to provide for necessary secretarial and staff assistance for the Board, the Commission, the Committee, and such other committees as may be created under this section.

Sec. 107.[31] The Board, the Commission, and the Committee shall submit annual reports to the Congress and such other reports to the Congress as they deem appropriate, and shall make reports to the public in the United States and abroad to develop a better understanding of and support for the programs authorized by this Act.

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[29] Sec. 303 of Public Law 97-241 (96 Stat. 291) redesignated the International Communication Agency as the United States Information Agency and stated that any reference to the International Communication Agency in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding, shall be deemed to be a reference to the United States Information Agency. Sec. 303 also stated that references to the Director or other official of the International Communication Agency shall be deemed to refer to the Director or other official of the United States Information Agency.

[30] This sentence was added (effective Oct. 1, 1979) by sec. 205 of the ICA Authorization Act, Fiscal Years 1980 and 1981 (Public Law 96-60; 93 Stat. 401). Previously, the entitlements of members of the Board were included under clause (i) and (ii).

[31] 22 U.S.C. 2457.

Sec. 108.[32] (a)(1)[33] Whenever the President determines it to be in furtherance of this Act, the functions authorized in section 102(a) (2) and (3) may be performed without regard to such provisions of law or limitations of authority regulating or relating to the making, performance, amendment, or modification of contracts, the acquisition and disposition of property, and the expenditure of Government funds, as he may specify.

(2)[33] Notwithstanding any other provision of law, the Director of the International Communication Agency[28] may provide, on a reimbursable basis, services within the United States in connection with exchange activities otherwise authorized by this Act when such services are requested by a department or executive agency. Reimbursements under this paragraph shall be credited to the applicable appropriation of the Agency.

(b)[34] The President shall submit periodic reports to the Congress of activities carried on and expenditures made in furtherance of the purposes of this Act and of the United States Information and Educational Exchange Act of 1948, as amended.

(c) In connection with activities authorized by section 102(a) (2) and (3) of this Act, the President is authorized to provide for all necessary expenditures involved in the selection, purchase, rental, construction, or other acquisition of exhibits and materials and equipment therefor, and the actual display thereof, including but not limited to costs of transportation, insurance, installation, safekeeping and storage, maintenance and operation, rental of space, and dismantling.

(d) The President is authorized to utilize the provisions of title VIII of the United States Information and Educational Exchange Act of 1948, as amended, to the extent he deems necessary in carrying out the provisions and purposes of this Act.

Sec. 108A.[35] (a)(1) Congress consents to the acceptance by a Federal employee of grants and other forms of assistance provided by a foreign government to facilitate the participation of such Federal employee in a cultural exchange—

(A) which is of the type described in section 102(a)(2)(i) of this Act,

(B) which is conducted for a purpose comparable of the purpose stated in section 101 of this Act, and

(C) which is specifically approved by the Secretary of State for purposes of this section;

but the Congress does not consent to the acceptance by any Federal employee of any portion of any such grant or other form of assistance which provides assistance with respect to any expenses incurred by or for any member of the family or household of such Federal employee.

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[32] 22 U.S.C. 2458.

[33] Paragraph designation "(1)" and a new par. (2) were added by sec. 203(d) of the ICA Authorization Act. Fiscal Years 1980 and 1981 (Public Law 96–60; 93 Stat. 399).

[34] Subsec. (b) was amended and restated by sec. 212(a) of Public Law 96–470 (94 Stat. 2246). The report required under subsec. (b) had previously been required on an annual basis.

[35] 22 U.S.C. 2458a. Sec. 108A was added by sec. 111 of the Foreign Relations Authorization Act, Fiscal Year 1977 (Public Law 94–350).

(2) For purposes of this section, the term "Federal employee" means any employee as defined in subparagraphs (A) through (F) of section 7342(a)(1) of title 5 of the United States Code, but does not include a person described in subparagraph (G) of such section.

(b) The grants and other forms of assistance with respect to which the consent of Congress is given in subsection (a) of this section shall not constitute gifts for purposes of section 7342 of title 5 of the United States Code.

(c) The Secretary of State [22] is authorized to promulgate regulations for purposes of this section.

Sec. 109.[36] * * *

Sec. 110.[37] * * *

Sec. 111. (a) There are hereby repealed—

(1) Section 32(b)(2) of the Surplus Property Act of 1944, as amended (60 Stat. 754, 50 U.S.C. App. Sec. 1641);

(2) Sections 2(2), 201, 203 insofar as it relates to schools, 601, 602, and 603 insofar as they relate to the Advisory Commission on Education Exchange, 1001 insofar as it relates to persons employed or assigned to duties under this Act, and 1008 and 1009 insofar as they relate to educational exchange activities, of the United States Information and Educational Exchange Act of 1948, as amended (62 Stat. 6; 22 U.S.C. sections 1431(2); 1434, 1439, 1440, 1446, 1448, 1466, 1467, and 1468);

(3) The International Cultural Exchange and Trade Fair Participation Act of 1956 (70 Stat. 778; 22 U.S.C. 1991–2001);

(4) The joint resolution of August 24, 1949, authorizing the use of Finnish World War I debt payments available for educational and technical instruction, and so forth (63 Stat. 630; 20 U.S.C. 222–224).

(b) All Executive orders, agreements, determinations, regulations, contracts, appointments, and other actions issued, concluded, or taken under authority of any provisions of law repealed by subsection (a) of this section shall continue in full force and effect and shall be applicable to the appropriate provisions of this Act until modified or superseded by appropriate authority.

(c) Any reference in any other Act to the provisions of law listed in subsection (a) shall hereafter be considered to be references to the appropriate provisions of this Act.

Sec. 112.[38] (a) In order to carry out the purposes of this Act, there is established in the United States Information Agency, or in such appropriate agency of the United States as the President shall determine, a Bureau of Educational and Cultural Affairs (hereinafter in this section referred to as the "Bureau"). The Bureau shall be responsible for managing, coordinating, and overseeing programs established pursuant to this Act, including but not limited to—

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[36] Sec. 109 contained amendments to the Immigration and Nationality Act.

[37] Sec. 110 contained amendments to the Internal Revenue Code of 1954 and the Social Security Act.

[38] 22 U.S.C. 2460. Sec. 213 of the USIA Authorization Act, Fiscal Years 1984 and 1985 (title II of Public Law 98–164; 97 Stat. 1034) added sec. 112.

(1) the J. William Fulbright Educational Exchange Program which, by promoting the exchange of scholars, researchers, students, trainees, teachers, instructors, and professors, between the United States and foreign countries, accomplishes the purposes of section 102(a)(1) of this Act;

(2) the Hubert H. Humphrey Fellowship Program which finances (A) study at American universities and institutions of higher learning, including study in degree granting programs, and (B) participation in fellowships, internships, or other programs in American governmental and nongovernmental institutions for public managers and other individuals from developing countries;

(3) the International Visitors Program which provides grants for short-term visits to the United States for foreign nationals who are, or have the potential to be, leaders in their respective fields in their own countries;

(4) the American Cultural Centers and Libraries which make available at selected foreign locations, books, films, sound recordings, and other materials about the United States, its people and culture, and about other topics;

(5) the American Overseas Schools Program which provides financial assistance to the operations of American-sponsored schools overseas;

(6) the American Studies Program which fosters and supports the study of the United States, and its people and culture, in foreign countries; and

(7) a program of working with private, not-for-profit groups through contracts, grants, or cooperative agreements, as authorized by section 102 of this Act, so as to provide financial assistance to nongovernmental organizations engaged in implementing and enhancing exchange-of-persons programs.

(b) The President shall insure that all programs under the authority of the Bureau shall maintain their nonpolitical character and shall be balanced and representative of the diversity of American political, social, and cultural life. The President shall insure that academic and cultural programs under the authority of the Bureau shall maintain their scholarly integrity and shall meet the highest standards of academic excellence or artistic achievement.

(c) The Bureau shall administer no programs except those operating under the authority of this Act and consistent with its purposes.

b. Executive Order 11034, as amended

Executive Order 11034, June 25, 1962, 27 F.R. 6071, 3 CFR, 1959-1963 Comp., p. 614, as amended by Executive Order 11380, November 8, 1967, 32 F.R. 15627, 3 CFR, 1966-70 Comp., p. 689, and by Executive Order 12292, February 23, 1981, 46 F.R. 13967

ADMINISTRATION OF THE MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE ACT OF 1961

By virtue of the authority vested in me by the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87-256; 75 Stat. 527; hereinafter referred to as the Act), and as President of the United States, I find that the delegations set forth in this order are in the interest of the purposes expressed in the said Act and the efficient administration of the programs undertaken pursuant to that Act and determine that the delegates specified in the order are appropriate and I hereby order as follows:

Section 1. Department of State. (a) The following functions conferred upon the President by the Act are hereby delegated to the Secretary of State:

(1) The functions so conferred by Sections 102(a)(1), 102(a)(2)(i), (ii) and (iv), 102(b)(3), (5) and (9), 103, 104(e)(3), and 105(d)(1) and (e) of the Act.

(2) The functions so conferred by Sections 102(a)(2)(iii) and (b)(1), (2), (4), (7), and (8) of the Act (the provisions of Section 2(a) of this order notwithstanding).

(3) The functions so conferred by Section 102(a)(3) of the Act to the extent that they pertain to liquidation of affairs respecting the Universal and International Exhibition of Brussels, 1958.

(4) The functions so conferred by Sections 104(d) and (e)(4) and 108(c) and (d) of the Act to the extent that they pertain to the functions delegated by the foregoing provisions of this section.

(5) The functions so conferred by Section 104(e)(1) of the Act of prescribing rates for per diem in lieu of subsistence; but in carrying out the said function as it relates to functions herein delegated to the Director of the United States Information Agency or the Secretary of Health, Education, and Welfare, the Secretary of State shall consult with them.

(b) The Secretary of State, in collaboration with the Director of the United States Information Agency, the Secretary of Commerce, and the Secretary of Health, Education, and Welfare, with respect to the functions delegated by Sections 2, 3, and 4, respectively, of this order, shall prepare and transmit to the President the reports which the President is required to submit to the Congress by Section 108(b) of the Act, excluding, however, the reports for which the

Director of the United States Information Agency is responsible under section 2(b) of this order.[1]

(c) With respect to the carrying out of functions under Section 102(a)(2)(ii) of the Act hereinabove delegated to the Secretary of State, the Director of the United States Information Agency shall participate in the planning of cultural and other attractions. Such participation shall include consultation in connection with (1) the selection and scheduling of such attractions, and (2) the designation of the areas where the attractions will be presented.

Sec. 2. United States Information Agency. (a)[2] Subject to the provisions of Section 6 of this order, the following functions conferred upon the President by the Act are hereby delegated to the Director of the United States Information Agency:

(1)[3] The functions so conferred by Sections 102(a)(2)(iii) and (b)(1); Section 102(b)(2) to the extent that it authorizes the type of centers now supported by the United States Information Agency abroad and designated as binational, community, or student centers; Section 102(b)(4) exclusive of professorships and lectureships; and Sections 102(b)(7) and (8) of the Act; all of the foregoing notwithstanding the provisions of Section 1(a)(2) of this order.

(2)[3] The functions so conferred by Section 104(e)(4) of the Act (the provisions of Section 1(a)(4) and 3(b) of this order notwithstanding).

(3)[3] The functions so conferred by Section 102(a)(3) of the Act to the extent that they are in respect of fairs, expositions, and demonstrations held outside of the United States, but exclusive of the functions delegated by the provisions of Section 1(a)(3) of this order.

(4)[3] The functions so conferred by Sections 104(d) and 108(c) and (d) of the Act to the extent that they pertain to the functions delegated by the foregoing provisions of this section.

(b)[4] The Director of the United States Information Agency shall prepare and transmit to the President the reports which the President is required to submit to the Congress by section 108(b) of the Act to the extent that they are with respect to activities carried out by the United States Information Agency pursuant to section 102(a)(2)(iii) and section 102(a)(3) of the Act.

Sec. 3. Department of Commerce. Subject to the provisions of Section 6 of this order, the following functions conferred upon the President by the Act are hereby delegated to the Secretary of Commerce:

(a) The functions so conferred by Section 102(a)(3) of the Act to the extent that they are in respect of fairs, expositions, and demonstrations held in the United States.

(b) The functions so conferred by Sections 104(e)(4) and 108(c) of the Act to the extent that they pertain to the functions delegated by the foregoing provisions of this section.

Sec. 4. Department of Health, Education, and Welfare. Subject to the provisions of Section 6 of this order, the functions conferred upon the President by Section 102(b)(6) of the Act are hereby delegated to the Secretary of Health, Education, and Welfare.

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[1] Executive Order No. 11380, dated Nov. 8, 1967, changed the period following the words "of the Act" to a comma and added all the words following thereafter.

[2] Executive Order No. 11380 inserted the subsection designation (a).

[3] Executive Order No. 11380 changed the former designation of subsecs. (a), (b), (c) and (d) to (1), (2), (3) and (4).

[4] Subsec. (b) was added by Executive Order No. 11380, Nov. 8, 1967, 32 F.R. 15627.

Sec. 5. Certain incidental matters. (a) In respect of functions hereinabove delegated to them, there is hereby delegated to the Secretary of State, the Director of the United States Information Agency, the Secretary of Commerce, and the Secretary of Health, Education, and Welfare, respectively:

(1) The authority conferred upon the President by Sections 105 (d)(2) and (f) and 106 (d) and (f) of the Act.

(2) Subject to the provisions of Section 5(b) and (c) of this order, the authority conferred upon the President by Section 104(b) of the Act to employ personnel.

(b) The employment, by any department or other executive agency under Section 5(a)(2) of this order, of any of the not to exceed ten persons who may be compensated without regard to the Classification Act of 1949 under Section 104(b) of the Act shall require prior authorization by the Secretary of State concurred in by the Director of the Bureau of the Budget.

(c) Persons employed or assigned by a department or other executive agency for the purpose of performing functions under the Act outside the United States shall be entitled, except in cases in which the period of employment or assignment exceeds thirty months, to the same benefits as are provided by Section 310 of the Foreign Service Act of 1980 (22 U.S.C. 4085).[5] In cases in which the period of employment or assignment exceeds thirty months, persons so employed or assigned shall be entitled to such benefits if agreed by the agency in which such benefits may be exercised.

(d) Pursuant to Section 104(f) of the Act, Executive Order No. 10450 of April 27, 1953 (18 F.R. 2489) is hereby established as the standards and procedures for the employment or assignment to duties of persons under the Act.

(e) Any officer to whom functions vested in the President by the Act are hereinabove delegated may (1) allocate to any other officer of the executive branch of the Government any funds appropriated or otherwise made available for the functions so delegated to him as he may deem appropriate for the best carrying out of the functions and (2) make available, for use in connection with any funds so allocated by him, any authority he has under this order.

Sec. 6. Policy guidance. In order to assure appropriate coordination of programs and taking into account the statutory functions of the departments and other executive agencies concerned, the Secretary of State shall exercise primary responsibility for Government-wide leadership and policy guidance with regard to international educational and cultural affairs.

Sec. 7. Functions reserved to the President. (a) There are hereby excluded from the functions delegated by the provisions of this order the functions conferred upon the President with respect to (1) the delegation of powers under Section 104(a) of the Act, (2) the establishment of standards and procedures for the investigation of personnel under Section 104(f) of the Act, (3) the transfer of appropriations under Section 105(c) of the Act, (4) the appointment of members of the Board of Foreign Scholarships under Section 106(a)(1) of the Act, (5) the appointment of members, the designation of a chairman, and the receipt of recommendations of the United States Advisory Commission on International Educational and Cultural Affairs under Section 106(b) of the Act, (6) the waiver of provisions of law or limitations of authority under Section 108(a) of the Act, and (7) the submission of annual reports to the Congress under Section 108(b) of the Act.

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[5] This reference to sec. 301 of the Foreign Service Act of 1980 was substituted in lieu of a reference to sec. 528 of the Foreign Service Act of 1946 "for persons appointed to the Foreign Service Reserve" by sec. 5 of Executive Order 12292, Feb. 23, 1981, 46 F.R. 13967.

(b) Notwithstanding the delegations made by this order, the President may in his discretion exercise any function comprehended by such delegations.

Sec. 8. Waivers. (a) It is hereby determined that the performance by any department or other executive agency of functions authorized by Sections 102(a)(2) and 102(a)(3) of the Act (22 U.S.C. 2452(a)(2) and (3)) without regard to prohibitions and limitations of authority contained in the following specified provisions of law is in furtherance of the purposes of the Act:

(1) Section 15 of the Administrative Expenses Act of 1946 (c. 744, August 2, 1946; 60 Stat. 810), as amended (5 U.S.C. 3109) (experts and consultants); but the compensation paid individuals in pursuance of this paragraph shall not exceed the rate of $100.00 per diem.

(2) Section 16(a) of the Administrative Expenses Act of 1946 (c. 744, August 2, 1946; 60 Stat. 810; 31 U.S.C. 638a) to the extent that it pertains to hiring automobiles and aircraft.

(3) Section 3648 of the Revised Statutes, as amended (31 U.S.C. 529) (advance of funds).

(4) Section 322 of the Act of June 30, 1932, c. 314, 47 Stat. 412 (40 U.S.C. 278a) (maximum charges).

(5) Section 3709 of the Revised Statutes, as amended (41 U.S.C. 5) (competitive bids).

(6) Section 3710 of the Revised Statutes (41 U.S.C. 8) (opening of bids).

(7) Section 2 of the Act of March 3, 1933, c. 212, 47 Stat. 1520 (41 U.S.C. 10a) (Buy American Act).

(8) Section 3735 of the Revised Statutes (41 U.S.C. 13) (contracts limited to one year).

(9) Sections 302–305 of the Federal Property and Administrative Services Act of 1949 (June 30, 1949, c. 288, 63 Stat. 393 et seq.), as amended (41 U.S.C. 252–255) (competitive bids; negotiated contracts; advances).

(10) Section 87 of the Act of January 12, 1895, c. 23, 28 Stat. 622, and the second proviso of Section 11 of the Act of March 1, 1919, c. 86, 40 Stat. 1270, as amended (44 U.S.C. 111) to the extent that they pertain to printing by the Government Printing Office.

(11) Section 1 of the Act of June 20, 1878, c. 359, 20 Stat. 216, as amended (44 U.S.C. 322) (advertising).

(12) Section 3828 of the Revised Statutes (44 U.S.C. 324) (advertising).

(13) Section 901(a) of the Merchant Marine Act, 1936 (June 29, 1936, c. 858, 49 Stat. 2015, as amended; 46 U.S.C. 1241(a)) (official travel overseas of United States officers and employ-

ees, and transportation of their personal effects, on ships registered under the laws of the United States).

(14) Any provision of law or limitation of authority to the extent that such provision or limitation would limit or prohibit construction of buildings by the United States on property not owned by it.

(15)[6] Any provision of law or limitation of authority to the extent that such provision or limitation would limit or prohibit (i) receipt of admission fees or payments under contracts through advances or otherwise, for concessions, services, space, or other consideration, and the credit of such receipts to the applicable appropriation, and (ii) rental or lease for periods not exceeding ten years of buildings and grounds.

(b) It is directed (1) that all waivers of statutes and limitations of authority effected by the foregoing provisions of this section shall be utilized in a prudent manner and as sparingly as may be practical, and (2) that suitable steps should be taken by the administrative agencies concerned to insure that result, including, as may be appropriate, the imposition of administrative limitations in lieu of waived statutory requirements and limitations of authority.

Sec. 9. Definition. As used in this order, the word "function" or "functions" includes any duty, obligation, power, authority, responsibility, right, privilege, discretion, or activity.

Sec. 10. References to orders and acts. Except as may for any reason be inappropriate:

(a) References in this order to the Act or any provision of the Act shall be deemed to include references thereto as amended from time to time.

(b) References in this order to any prior Executive order not superseded by this order shall be deemed to include references thereto as amended from time to time.

(c)[7] References in this order shall be deemed to include references thereto as amended from time to time.

Sec. 11. Prior directives and actions. (a) This order supersedes Executive Order No. 10716 of June 17, 1957, and Executive Order No. 10912 of January 18, 1961. Except to the extent that they may be inconsistent with law or with this order, other directives, regulations, and actions relating to the functions delegated by this order and in force immediately prior to the issuance of this order shall remain in effect until amended, modified, or revoked by appropriate authority.

(b) This order shall neither limit nor be limited by Executive Order No. 11014 of April 17, 1962.

(c) To the extent not heretofore superseded, there are hereby superseded the provisions of the letters of the President to the Director of the United States Information Agency dated August 16, 1955, and August 21, 1956 (22 F.R. 101-103).

Sec. 12. Effective date. The provisions of this order shall be effective immediately.

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[6] Subpar. (15) was added by Executive Order 11380, Nov. 8, 1967, 32 F.R. 15627.

[7] Subsec. (c) was added by Executive Order 11380, Nov. 8, 1967, 32 F.R. 15627.

3. United States Scholarship Program for Developing Countries Authorization, Fiscal Years 1986 and 1987.

Partial text of Public Law 99-93 [H.R. 2068], 99 Stat. 405, approved August 16, 1985

> NOTE.—Deleted sections in this Act, amend other State Department and foreign relations legislation and are incorporated elsewhere in this compilation.

AN ACT To authorize appropriations for fiscal years 1986 and 1987 for the Department of State, the United States Information Agency, the Board for International Broadcasting, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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TITLE VI—UNITED STATES SCHOLARSHIP PROGRAM FOR DEVELOPING COUNTRIES

SEC. 601.[1] STATEMENT OF PURPOSE.

The purpose of this title is to establish an undergraduate scholarship program designed to bring students of limited financial means from developing countries to the United States for study at United States institutions of higher education.

SEC. 602.[2] FINDINGS AND DECLARATIONS OF POLICY.

The Congress finds and declares that—

(1) it is in the national interest for the United States Government to provide a stable source of financial support to give students in developing countries the opportunity to study in the United States, in order to improve the range and quality of educational alternatives, increase mutual understanding, and build lasting links between those countries and the United States;

(2) providing scholarships to foreign students to study in the United States has proven over time to be an effective means of creating strong bonds between the United States and the future leadership of developing countries and, at the same time, assists countries substantially in their development efforts;

(3) study in United States institutions by foreign students enhances trade and economic relationships by providing strong English language skills and establishing professional and business contacts;

(4) students from families of limited financial means have, in the past, largely not had the opportunity to study in the United States, and scholarship programs sponsored by the

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[1] 22 U.S.C. 4701.

[2] 22 U.S.C. 4702.

United States have made no provision for identifying preparing, or supporting such students for study in the United States;

(5) it is essential that the United States citizenry develop its knowledge and understanding of the developing countries and their languages, cultures, and socioeconomic composition as these areas assume an ever larger role in the world community;

(6) the number of United States Government-sponsored scholarships for students in developing countries has been exceeded as much as twelve times in a given year by the number of scholarships offered by Soviet-bloc governments to students in developing countries, and this disparity entails the serious longrun cost of having so many of the potential future leaders of the developing world educated in Soviet-bloc countries;

(7) from 1972 through 1982 the Soviet Union and Eastern European governments collectively increased their education exchange programs to Latin America and the Caribbean by 205 percent while those of the United States declined by 52 percent;

(8) an undergraduate scholarship program for students of limited financial means from developing countries to study in the United States would complement current assistance efforts in the areas of advanced education and training of people of developing countries in such disciplines as are required for planning and implementation of public and private development activities;

(9) the National Bipartisan Commission on Central America has recommended a program of 10,000 United States Government-sponsored scholarships to bring Central American students to the United States, which program would involve careful targeting to encourage participation by young people from all social and economic classes, would maintain existing admission standards by providing intensive English and other training, and would encourage graduates to return to their home countries after completing their education; and

(10) it is also in the interest of the United States, as well as peaceful cooperation in the Western Hemisphere, that particular attention be given to the students of the Caribbean region.

SEC. 603.[3] SCHOLARSHIP PROGRAM AUTHORITY.

(a) In General.—The President, acting through the United States Information Agency, shall provide scholarships (including partial assistance) for undergraduate study at United States institutions of higher education by citizens and nationals of developing countries who have completed their secondary education and who would not otherwise have an opportunity to study in the United States due to financial limitations.

(b) Form of Scholarship; Forgiveness of Loan Repayment.—To encourage students to use their training in their countries of origin each scholarship pursuant to this section shall be in the form of a loan with all repayment to be forgiven upon the student's prompt return to his or her country or origin for a period which is at least one year longer than the period spent studying in the United States. If the student is granted asylum in the United States pursuant to section 208 of the Immigration and Nationality Act or is admitted to the United States as a refugee pursuant to section 207 of that Act, half of the repayment shall be forgiven.

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[3] 22 U.S. 4703.

(c) CONSULTATION.—Before allocation any of the funds made available to carry out this title, the President shall consult with United States institutions of higher education, educational exchange organizations, United States missions in developing countries, and the governments of participating countries on how to implement the guidelines specified in section 604.

(d) DEFINITION.—For purposes of this title, the term "institution of higher education" has the same meaning as given to such term by section 1201(a) of the Higher Education Act of 1965.

SEC. 604.[4] GUIDELINES.

The scholarship program under this title shall be carried out in accordance with the following guidelines:

(1) Consistent with section 112(b) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460(b)), all programs created pursuant to this title shall be nonpolitical and balanced, and shall be administered in keeping with the highest standards of academic integrity.

(2) United States missions shall design ways to identify promising students who are in secondary educational institutions, or who have completed their secondary education, for study in the United States. In carrying out this paragraph, the United States mission in a country shall consult with Peace Corps volunteers and staff assigned to that country and with private and voluntary organizations with a proven record of providing development assistance to developing countries.

(3) United States missions shall develop and strictly implement specific economic need criteria. Scholarships under this title may only be provided to students who meet the economic need criteria.

(4) The program shall utilize educational institutions in the United States and in developing countries to help participants in the programs acquire necessary skills in English and other appropriate education training.

(5) Each participant from a developing country shall be selected on the basis of academic and leadership potential and the economic, political, and social development needs of such country. Such needs shall be determined by each United States mission in consultation with the government of the respective country. Scholarship opportunities shall emphasize fields that are critical to the development of the participant's country, including agriculture, civil engineering, communications, social science, education, public and business administration, health, nutrition, environemntal studies, population and family planning, and energy.

(6) The program shall be flexible in order to take advantage of different training and educational opportunities offered by

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[4] 22 U.S.C. 4704.

universities, postsecondary vocational training schools, and community colleges in the United States.

(7) The program shall be flexible with respect to the number of years of undergraduate education financed but in no case shall students be brought to the United States for a period less than one year.

(8) Adequate allowance shall be made in the scholarship for the purchase of books and related educational material relevant to the program of study.

(9) Further allowance shall be made to provide adequate opportunities for professional, academic, and cultural enrichment for scholarship recipients.

(10) The program shall, to the maximum extent practicable, offer equal opportunities for both male and female students to study in the United States.

(11) The United States Information Agency shall recommend to each student, who receives a scholarship under this title for study at a college or university, that the student enroll in a course on the classics of American political thought or which otherwise emphasizes the ideas, principles, and documents upon which the United States was founded.

SEC. 605. AUTHORITY TO ENTER INTO AGREEMENTS.

The President may enter into agreements with foreign governments in furtherance of the purposes of this title. Such agreements may provide for the creation or continuation of binational or multinational educational and cultural foundations and commissions for the purposes of administering programs under this title.

SEC. 606.[5] POLICY REGARDING OTHER INTERNATIONAL EDUCATIONAL PROGRAMS.

(a) AID-Funded Programs.—The Congress urges the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961, in implementing programs authorized under that part, to increase assistance for undergraduate scholarships for students of limited financial means from developing countries to study in the United States at United States institutions of higher education. To the maximum extent practicable, such scholarship assistance shall be furnished in accordance with the guidelines contained in section 604 of this title.

(b) USIA-Funded Postgraduate Study in the United States.—The Congress urges the Director of the United States Information Agency to expand opportunities for students of limited financial means from developing countries to receive financial assistance for postgraduate study at United States institutions of higher education.

(c) Study by Americans in Developing Countries.—The Congress urges the President to take such steps as are necessary to expand the opportunities for Americans from all economic classes to study in developing countries.

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[5] 22 U.S.C. 4706.

SEC. 607.[6] ESTABLISHMENT AND MAINTENANCE OF COUNSELING SERVICES.

(a) COUNSELING SERVICES ABROAD.—For the purpose of assisting foreign students in choosing fields of study, selecting appropriate institutions of higher education, and preparing for their stay in the United States, the President may make suitable arrangements for counseling and orientation services abroad.

(b) COUNSELING SERVICES IN THE UNITED STATES.—For the purposes of assisting foreign students in making the best use of their opportunities while attending United States institutions of higher education, and assisting such students in directing their talents and initiative into channels which will make them more effective leaders upon return to their native lands, the President may make suitable arrangements (by contract or otherwise) for the establishment and maintenace of adequate counseling services at United States institutions of higher education which are attended by foreign students.

SEC. 608.[7] BOARD OF FOREIGN SCHOLARSHIPS.

The Board of Foreign Scholarships shall advise and assist the President in the discharge of the scholarship program carried out pursuant to this title, in accordance with the guidelines set forth in section 604. The President may provide for such additional secretarial and staff assistance for the board as may by required to carry out this title.

SEC. 609.[8] GENERAL AUTHORITIES.

(a) PUBLIC AND PRIVATE SECTOR CONTRIBUTIONS.—The public and private sectors in the United States and in the developing countries shall be encouraged to contribute to the costs of the scholarship program financed under this title.

(b) UTILIZATION OF RETURNING PROGRAM PARTICIPANTS.—The President shall seek to engage the public and private sectors of developing countries in programs to maximize the utilization of recipients of scholarships under this title upon their return to their own countries.

(c) PROMOTION ABROAD OF SCHOLARSHIP PROGRAM.—The President may provide for publicity and promotion abroad of the scholarship program provided for in this title.

(d) INCREASING UNITED STATES UNDERSTANDING OF DEVELOPING COUNTRIES.—The President shall encourage United States institutions of higher education, which are attended by students from developing countries who receive scholarships under this title, to provide opportunities for United States citizens attending those institutions to develop their knowledge and understanding of the developing countries, and the languages and cultures of those countries, represented by those foreign students.

(e) OTHER ACTIVITIES TO PROMOTE IMPROVED UNDERSTANDING.—Funds allocated by the United States Information Agency, or the agency primarily responsible for carrying out part I of the Foreign Assistance Act of 1961, for scholarships in accordance with this title shall be available to enhance the educational training and capabilities of the people of Latin America and the Caribbean and to promote better understanding between the United States and Latin America and the Caribbean through programs of cooperation, study, training, and research. Such funds may be used for program and administrative costs for institutions carrying out such programs.

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[6] 22 U.S.C. 4707.

[7] 22 U.S.C. 4708.

[8] 22 U.S.C. 4709.

SEC. 610.[9] ENGLISH TEACHING, TEXTBOOKS, AND OTHER TEACHING MATERIALS.

Wherever adequate facilities or materials are not available to carry out the purposes of paragraph (4) of section 604 in the participant's country and the President determines that the purposes of this title are best served by providing the preliminary training in the participant's country, the President may (by purchase, contract, or other appropriate means) provide the necessary materials and instructors to achieve such purpose.

SEC. 611.[10] REPORTING REQUIREMENT.

No later than February 1 each year, the President shall submit to the Congress a report on the activities carried on and expenditures made pursuant to this title during the preceding fiscal year.

SEC. 612.[11] FUNDING OF SCHOLARSHIPS FOR FISCAL YEAR 1986 AND FISCAL YEAR 1987.

(a) Central American Undergraduate Scholarship Program.—The undergraduate scholarship program financed by the United States Information Agency for students from Central America for fiscal year 1986 and fiscal year 1987 shall be conducted in accordance with this title.

(b) Scholarships for Students From Other Developing Countries.—Any funds appropriated to the United States Information Agency for fiscal year 1986 or fiscal year 1987 for any purpose (other than funds appropriated for educational exchange programs under section 102(a)(1) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2452(a)(1)) may be used to carry out this title with respect to students from developing countries outside Central America.

SEC. 613.[12] LATIN AMERICAN EXCHANGES.

Of any funds authorized to be appropriated for activities authorized by this title, not less than 25 percent shall be allocated to fund grants and exchanges to Latin America and the Caribbean.

SEC. 614.[13] FEASIBILITY STUDY OF TRAINING PROGRAMS IN SIZABLE HISPANIC POPULATIONS.

No later than December 15, 1985, the Director of the United States Information Agency and the Administrator of the Agency for International Development shall report jointly, to the chairman of the Committee on Foreign Relations of the Senate and the chairman of the Committee on Foreign Affairs of the House of Representatives, on the feasibility of greater utilization in those two agencies' scholarship and participant training programs of the United States universities in States bordering Latin America and Caribbean which are located in areas characterized by the presence of sizable Hispanic populations.

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[9] 22 U.S.C. 4710.

[10] 22 U.S.C. 4711.

[11] 22 U.S.C. 4712.

[12] 22 U.S.C. 4713.

[13] 22 U.S.C. 4714.

SEC. 615.[14] COMPLIANCE WITH CONGRESSIONAL BUDGET ACT.

Any authority provided by this title to enter into contracts shall be effective only—

(1) to the extent that the budget authority for the obligation to make outlays, which is created by the contract, has been provided in advance by an appropriation Act; or

(2) to the extent or in such amounts as are provided in advance in appropriation Acts.

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[14] 22 U.S.C. 4715.

4. National Endowment for Democracy Act

Partial text of Public Law 98–164 [H.R. 2915], 97 Stat. 1017 at 1039, approved November 22, 1983 as amended by Public Law 99–93 [H.R. 2068] 99 Stat. 405, approved August 16, 1985

AN ACT To authorize appropriations for fiscal years 1984 and 1985 for the Department of State, the United States Information Agency, the Board for International Broadcasting, the Inter-American Foundation, and the Asia Foundation, to establish the National Endowment for Democracy, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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TITLE V—NATIONAL ENDOWMENT FOR DEMOCRACY

SHORT TITLE

Sec. 501. This title may be cited as the "National Endowment for Democracy Act".

NATIONAL ENDOWMENT FOR DEMOCRACY

Sec. 502.[1] (a) The Congress finds that there has been established in the District of Columbia a private, nonprofit corporation known as the National Endowment for Democracy (hereafter in this title referred to as the "Endowment") which is not an agency or establishment of the United States Government.

(b) The purposes of the Endowment, as set forth in its articles of incorporation, are—

(1) to encourage free and democratic institutions throughout the world through private sector initiatives, including activities which promote the individual rights and freedoms (including internationally recognized human rights) which are essential to the functioning of democratic institutions;

(2) to facilitate exchanges between United States private sector groups (especially the two major American political parties, labor, and business) and democratic groups abroad;

(3) to promote United States nongovernmental participation (especially through the two major American political parties, labor, business, and other private sector groups) in democratic training programs and democratic institution-building abroad;

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[1] 22 U.S.C. 4411 Sec. 205 of Public Law 98–164 (97 Stat. 1039) authorized to be appropriated out of USIA funds for each of fiscal years 1984 and 1985, $31,300,000 for the National Endowment for Democracy (see p. 1510 for text). Title V of Public Law 99–180 the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act 1986, [H.R. 2965] 99 Stat. appropriated for fiscal year 1986, $18,000,000 for the National Endowment for Democracy. Title V of sec. 101(b) of Public Law 99–591, [Continuing Appropriations Act, 1987, H.J. Res. 738]. 100 Stat. 3541, appropriated $15,000,000 for the National Endowment for Democracy.

(4) to strengthen democratic electoral processes abroad through timely measures in cooperation with indigenous democratic forces;

(5) to support the participation of the two major American political parties, labor, business, and other United States private sector groups in fostering cooperation with those abroad dedicated to the cultural values, institutions, and organizations of democratic pluralism; and

(6) to encourage the establishment and growth of democratic development in a manner consistent both with the broad concerns of United States national interests and with the specific requirements of the democratic groups in other countries which are aided by programs funded by the Endowment.

GRANTS TO THE ENDOWMENT

Sec. 503.[2] (a) The Director of the United States Information Agency shall make an annual grant to the Endowment to enable the Endowment to carry out its purposes as specified in section 502(b). Such grants shall be made with funds specifically appropriated for grants to the Endowment or with funds appropriated to the Agency for the "Salaries and Expenses" account. Such grants shall be made pursuant to a grant agreement between the Director and the Endowment which requires that grant funds will only be used for activities which the Board of Directors of the Endowment determines are consistent with the purposes described in section 502(b), that the Endowment will allocate funds in accordance with subsection (e) of this section, and that the Endowment will otherwise comply with the requirements of this title. The grant agreement may not require the Endowment to comply with requirements other than those specified in this title.

(b) Funds so granted may be used by the Endowment to carry out the purposes described in section 502(b), and otherwise applicable limitations on the purposes for which funds appropriated to the United States Information Agency may be used shall not apply to funds granted to the Endowment.

(c) Nothing in this title shall be construed to make the Endowment an agency or establishment of the United States Government or to make the members of the Board of Directors of the Endowment, or the officers or employees of the Endowment, officers or employees of the United States.

(d) The Endowment and its grantees shall be subject to the appropriate oversight procedures of the Congress.

(e) Of the amounts made available to the Endowment for each of the fiscal years 1984 and 1985 to carry out programs in furtherance of the purposes of this Act—

(1) not less than $13,800,000 shall be for the Free Trade Union Institute; and

(2) not less than $2,500,000 shall be to support private enterprise development programs of the National Chamber Foundation.

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[2] 22 U.S.C. 4412.

ELIGIBILITY OF THE ENDOWMENT FOR GRANTS

Sec. 504.[3] (a) Grants may be made to the Endowment under this title only if the Endowment agrees to comply with the requirements specified in this section and elsewhere in this title.

(b)(1) The Endowment may only provide funding for programs of private sector groups and may not carry out programs directly.

(2) The Endowment may provide funding only for programs which are consistent with the purposes set forth in section 502(b).

(c)(1) Officers of the Endowment may not receive any salary or other compensation from any source, other than the Endowment, for services rendered during the period of their employment by the Endowment.

(2) If an individual who is an officer or employee of the United States Government serves as a member of the Board of Directors or as an officer or employee of the Endowment, that individual may not receive any compensation or travel expenses in connection with services performed for the Endowment.

(d)(1) The Endowment shall not issue any shares of stock or declare or pay any dividends.

(2) No part of the assets of the Endowment shall inure to the benefit of any member of the Board, any officer or employee of the Endowment, or any other individual, except as salary or reasonable compensation for services.

(e)(1) The accounts of the Endowment shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audits shall be conducted at the place or places where the accounts of the Endowment are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Endowment and necessary to facilitate the audits shall be made available to the person or persons conducting the audits; and full facilities for verifying transactions with any assets held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(2) The report of each such independent audit shall be included in the annual report required by subsection (h). The audit report shall set forth the scope of the audit and include such statements as are necessary to present fairly the Endowment's assets and liabilities, surplus or deficit, with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the Endowment's income and expenses during the year, and a statement of the application of funds, together with the independent auditor's opinion of those statements.

(f)(1) The financial transactions of the Endowment for each fiscal year may be audited by the General Accounting Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States. Any such audit shall be conducted at the place or places where accounts of the Endowment are normally kept. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or in use by the Endowment pertaining to its financial transactions and necessary to facilitate the audit; and they shall be afforded full facilities for verifying transactions with any assets held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of the Endowment shall remain in the possession and custody of the Endowment.

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[3] 22 U.S.C. 4413.

(2) A report of each such audit shall be made by the Comptroller General to the Congress. The report to the Congress shall contain such comments and information as the Comptroller General may deem necessary to inform the Congress of the financial operations and condition of the Endowment, together with such recommendations with respect thereto as he may deem advisable. The report shall also show specifically any program, expenditure, or other financial transaction or undertaking observed in the course of the audit, which, in the opinion of the Comptroller General, has been carried on or made contrary to the requirements of this title. A copy of each report shall be furnished to the President and to the Endowment at the time submitted to the Congress.

(g) [4] The financial transactions of the Endowment for each fiscal year may also be audited by the United States Information Agency under the conditions set forth in subsection (f)(1).

(h)(1) [5] The Endowment shall ensure that each recipient of assistance provided through the Endowment under this title keeps such records as may be reasonably necessary to fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(2) The Endowment shall ensure that it, or any of its duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance provided through the Endowment under this title. The Comptroller General of the United States or any of his duly authorized representatives shall also have access thereto for such purpose.

(i) [5] Not later than February 31 of each year, the Endowment shall submit an annual report for the preceding fiscal year to the President for transmittal to the Congress.[6] The report shall include a comprehensive and detailed report of the Endowment's operations, activities, financial condition, and accomplishments under this title and may include such recommendations as the Endowment deems appropriate. The Board members and officers of the Endowment shall be available to testify before appropriate committees of the Congress with respect to such report, the report of any audit made by the Comptroller General pursuant to subsection (f), or any other matter which any such committee may determine.

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[4] Subsec. (g) was added by subsec. (b)(2) of sec. 210 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99-93; 99 Stat. 405.)

[5] Subsec. (b)(1) of sec. 210 of Public Law 99-93 (99 Stat. 405 at 432), redesignated subsecs. (g) and (h) as subsecs. (h) and (i), respectively.

[6] Subsec. (d) of sec. 210 of Public Law 99-93 (99 Stat. 405 at 432), substituted "February 1" in lieu of "December 31".

SEC. 505.[7] REQUIREMENTS RELATING TO THE ENDOWMENT AND ITS GRANTEES.

(a) PARTISAN POLITICS.—(1) Funds may not be expended, either by the Endowment or by any of its grantees, to finance the campaigns of candidates for public office.

(2) No funds granted by the Endowment may be used to finance activities of the Republican National Committee or the Democratic National Committee.

(3) No grants may be made to any institute, foundation, or organization engaged in partisan activities on behalf of the Republican or Democratic National Committee, on behalf of any candidate for public office, or on behalf of any political party in the United States.

(b) CONSULTATION WITH DEPARTMENT OF STATE.—The Endowment shall consult with the Department of State on any overseas program funded by the Endowment prior to the commencement of the activities of that program.

SEC. 506.[8] FREEDOM OF INFORMATION.

(a) COMPLIANCE WITH FREEDOM OF INFORMATION ACT.—Notwithstanding the fact that the Endowment is not an agency or establishment of the United States Government, the Endowment shall fully comply with all of the provisions of section 552 of title 5, United States Code.

(b) PUBLICATION IN FEDERAL REGISTER.—For purposes of complying pursuant to subsection (a) with section 552(a)(1) of such title, the Endowment shall make available to the Director of the United States Information Agency such records and other information as the Director determines may be necessary for such purposes. The Director shall cause such records and other information to be published in the Federal Register.

(c) REVIEW BY USIA.—(1) In the event that the Endowment determines not to comply with a request for records under section 552, the Endowment shall submit a report to the Director of the United States Information Agency explaining the reasons for not complying with such request.

(2) If the Director approves the determination not to comply with such request, the United States Information Agency shall assume full responsibility, including financial responsibility, for defending the Endowment in any litigation relating to such request.

(3) If the Director disapproves the determination not to comply with such request, the Endowment shall comply with such request.

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[7] 22 U.S.C. 4414. Sec. 505 was added by sec. 210(a) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99-93; 99 Stat. 405).

[8] 22 U.S.C. 4415. Sec. 506 was added by sec. 210(a) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99-93; 99 Stat. 405).

5. Soviet-Eastern European Research and Training Act of 1983

Partial text of Public Law 98-164 [H.R. 2915], 97 Stat. 1017, at 1047, approved November 22, 1983

AN ACT To authorize appropriations for fiscal years 1984 and 1985 for the Department of State, the United States Information Agency, the Board of International Broadcasting, the Inter-American Foundation, and the Asia Foundation, to establish the National Endowment for Democracy, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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TITLE VIII—SOVIET-EASTERN EUROPEAN RESEARCH AND TRAINING

SHORT TITLE

Sec. 801. This title may be cited as the "Soviet-Eastern European Research and Training Act of 1983".

FINDINGS AND DECLARATIONS

Sec. 802.[1] The Congress finds and declares that—

(1) factual knowledge, independently verified, about the Soviet Union and Eastern European countries is of the utmost importance for the national security of the United States, for the furtherance of our national interests in the conduct of foreign relations, and for the prudent management of our domestic affairs;

(2) the development and maintenance of knowledge about the Soviet Union and Eastern European countries depends upon the national capability for advanced research by highly trained and experienced specialists, available for service in and out of Government;

(3) certain essential functions are necessary to ensure the existence of that knowledge and the capability to sustain it, including—

(A) graduate training;

(B) advanced research;

(C) public dissemination of research data, methods, and findings;

(D) contact and collaboration among Government and private specialists; and

(E) firsthand experience of the Soviet Union and Eastern European countries by American specialists, including on site conduct of advanced training and research to the extent practicable; and

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[1] 22 U.S.C. 4501.

(4) it is in the national interest for the United States Government to provide a stable source of financial support for the functions described in this section and to supplement the financial support for those functions which is currently being furnished by Federal, State, local regional, and private agencies, organizations, and individuals, and thereby to stabilize the conduct of these functions on a national scale, consistently, and on a long range unclassified basis.

DEFINITIONS

Sec. 803.[2] As used in this title—

(1) the term "institution of higher education" has the same meaning given such term in section 1201(a) of the Higher Education Act of 1965; and

(2) the term "Advisory Committee" means the Soviet-Eastern European Studies Advisory Committee established by section 804(a).

ESTABLISHMENT OF THE SOVIET-EASTERN EUROPEAN STUDIES ADVISORY COMMITTEE

Sec. 804.[3] (a) There is established within the Department of State the Soviet-Eastern European Studies Advisory Committee which shall be composed of the Secretary of State, the Secretary of Defense, the Secretary of Education, the Librarian of Congress, the President of the American Association for the Advancement of Slavic Studies, and the President of the Association of American Universities. The Secretary of State shall be the Chairman.[4]

(b) The Advisory Committee shall meet at the call of the Chairman and shall hold at least one meeting each year. Three members of the Advisory Committee shall constitute a quorum.

(c) The Secretary of State may detail personnel of the Department of State to provide technical and clerical assistance to the Advisory Committee in carrying out its functions under this title.

(d) The Advisory Committee shall recommend grant policies for the advancement of the objectives of this title. In proposing recipients for grants under this title, the Advisory Committee shall give the highest priority to national organizations with an interest and expertise in conducting research and training concerning Soviet and Eastern European countries and in disseminating the results of such research. In making its recommendations, the Advisory Committee shall emphasize the development of a stable, long-term research program.

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[2] 22 U.S.C. 4502.

[3] 22 U.S.C. 4503.

[4] The functions of the Chairman conferred upon the Secretary of State by this section, were delegated to the Director of the Bureau of Intelligence and Research, pursuant to State Department Delegation of Authority No. 155, Sept. 21, 1984, 49 F.R. 39002.

AUTHORITY TO MAKE PAYMENTS

Sec. 805.[5] (a) The Secretary of State, after consultation with the Advisory Committee, shall make payments, in accordance with the provisions of this section, out of funds made available to carry out this title.[6]

(b)(1) One part of the payments made in each fiscal year shall be used to conduct a national research program at the postdoctoral or equivalent level, such program to include—

(A) the dissemination of information about the research program and the solicitation of proposals for research contracts from American institutions of higher education and not-for-profit corporations, such contracts to contain shared-cost provisions; and

(B) the awarding of contracts for such research projects as the respective institution determines will best serve to carry out the purposes of this title after reviewing proposals submitted under subparagraph (A).

(2) One part of the payments made in each fiscal year shall be used—

(A) to establish and carry out a program of graduate, postdoctoral, and teaching fellowships for advanced training in Soviet and Eastern European studies and related studies, such program—

(i) to be coordinated with the research program described in paragraph (1);

(ii) to be conducted, on a shared-cost basis, at American institutions of higher education; and

(iii) to include—

(I) the dissemination of information on the fellowship program and the solicitation of applications for fellowships from qualified institutions of higher education and qualified individuals; and

(II) the awarding of such fellowships as the respective institution determines will best serve to carry out the purposes of this title after reviewing applications submitted under subclause (I); and

(B) to disseminate research, data, and findings on Soviet and Eastern European studies and related fields in such a manner and to such extent as the respective institution determines will best serve to carry out the purposes of this title.

(3) One part of the payments made in each fiscal year shall be used—

(A) to provide fellowship and research support for American specialists in the fields of Soviet and Eastern European studies and related studies to conduct advanced research with particular emphasis upon the use of data on the Soviet Union and Eastern European countries; and

(B) to conduct seminars, conferences, and other similar workshops designed to facilitate research collaboration between

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[5] 22 U.S.C. 4504.

[6] The functions of making payments conferred upon the Secretary of State by this subsec. were delegated to the Director of the Bureau of Intelligence and Research, pursuant to State Department Delegation of Authority No. 155, Sept. 21, 1984, 49 F.R. 39002.

Government and private specialists in the fields of Soviet and East European studies and related studies.

(4) One part of the payments made in each fiscal year shall be used to conduct specialized programs in advanced training and research on a reciprocal basis in the Union of Soviet Socialist Republics and the countries of Eastern Europe designed to facilitate access for American specialists to research institutes, personnel, archives, documentation, and other research and training resources located in the Union of Soviet Socialist Republics and Eastern European countries.

(5) One part of the payments made in each fiscal year shall be used to support language training in Russian and Eastern European languages. Such payments shall include grants to individuals to pursue such training and to summer language institutes operated by institutions of higher education. Preference shall be given for Russian language studies.

(6) Payments may be made to carry out other research and training in Soviet and Eastern European studies not otherwise described in this section.

APPLICATIONS; PAYMENTS TO ELIGIBLE ORGANIZATIONS

Sec. 806.[7] (a) Any institution seeking funding under this title shall prepare and submit an application to the Secretary of State once each fiscal year. Each such application shall—

(1) provide a description of the purposes for which the payments will be used in accordance with section 805; and

(2) provide such fiscal control and such accounting procedures as may be necessary (A) to ensure a proper accounting of Federal funds paid under this title, and (B) to ensure the verification of the costs of the continuing eduction and research programs conducted under this title.

(b) Payments under this title may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of overpayments and underpayments.

REPORT

Sec. 807.[8] The Secretary of State shall prepare and submit to the President and the Congress at the end of each fiscal year in which an institution receives assistance under this title a report of the activities of such institution supported by such assistance, if the administrative expenses of such institution which are covered by such assistance represent more than 10 percent of such assistance, together with such recommendations as the Advisory Committee deems advisable.

FEDERAL CONTROL OF EDUCATION PROHIBITED

Sec. 808.[9] Nothing contained in this title may be construed to authorize any department, agency, officer, or employee of the United

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[7] 22 U.S.C. 4505.

[8] 22 U.S.C. 4506.

[9] 22 U.S.C. 4507.

States to exercise any direction, supervision, or control over the curriculum, program of instruction or research, administration, or personnel of any educational institution.

ALLOCATION OF FUNDS

Sec. 809.[10] Of the funds authorized to be appropriated by section 102(1) of this Act—[11]

(1) up to $5,000,000 for the fiscal year 1984 shall be available to carry out this title; and

(2) $5,000,000 for the fiscal year 1985 shall be available only to carry out this title.

TERMINATION

Sec. 810.[12] The provisions of this title shall cease to be effective at the end of the 10-year period beginning on the date of enactment of this title.

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[10] 22 U.S.C. 4508.

[11] Title III of Public Law 99-180 [H.R. 2965] 99 Stat. 1152, the Department of State Appropriation Act, 1986, appropriated for fiscal year 1986, $4,800,000 for Soviet-East European research and training. Sec. 102(1) authorizes funds for "Administration of foreign affairs" within the Department of State for fiscal years 1984 and 1985. Title III of sec. 101(b) of Public Law 99-569 [Continuing Appropriations Act, 1987; H.J. Res. 738], 100 Stat. 3341 appropriated for fiscal year 1987, $4,600,000 for Soviet-East European research and training.

[12] 22 U.S.C. 4509.

6. United States-India Fund for Cultural, Educational, and Scientific Cooperation Act

Partial text of Public Law 98-164 [H.R. 2915], 97 Stat. 1017, at 1051, approved November 22, 1983

AN ACT To authorize appropriations for fiscal years 1984 and 1985 for the Department of State, the United States Information Agency, the Board for International Broadcasting, the Inter-American Foundation, and the Asia Foundation, to establish the National Endowment for Democracy, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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TITLE IX—UNITED STATES-INDIA FUND FOR CULTURAL, EDUCATIONAL, AND SCIENTIFIC COOPERATION

SHORT TITLE

Sec. 901. This title may be cited as the "United States-India Fund for Cultural, Educational, and Scientific Cooperation Act".

ESTABLISHMENT OF THE FUND

Sec. 902.[1] (a) The President[2] is authorized to enter into an agreement with the Government of India for the establishment of a fund (hereafter in this title referred to as the "Fund") which would provide grants and other assistance for cultural, educational, and scientific programs of mutual interest. Such programs may include exchanges of persons, exchanges of information, and other programs of study, research, and scholarly cooperation. The agreement may also provide for the establishment of an endowment, a foundation, or other means to carry out the purposes of the agreement.

(b) The United States representatives on any board or other entity created in accordance with the agreement to administer the Fund shall be designated by the President predominately from among representatives of United States Government agencies, including those administering programs which may be supported in whole or in part by the Fund.

(c) United States Government agencies carrying out programs of the types specified in subsection (a) may receive amounts directly from the Fund for use in carrying out those programs.

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[1] 22 U.S.C. 290j.

[2] Executive order 12517 of May 29, 1985 delegated all functions vested in the President by the act to the Secretary of State.

USE OF UNITED STATES OWNED RUPEES TO CAPITALIZE THE FUND

Sec. 903.[3] Subject to applicable requirements concerning reimbursement to the Treasury for United States owned foreign currencies, the President may make available to the Fund, for use in carrying out the agreement authorized by section 902, up to the equivalent of $200,000,000 in foreign currencies owned by the United States in India or owed to the United States by the Government of India. Such use may include investment in order to generate interest which would be retained in the Fund and used to support programs pursuant to that agreement.

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[3] 22 U.S.C. 290j-1.

7. Executive Order 12517 of May 29, 1985, 50 FR 23105, C.F.R.

Delegation Concerning the United States-India Fund for Cultural, Educational, and Scientific Cooperation

By the authority vested in me as President by the Constitution and statutes of the United States of America, including section 301 of Title 3 of the United States Code, and in order to delegate certain functions concerning the United States-India Fund for Cultural, Educational, and Scientific Cooperation to the Secretary of State it is hereby ordered as follows:

Section 1. All functions vested in the President by the United States-India Fund for Cultural, Educational, and Scientific Cooperation Act (Title IX of Public Law 98-164, 97 Stat. 1051; "the Act") are delegated to the Secretary of State.

Sec. 2. India rupees provided to the President for purposes of Title IX of the Act and under Title III of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1985 (Public Law 98-411, 98 Stat. 1545) are allocated to the Secretary of the Treasury for investment to generate earnings for purposes of Title IX of the Act.

8. Center for Cultural and Technical Interchange Between East and West Act of 1960

Partial text of Mutual Security Act of 1960, Public Law 86-472 [H.R. 11510], 74 Stat. 134, approved May 14, 1960, as amended

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CHAPTER VII—CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST

Sec. 701. This chapter may be cited as the "Center for Cultural and Technical Interchange Between East and West Act of 1960".

Sec. 702.[1] The purpose of this chapter is to promote better relations and understanding between the United States and the nations of Asia and the Pacific (hereinafter referred to as "the East") through cooperative study, training, and research, by establishing in Hawaii a Center for Cultural and Technical Interchange Between East and West where scholars and students in various fields from the nations of the East and West may study, give and receive training, exchange ideas and views, and conduct other activities primarily in support of the objectives of the United States Information and Educational Exchange Act of 1948, as amended, title III of chapter II of the Mutual Security Act of 1954, and other Acts promoting the international, educational, cultural, and related activities of the United States.

Sec. 703.[2] In order to carry out the purpose of this chapter the Secretary of State[3] (hereinafter referred to as the "Secretary") shall provide for—

(1) the establishment and operation in Hawaii of an educational institution to be known as the Center for Cultural and Technical Interchange Between East and West, through arrangements with public, educational, or other nonprofit institutions;

(2) grants, fellowships, and other payments to outstanding scholars and authorities from the nations of the East and West

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[1] 22 U.S.C. 2054.

[2] 22 U.S.C. 2055.

[3] Pursuant to sec. 7(a) of Reorganization Plan No. 2 of 1977, all functions vested in the President, Secretary of State, the Department of State, the Director of the United States Information Agency, and the United States Information Agency by this Act were transferred to the Director of the International Communication Agency. The codified version of this Act has been changed to reflect this transfer of authority.

Subsequently, sec. 303 of Public Law 97-241 (96 Stat. 291) redesignated the International Communication Agency as the United States Information Agency and stated that any reference to the International Communication Agency in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding, shall be deemed to be a reference to the United States Information Agency. Sec. 303 also stated that references to the Director or other official of the International Communication Agency shall be deemed to refer to the Director or other official of the United States Information Agency.

as may be necessary to attract such scholars and authorities to the Center;

(3) grants, scholarships, and other payments to qualified students from the nations of the East and West as may be necessary to enable such students to engage in study or training at the Center; and

(4) making the facilities of the Center available for study or training to other qualified persons.

Sec. 704.[4] (a) In carrying out the provisions of this chapter, the Secretary [3] may utilize his authority under the provisions of the United States Information and Educational Exchange Act of 1948, as amended.

(b) The Secretary [3] may, in administering the provisions of this chapter, accept from public and private sources money and property to be utilized in carrying out the purposes and functions of the Center. In utilizing any gifts, bequests, or devises accepted there shall be available to the Secretary [3] the same authorities as are available to him in accepting and utilizing gifts, bequests, and devises to the Foreign Service Institute under the provisions of section 25 of the State Department Basic Authorities Act of 1956.[5] For the purposes of Federal income, estate, and gift taxes, any gift, devise, or bequest accepted by the Secretary [3] under the authority of this chapter shall be deemed to be a gift, devise, or bequest to or for the use of the United States.

(c) [6] The Director of the International Communication Agency [7] shall make periodic reports, as he deems necessary, to the Congress with respect to his activities under the provisions of this chapter, and such reports shall include any recommendations for needed revisions in this chapter.

Sec. 705.[8] There are authorized to be appropriated, to remain available until expended, such amounts as may be necessary to carry out the provisions of this chapter.

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[4] 22 U.S.C. 2056.

[5] This reference to the State Department Basic Authorities Act of 1956 was substituted in lieu of a reference to the Foreign Service Act of 1946 by sec. 2206(8) of Public Law 96-465 (94 Stat. 2162).

[6] Subsec. (c) was amended and restated by sec. 212(b) of Public Law 96-470 (94 Stat. 2246). The report to be submitted under subsec. (c) was formerly required on an annual basis.

[7] Sec. 303 of Public Law 97-241 (96 Stat. 291) redesignated the International Communication Agency as the United States Information Agency and stated that any reference to the International Communication Agency in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding, shall be deemed to be a reference to the United States Information Agency. Sec. 303 also stated that references to the Director or other official of the International Communication Agency shall be deemed to refer to the Director or other official of the United States Information Agency.

[8] 22 U.S.C. 2057. Title V of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1986, Public Law 99-180, 99 Stat. 1167, provides the following:

"CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST

"To enable the Director of the United States Information Agency to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to any appropriate recipient in the State of Hawaii, $20,750,000: *Provided*, That none of the funds appropriated herein shall be used to pay any salary, or to enter into any contract providing the payment thereof, in excess of the highest rate authorized in the General Schedule of the Classification Act of 1949, as amended."

Title V of sec. 101(b) of Public Law 99-591 [Continuing Appropriations Act, 1987], 100 Stat. 3341 contained identical text, but for an appropriation amount of $20,000,000.

9. Japan-United States Friendship Act [1]

Public Law 94-118 [S. 824], 89 Stat. 603, approved October 20, 1975, as amended by Public Law 94-350 [S. 3168], 90 Stat. 823, approved July 12, 1976; Public Law 95-426 [Foreign Relations Authorization Act, Fiscal Year 1979; H.R. 12598], 92 Stat. 963 at 992, approved October 7, 1978; and by Public Law 97-241 [S. 1193], 96 Stat. 273 at 298, approved August 24, 1982

AN ACT To provide for the use of certain funds to promote scholarly, cultural, and artistic activities between Japan and the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Japan-United States Friendship Act".

STATEMENT OF FINDINGS AND PURPOSE

Sec. 2. (a) The Congress hereby finds that—

(1) the post-World War II evolution of the relationship between Japan and the United States to peacetime friendship and partnership is one of the most significant developments of the postwar period;

(2) the Agreement Between Japan and the United States of America Concerning the Ryukyu Islands and the Daito Islands, signed at Washington and Tokyo on June 17, 1971,[2] is a major achievement and symbol of the new relationship between the United States and Japan; and

(3) the continuation of close United States-Japan friendship and cooperation will make a vital contribution to the prospects for peace, prosperity, and security in Asia and the world.

(b) It is therefore the purpose of this Act to provide for the use of an amount equal to a part of the total sum payable by Japan to the United States in connection with the reversion of Okinawa to Japanese administration and the remaining funds of the amount set aside in 1962 for educational and cultural exchange with Japan (known as the G.A.R.I.O.A. Account) to aid education and culture at the highest level in order to enhance reciprocal people-to-people understanding and to support the close friendship and mutuality of interests between the United States and Japan.

ESTABLISHMENT OF THE FUND; EXPENDITURES

Sec. 3. (a) There is established in the Treasury of the United States a trust fund to be known as the Japan-United States Friendship Trust Fund (hereafter referred to as the "Fund").

(b) Amounts in the Fund shall be used for the promotion of scholarly, cultural, and artistic activities between Japan and the United States, including—

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[1] 22 U.S.C. 2901-2906.

[2] 23 U.S.T. 446.

(1) support for studies, including language studies, in institutions of higher education or scholarly research in Japan and the United States, designed to foster mutual understanding between Japan and the United States;

(2) support for major collections of Japanese books and publications in appropriate libraries located throughout the United States and similar support for collections of American books and publications in appropriate libraries located throughout Japan;

(3) support for programs in the arts in association with appropriate institutions in Japan and the United States;

(4) support for fellowships and scholarships at the graduate and faculty levels in Japan and the United States in accord with the purposes of this Act;

(5) support for visiting professors and lecturers at colleges and universities in Japan and the United States; and

(6) support for other Japan-United States cultural and educational activities consistent with the purposes of this Act.

(c) Amounts in the Fund may also be used to pay administrative expenses of the Japan-United States Friendship Commission, established by section 4 of this Act, as directed by that Commission.

(d) There is authorized to be appropriated to the Fund, for fiscal year 1976, an amount equal to 7.5 per centum of the total fund payable to the United States pursuant to the Agreement Between Japan and the United States of America Concerning the Ryukyu Islands and the Daito Islands, signed at Washington and Tokyo, June 17, 1971, including interest and proceeds accruing to the Fund from such funds in accordance with sections 6(4) and 7 of this Act.[3]

(e)(1) There is authorized to be appropriated to the Fund, for fiscal year 1976, in addition to the amount authorized to be appropriated by subsection (d) of this section, those funds available in United States accounts in Japan and transferred by the Government of Japan to the United States pursuant to the United States request made under article V of the agreement between the United States of America and Japan regarding the settlement of Postwar Economic Assistance to Japan, signed in Tokyo, January 9, 1962, and the exchange of notes of the same date (13 U.S.T. 1957; T.I.A.S. 5154) (the G.A.R.I.O.A. Account), including interest accruing to the G.A.R.I.O.A. Account and interest and proceeds accruing to the Fund from such funds in accordance with sections 6(4) and 7 of this Act.[4]

(2) The amount authorized to be appropriated by paragraph (1) of this subsection shall not include any amount required by law to be applied to United States participation in the International Ocean Exposition to be held in Okinawa, Japan.

(3) Any unappropriated portion of the amount authorized to be appropriated by subsection (d) of this section and paragraph (1) of

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[3] The words to this point beginning with ", including interest and proceeds accruing * * *", were added by sec. 401(2) of the Foreign Relations Authorization Act, Fiscal Year 1977 (Public Law 94-350).

[4] The words to this point beginning with "and interest and proceeds accruing to the Fund * * *", were added by sec. 401(3) of the Foreign Relations Authorization Act, Fiscal Year 1977 (Public Law 94-350).

this subsection for fiscal year 1976 may be appropriated in any subsequent fiscal year.

THE JAPAN-UNITED STATES FRIENDSHIP COMMISSION

Sec. 4. (a) There is established a commission to be known as the Japan-United States Friendship Commission (hereafter referred to as the "Commission"). The Commission shall be composed of—

(1) the members of the United States Panel of the Joint Committee on United States-Japan Cultural and Educational Cooperation;

(2) two Members of the House of Representatives, to be appointed at the beginning of each Congress or upon the occurrence of a vacancy during a Congress by the Speaker of the House of Representatives;

(3) two Members of the Senate, to be appointed at the beginning of each Congress or upon the occurrence of a vacancy during a Congress by the President pro tempore of the Senate;

(4) the Chairman of the National Endowment for the Arts; and

(5) the Chairman of the National Endowment for the Humanities.

(b) Members of the Commission who are not full-time officers or employees of the United States and who are not Members of Congress shall, while serving on business of the Commission, be entitled to receive compensation at rates fixed by the President, but not exceeding the rate specified at the time of such service for grade GS-18 in section 5332 of title 5, United States Code, including traveltime; and while so serving away from their homes or regular places of business, all members of the Commission may be allowed travel expenses including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(c) The Chairman of the United States Panel of the Joint Committee on United States-Japan Cultural and Educational Cooperation shall be the Chairman of the Commission. A majority of the members of the Commission shall constitute a quorum. The Commission shall meet at least twice in each year.

FUNCTIONS OF THE COMMISSION

Sec. 5. (a) The Commission is authorized to—

(1) develop and carry out programs at public or private institutions for the promotion of scholarly, cultural, and artistic activities in Japan and the United States consistent with the provisions of section 3(b) of this Act; and

(2) make grants to carry out such programs.

(b) The Commission shall submit to the President and to the Congress an annual report of its activities under this Act together with such recommendations as the Commission determines appropriate.

ADMINISTRATIVE PROVISIONS

Sec. 6. In order to carry out its functions under this Act, the Commission is authorized to—

(1) prescribe such regulations as it deems necessary governing the manner in which its functions shall be carried out;

(2) receive money and property donated, bequeathed, or devised, without condition or restriction other than that it be used for the purposes of this Act; and to use, sell, or otherwise dispose of such property (including transfer to the Fund) for the purpose of carrying out the purposes of this Act, and any such donation shall be exempt from any Federal income, State, or gift tax;

(3) in the discretion of the Commission, receive (and use, sell, or otherwise dispose of, in accordance with paragraph (2)) money and other property donated, bequeathed, or devised to the Commission with a condition or restriction, including a condition that the Commission use other funds of the Commission for the purposes of the gift, and any such donation shall be exempt from any Federal income, State, or gift tax;

(4) direct the Secretary of the Treasury to make expenditure of the income of the Fund, any amount of the contributions deposited in the Fund from nonappropriated sources pursuant to paragraph (2) or (3) of this section, and not to exceed 5 percent annually of the principal of the total amount appropriated to the Fund [5] to carry out the purposes of this Act, including the payment of Commission expenses if needed, except that any amounts expended from amounts appropriated to the Fund under section 3(e)(1) of this Act shall be expended in Japan;

(5) appoint an Executive Director, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, who shall be compensated at the rate provided for a GS-18 of the General Schedule of such title;

(6) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed the rate specified at the time of such service for grade GS-18 in section 5332 of title 5, United States Code;

(7) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(8) enter into contracts, grants, or other arrangements, or modifications thereof;

(9) make advances, progress, and other payments which the Commission deems necessary under this Act;

(10) obtain [6] such administrative support services and personnel as the Commission deems necessary and appropriate to its needs; and

(11) [7] transmit its official mail as penalty mail in the same manner and upon the same conditions as an officer of the

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[5] The words to this point beginning with ", any amount of the contributions deposited . . ." were substituted in lieu of the words "and not to exceed 5 per centum annually of the principal of the Fund" by sec. 503(a) of Public Law 97-241 (96 Stat. 298).

[6] Sec. 401(1) of the Foreign Relations Authorization Act, Fiscal Year 1977 struck out the words "from the Secretary of State, on a reimbursable basis," which had formerly appeared at this point.

[7] Par. (11) was added by sec. 703 of Public Law 95-426 (92 Stat. 992).

United States other than a Member of Congress is permitted to transmit official mail as penalty mail under section 3202 of title 39 of the United States Code.

MANAGEMENT OF THE FUND

Sec. 7. (a) The Fund shall consist of—

(1) amounts appropriated under section 3(d) and (e)(1) of this Act;

(2) any other amounts received by the Fund by way of gifts and donations; and

(3) interest and proceeds credited to it under subsection (b) of this section.

(b) It shall be the duty of the Secretary of the Treasury (hereafter referred to as the "Secretary") to invest such portion of the Fund as is not, in the judgment of the Commission, required to meet current withdrawals. Such investment of amounts authorized to be appropriated under section 3(d) of this Act[8] may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purposes, the obligations may be acquired (1) on original issue at the issue price, or (2) by purchase of outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under the Second Liberty Bond Act,[9] as amended, are hereby extended to authorize the issuance at par of special obligations exclusively to the Fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States issued during the preceding two years then forming part of the public debt; except that where such average rate is not a multiple of one-eighth of 1 per centum, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 per centum next lower than such average rate. Such special obligations shall be issued only if the Secretary determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest.

(c) Any obligation acquired by the Fund (except special obligations issued exclusively to the Fund) may be sold by the Secretary at the market price, and such special obligations may be redeemed at par plus accrued interest.

(d) The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(e) In accordance with section 6(4) of this Act, the Secretary shall pay out of the Fund such amounts, including expenses of the Commission, as the Commission considers necessary to carry out the provisions of this Act; except that amounts in the Fund, other than amounts which have been appropriated and amounts received (including amounts earned as interest on, and proceeds from the sale or redemption of, obligations purchased with amounts received)[10] by the Commission pursuant to sections 6(2) and 6(3), shall be subject to the appropriation process.

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[8] Sec. 401(3)(B) of the Foreign Relations Authorization Act, Fiscal Year 1977 added the words "of amounts authorized to be appropriated under sec. 3(d) of this Act".

[9] 31 U.S.C. 774.

NOTE.—Title V of sec. 101(b) Public Law 99-591 [Continuing Appropriations Act, 1987], 100 Stat. 3341 provides the following for fiscal year 1987:

JAPAN-UNITED STATES FRIENDSHIP COMMISSION

JAPAN-UNITED STATES FRIENDSHIP TRUST FUND

For expenses of the Japan-United States Friendship Commission as authorized by Public Law 94-118, as amended, from the interest earned on the Japan-United States Friendship Trust Fund, $1,408,000, to remain available until expended; and an amount of Japanese currency not to exceed the equivalent of $1,200,000 based on exchange rates at the time of payment of such amounts, to remain available until expended: *Provided,* That not to exceed a total of $2,500 of such amounts shall be available for official reception and representation expenses.

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[10] **The parenthetical phrase was added by sec. 503(b) of Public Law 97-241 (96 Stat. 298).**

10. Exchange of Materials and Objects

a. Executive Order 11311, October 14, 1966, 31 F.R. 13413, 3 CFR, 1966–70 Comp., p. 593

Carrying Out Provisions of the Beirut Agreement of 1949 Relating to Audio-Visual Materials

By virtue of the authority vested in me as President of the United States, including the provisions of the Joint Resolution of October 8, 1966, Public Law 89–634, and section 301 of Title 3 of the United States Code, I hereby order and proclaim that—

1. Pursuant to section 3(b) of the Joint Resolution, the amendments to the Tariff Schedules of the United States made by section 3(a) of the Joint Resolution shall apply with respect to articles entered, or withdrawn from warehouse, for consumption, on and after January 1, 1967.

2. Pursuant to the "Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific and Cultural Character", made at Beirut in 1948, the Joint Resolution, and headnote 1 to schedule 8, part 6 of the Tariff Schedules of the United States, the United States Information Agency is hereby designated as the agency to carry out the provisions of the Agreement and related protocol, and to make any determinations and to prescribe any regulations required by headnote 1.

b. Exemption From Judicial Seizure of Cultural Objects Imported for Temporary Exhibition

(1) Public Law 89-259 [S. 2273], 79 Stat. 985, approved October 19, 1965 [1]

AN ACT To render immune from seizure under judicial process certain objects of cultural significance imported into the United States for temporary display or exhibition, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) whenever any work of art or other object of cultural significance is imported into the United States from any foreign country, pursuant to an agreement entered into between the foreign owner or custodian thereof and the United States or one or more cultural or educational institutions within the United States providing for the temporary exhibition or display thereof within the United States at any cultural exhibition, assembly, activity, or festival administered, operated, or sponsored, without profit, by any such cultural or educational institution, no court of the United States, any State, the District of Columbia, or any territory or possession of the United States may issue or enforce any judicial process, or enter any judgment, decree, or order, for the purpose or having the effect of depriving such institution, or any carrier engaged in transporting such work or object within the United States of custody or control of such object if before the importation of such object the President or his designee has determined that such object is of cultural significance and that the temporary exhibition or display thereof within the United States is in the national interest, and a notice to that effect has been published in the Federal Register.

(b) If in any judicial proceeding in any such court any such process, judgment, decree, or order is sought, issued, or entered, the United States attorney for the judicial district within which such proceeding is pending shall be entitled as of right to intervene as a party to that proceeding, and upon request made by either the institution adversely affected, or upon direction by the Attorney General if the United States is adversely affected, shall apply to such court for the denial, quashing, or vacating thereof.

(c) Nothing contained in this Act shall preclude (1) any judicial action for or in aid of the enforcement of the terms of any such agreement or the enforcement of the obligation of any carrier under any contract for the transportation of any such object of cultural significance; or (2) the institution or prosecution by or on behalf of any such institution or the United States of any action for or in aid of the fulfillment of any obligation assumed by such institution or the United States pursuant to any such agreement.

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[1] 22 U.S.C. 2459.

(2) Executive Order 12047, March 27, 1978, 43 F.R. 13359, as amended by Executive Order 12388, October 14, 1982, 47 F.R. 46245

IMPORTED OBJECTS OF CULTURAL SIGNIFICANCE

By virtue of the authority vested in me by the Act of October 19, 1965, entitled "An Act to render immune from seizure under judicial process certain objects of cultural significance imported into the United States for temporary display or exhibition, and for other purposes" (79 Stat. 985, 22 U.S.C. 2459), and as President of the United States of America, it is hereby ordered as follows:

Section 1. The Director of the United States Information Agency[1] is designated and empowered to perform the functions conferred upon the President by the above-mentioned Act and shall be deemed to be authorized, without the approval, ratification, or other action of the President, (1) to determine that any work of art or other object to be imported into the United States within the meaning of the Act is of cultural significance, (2) to determine that the temporary exhibition or display of any such work of art or other object in the United States is in the national interest, and (3) to cause public notices of the determinations referred to above to be published in the Federal Register.

Sec. 2. The Director of the United States Information Agency,[1] in carrying out this Order, shall consult with the Secretary of State with respect to the determination of national interest, and may consult with the Secretary of the Smithsonian Institution, the Director of the National Gallery of Art, and with such other officers and agencies of the Government as may be appropriate, with respect to the determination of cultural significance.

Sec. 3. The Director of the United States Information Agency[1] is authorized to delegate within the Agency the functions conferred upon him by this Order.

Sec. 4. Executive Order No. 11312 of October 14, 1966 is revoked.[2]

Sec. 5. Any order, regulation, determination or other action which was in effect pursuant to the provisions of Executive Order No. 11312 shall remain in effect until changed pursuant to the authority provided in this Order.

Sec. 6. This Order shall be effective on April 1, 1978.

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[1] The references to the United States Information Agency were inserted in lieu of references to the International Communication Agency by sec. 1 of E.O. 12388.

[2] E.O. 11312, effective Oct. 14, 1966, had delegated the authorities under this executive order to the Secretary of State. With the establishment of the International Communication Agency (since redesignated as the United States Information Agency) on Apr. 1, 1978, these functions were redelegated to the Director of the new Agency.

11. Convention on Cultural Property Implementation Act

Partial text of Public Law 97-446 [H.R. 4566], 96 Stat. 2329, approved January 12, 1983

AN ACT To reduce certain duties, to suspend temporarily certain duties, to extend certain existing suspensions of duties, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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TITLE III—IMPLEMENTATION OF CONVENTION ON CULTURAL PROPERTY

SEC. 301. SHORT TITLE.

This title may be cited as the "Convention on Cultural Property Implementation Act".[1]

SEC. 302. DEFINITIONS.

For purposes of this title—

(1) The term "agreement" includes any amendment to, or extension of, any agreement under this title that enters into force with respect to the United States.

(2) The term "archaeological or ethnological material of the State Party" means—

(A) any object of archaeological interest;

(B) any object of ethnological interest; or

(C) any fragment or part of any object referred to in subparagraph (A) or (B);

which was first discovered within, and is subject to export control by, the State Party. For purposes of this paragraph—

(i) no object may be considered to be an object of archaeological interest unless such object—

(I) is of cultural significance;

(II) is at least two hundred and fifty years old; and

(III) was normally discovered as a result of scientific excavation, clandestine or accidental digging, or exploration on land or under water; and

(ii) no object may be considered to be an object of ethnological interest unless such object is—

(I) the product of a tribal or nonindustrial society, and

(II) important to the cultural heritage of a people because of its distinctive characteristics, comparative rarity, or its contribution to the knowledge of the origins, development, or history of that people.

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[1] 19 U.S.C. 2601.

(3) The term "Committee" means the Cultural Property Advisory Committee established under section 206.[2]

(4) The term "consignee" means a consignee as defined in section 483 of the Tariff Act of 1930 (19 U.S.C. 1483).

(5) The term "Convention" means the Convention on the means of prohibiting and preventing the illicit import, export, and transfer of ownership of cultural property adopted by the General Conference of the United Nations Educational, Scientific, and Cultural Organization at its sixteenth session.

(6) The term "cultural property" includes articles described in article 1 (a) through (k) of the Convention whether or not any such article is specifically designated as such by any State Party for the purposes of such article.

(7) The term "designated archaeological or ethnological material" means any archaeological or ethnological material of the State Party which—

(A) is—

(i) covered by an agreement under this title that enters into force with respect to the United States, or

(ii) subject to emergency action under section 304, and

(B) is listed by regulation under section 305.

(8) The term "Secretary" means the Secretary of the Treasury or his delegate.

(9) The term "State Party" means any nation which has ratified, accepted, or acceded to the Convention.

(10) The term "United States" includes the several States, the District of Columbia, and any territory or area the foreign relations for which the United States is responsible.

(11) The term "United States citizen" means—

(A) any individual who is a citizen or national of the United States;

(B) any corporation, partnership, association, or other legal entity organized or existing under the laws of the United States or any State; or

(C) any department, agency, or entity of the Federal Government or of any government of any State.

SEC. 303.[3] AGREEMENTS TO IMPLEMENT ARTICLE 9 OF THE CONVENTION.

(a) AGREEMENT AUTHORITY.—

(1) IN GENERAL.—If the President determines, after request is made to the United States under article 9 of the Convention by any State Party—

(A) that the cultural patrimony of the State Party is in jeopardy from the pillage of archaeological or ethnological materials of the State Party;

(B) that the State Party has taken measures consistent with the Convention to protect its cultural patrimony;

(C) that—

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[2] This reference to sec. 206 should probably be a reference to sec. 306.

[3] 19 U.S.C. 2602.

(i) the application of the import restrictions set forth in section 307 with respect to archaeological or ethnological material of the State Party, if applied in concert with similar restrictions implemented, or to be implemented within a reasonable period of time, by those nations (whether or not State Parties) individually having a significant import trade in such material, would be of substantial benefit in deterring a serious situation of pillage, and

(ii) remedies less drastic than the application of the restrictions set forth in such section are not available; and

(D) that the application of the import restrictions set forth in section 307 in the particular circumstances is consistent with the general interest of the international community in the interchange of cultural property among nations for scientific, cultural, and educational purposes;

the President may, subject to the provisions of this title, take the actions described in paragraph (2).

(2) AUTHORITY OF PRESIDENT.—For purposes of paragraph (1), the President may enter into—

(A) a bilateral agreement with the State Party to apply the import restrictions set forth in section 307 to the archaeological or ethnological material of the State Party the pillage of which is creating the jeopardy to the cultural patrimony of the State Party found to exist under paragraph (1)(A); or

(B) a multilateral agreement with the State Party and with one or more other nations (whether or not a State Party) under which the United States will apply such restrictions, and the other nations will apply similar restrictions, with respect to such material.

(3) REQUESTS.—A request made to the United States under article 9 of the Convention by a State Party must be accompanied by a written statement of the facts known to the State Party that relate to those matters with respect to which determinations must be made under subparagraphs (A) through (D) of paragraph (1).

(4) IMPLEMENTATION.—In implementing this subsection, the President should endeavor to obtain the commitment of the State Party concerned to permit the exchange of its archaeological and ethnological materials under circumstances in which such exchange does not jeopardize its cultural patrimony.

(b) EFFECTIVE PERIOD.—The President may not enter into any agreement under subsection (a) which has an effective period beyond the close of the five-year period beginning on the date on which such agreement enters into force with respect to the United States.

(c) RESTRICTIONS ON ENTERING INTO AGREEMENTS.—

(1) IN GENERAL.—The President may not enter into a bilateral or multilateral agreement authorized by subsection (a) unless the application of the import restrictions set forth in section 307 with respect to archaeological or ethnological mate-

rial of the State Party making a request to the United States under article 9 of the Convention will be applied in concert with similar restrictions implemented, or to be implemented, by those nations (whether or not State Parties) individually having a significant import trade in such material.

(2) EXCEPTION TO RESTRICTIONS.—Notwithstanding paragraph (1), the President may enter into an agreement if he determines that a nation individually having a significant import trade in such material is not implementing, or is not likely to implement, similar restrictions, but—

(A) such restrictions are not essential to deter a serious situation of pillage, and

(B) the application of the import restrictions set forth in section 307 in concert with similar restrictions implemented, or to be implemented, by other nations (whether or not State Parties) individually having a significant import trade in such material would be of substantial benefit in deterring a serious situation of pillage.

(d) SUSPENSION OF IMPORT RESTRICTIONS UNDER AGREEMENTS.—If, after an agreement enters into force with respect to the United States, the President determines that a number of parties to the agreement (other than parties described in subsection (c)(2) having significant import trade in the archaeological and ethnological material covered by the agreement—

(1) have not implemented within a reasonable period of time import restrictions that are similar to those set forth in section 307, or

(2) are not implementing such restrictions satisfactorily with the result that no substantial benefit in deterring a serious situation of pillage in the State Party concerned is being obtained,

the President shall suspend the implementation of the import restrictions under section 307 until such time as the nations take appropriate corrective action.

(e) EXTENSION OF AGREEMENTS.—The President may extend any agreement that enters into force with respect to the United States for additional periods of not more than five years each if the President determines that—

(1) the factors referred to in subsection (a)(1) which justified the entering into of the agreement still pertain, and

(2) no cause for suspension under subsection (d) exists.

(f) PROCEDURES.—If any request described in subsection (a) is made by a State Party, or if the President proposes to extend any agreement under subsection (e), the President shall—

(1) publish notification of the request or proposal in the Federal Register;

(2) submit to the Committee such information regarding the request or proposal (including, if applicable, information from the State Party with respect to the implementation of emergency action under section 304) as is appropriate to enable the Committee to carry out its duties under section 306(f); and

(3) consider, in taking action on the request or proposal, the views and recommendations contained in any Committee report—

(A) required under section 306(f) (1) or (2), and

(B) submitted to the President before the close of the one-hundred-and-fifty-day period beginning on the day on which the President submitted information on the request or proposal to the Committee under paragraph (2).

(g) INFORMATION ON PRESIDENTIAL ACTION.—

(1) IN GENERAL.—In any case in which the President—

(A) enters into or extends an agreement pursuant to subsection (a) or (e), or

(B) applies import restrictions under section 204,

the President shall, promptly after taking such action, submit a report to the Congress.

(2) REPORT.—The report under paragraph (1) shall contain—

(A) a description of such action (including the text of any agreement entered into),

(B) the differences (if any) between such action and the views and recommendations contained in any Committee report which the President was required to consider, and

(C) the reasons for any such difference.

(3) INFORMATION RELATING TO COMMITTEE RECOMMENDATIONS.—If any Committee report required to be considered by the President recommends that an agreement be entered into, but no such agreement is entered into, the President shall submit to the Congress a report which contains the reasons why such agreement was not entered into.

SEC. 304.[4] EMERGENCY IMPLEMENTATION OF IMPORT RESTRICTIONS.

(a) EMERGENCY CONDITION DEFINED.—For purposes of this section, the term "emergency condition" means, with respect to any archaeological or ethnological material of any State Party, that such material is—

(1) a newly discovered type of material which is of importance for the understanding of the history of mankind and is in jeopardy from pillage, dismantling, dispersal, or fragmentation;

(2) identifiable as coming from any site recognized to be of high cultural significance if such site is in jeopardy from pillage, dismantling, dispersal, or fragmentation which is, or threatens to be, of crisis proportions; or

(3) a part of the remains of a particular culture or civilization, the record of which is in jeopardy from pillage, dismantling, dispersal, or fragmentation which is, or threatens to be, of crisis proportions;

and application of the import restrictions set forth in section 307 on a temporary basis would, in whole or in part, reduce the incentive for such pillage, dismantling, dispersal or fragmentation.

(b) PRESIDENTIAL ACTION.—Subject to subsection (c), if the President determines that an emergency condition applies with respect to any archaeological or ethnological material of any State Party, the President may apply the import restrictions set forth in section 307 with respect to such material.

(c) LIMITATIONS.—

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[4] 19 U.S.C. 2603.

(1) The President may not implement this section with respect to the archaeological or ethnological materials of any State Party unless the State Party has made a request described in section 303(a) to the United States and has supplied information which supports a determination that an emergency condition exists.

(2) In taking action under subsection (b) with respect to any State Party, the President shall consider the views and recommendations contained in the Committee report required under section 306(f)(3) if the report is submitted to the President before the close of the ninety-day period beginning on the day on which the President submitted information to the Committee under section 303(f)(2) on the request of the State Party under section 303(a).

(3) No import restrictions set forth in section 307 may be applied under this section to the archaeological or ethnological materials of any State Party for more than five years after the date on which the request of a State Party under section 303(a) is made to the United States. This period may be extended by the President for three more years if the President determines that the emergency condition continues to apply with respect to the archaeological or ethnological material. However, before taking such action, the President shall request and consider, if received within ninety days, a report of the Committee setting forth its recommendations, together with the reasons therefor, as to whether such import restrictions shall be extended.

(4) The import restrictions under this section may continue to apply in whole or in part, if before their expiration under paragraph (3), there has entered into force with respect to the archaeological or ethnological materials an agreement under section 203 [5] or an agreement with a State Party to which the Senate has given its advice and consent to ratification. Such import restrictions may continue to apply for the duration of the agreement.

SEC. 305.[6] DESIGNATION OF MATERIALS COVERED BY AGREEMENTS OR EMERGENCY ACTIONS.

After any agreement enters into force under section 303, or emergency action is taken under section 304, the Secretary, after consultation with the Director of the United States Information Agency, shall by regulation promulgate (and when appropriate shall revise) a list of the archaeological or ethnological material of the State Party covered by the agreement or by such action. The Secretary may list such material by type or other appropriate classification, but each listing made under this section shall be sufficiently specific and precise to insure that (1) the import restrictions under section 307 are applied only to the archaeological and ethnological material covered by the agreement or emergency action; and (2) fair notice is given to importers and other persons as to what material is subject to such restrictions.

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[5] This reference to sec. 203 probably should have been a reference to sec. 303.

[6] 19 U.S.C. 2604.

SEC. 306.[7] CULTURAL PROPERTY ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—There is established the Cultural Property Advisory Committee.

(b) MEMBERSHIP.—

(1) The Committee shall be composed of eleven members appointed by the President as follows:

(A) Two members representing the interests of museums.

(B) Three members who shall be experts in the fields of archaeology, anthropology, ethnology, or related areas.

(C) Three members who shall be experts in the international sale of archaeological, ethnological, and other cultural property.

(D) Three members who shall represent the interest of the general public.

(2) Appointments made under paragraph (1) shall be made in such a manner so as to insure—

(A) fair representation of the various interests of the public sectors and the private sectors in the international exchange of archaeological and ethnological materials, and

(B) that within such sectors, fair representation is accorded to the interests of regional and local institutions and museums.

(3)(A) Members of the Committee shall be appointed for terms of two years and may be reappointed for 1 or more terms.

(B) A vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(c) EXPENSES.—The members of the Committee shall be reimbursed for actual expenses incurred in the performance of duties for the Committee.

(d) TRANSACTION OF BUSINESS.—Six of the members of the Committee shall constitute a quorum. All decisions of the Committee shall be by majority vote of the members present and voting.

(e) STAFF AND ADMINISTRATION.—

(1) The Director of the United States Information Agency shall make available to the Committee such administrative and technical support services and assistance as it may reasonably require to carry out its activities. Upon the request of the Committee, the head of any other Federal agency may detail to the Committee, on a reimbursable basis, any of the personnel of such agency to assist the Committee in carrying out its functions, and provide such information and assistance as the Committee may reasonably require to carry out its activities.

(2) The Committee shall meet at the call of the Director of the United States Information Agency, or when a majority of its members request a meeting in writing.

(f) REPORTS BY COMMITTEE.—

(1) The Committee shall, with respect to each request of a State Party referred to in section 303(a), undertake an investigation and review with respect to matters referred to in sec-

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[7] 19 U.S.C. 2605.

tion 303(a)(1) as they relate to the State Party or the request and shall prepare a report setting forth—

(A) the results of such investigation and review:

(B) its findings as to the nations individually having a significant import trade in the relevant material; and

(C) its recommendation, together with the reasons therefor, as to whether an agreement should be entered into under section 303(a) with respect to the State Party.

(2) The Committee shall, with respect to each agreement proposed to be extended by the President under section 303(e), prepare a report setting forth its recommendations together with the reasons therefor, as to whether or not the agreement should be extended.

(3) The Committee shall in each case in which the Committee finds that an emergency condition under section 304 exists prepare a report setting forth its recommendations, together with the reasons therefor, as to whether emergency action under section 304 should be implemented. If any State Party indicates in its request under section 303(a) that an emergency condition exists and the Committee finds that such a condition does not exist, the Committee shall prepare a report setting forth the reasons for such finding.

(4) Any report prepared by the Committee which recommends the entering into or the extension of any agreement under section 303 or the implementation of emergency action under section 304 shall set forth—

(A) such terms and conditions which it considers necessary and appropriate to include within such agreement, or apply with respect to such implementation, for purposes of carrying out the intent of the Convention; and

(B) such archaeological or ethnological material of the State Party, specified by type or such other classification as the Committee deems appropriate, which should be covered by such agreement or action.

(5) If any member of the Committee disagrees with respect to any matter in any report prepared under this subsection, such member may prepare a statement setting forth the reasons for such disagreement and such statement shall be appended to, and considered a part of, the report.

(6) The Committee shall submit to the Congress and the President a copy of each report prepared by it under this subsection.

(g) COMMITTEE REVIEW.—

(1) IN GENERAL.—The Committee shall undertake a continuing review of the effectiveness of agreements under section 303 that have entered into force with respect to the United States, and of emergency action implemented under section 304.

(2) ACTION BY COMMITTEE.—If the Committee finds, as a result of such review, that—

(A) cause exists for suspending, under section 303(d), the import restrictions imposed under an agreement;

(B) any agreement or emergency action is not achieving the purposes for which entered into or implemented; or

(C) changes are required to this title in order to implement fully the obligations of the United States under the Convention;

the Committee may submit a report to the Congress and the President setting forth its recommendations for suspending such import restrictions or for improving the effectiveness of any such agreement or emergency action or this title.

(h) FEDERAL ADVISORY COMMITTEE ACT.—The provisions of the Federal Advisory Committee Act (Public Law 92-463; 5 U.S.C. Appendix I) shall apply to the Committee except that the requirements of subsections (a) and (b) of section 10 and section 11 of such Act (relating to open meetings, public notice, public participation, and public availability of documents) shall not apply to the Committee, whenever and to the extent it is determined by the President or his designee that the disclosure of matters involved in the Committee's proceedings would compromise the Government's negotiating objectives or bargaining positions on the negotiations of any agreement authorized by this title.

(i) CONFIDENTIAL INFORMATION.—

(1) IN GENERAL.—Any information (including trade secrets and commercial or financial information which is privileged or confidential) submitted in confidence by the private sector to officers or employees of the United States or to the Committee in connection with the responsibilities of the Committee shall not be disclosed to any person other than to—

(A) officers and employees of the United States designated by the Director of the United States Information Agency;

(B) members of the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate who are designated by the chairman of either such Committee and members of the staff of either such Committee designated by the chairman for use in connection with negotiation of agreements or other activities authorized by this title; and

(C) the Committee established under this title.

(2) GOVERNMENTAL INFORMATION.—Information submitted in confidence by officers or employees of the United States to the Committee shall not be disclosed other than in accordance with rules issued by the Director of the United States Information Agency, after consultation with the Committee. Such rules shall define the categories of information which require restricted or confidential handling by such Committee considering the extent to which public disclosure of such information can reasonably be expected to prejudice the interests of the United States. Such rules shall, to the maximum extent feasible, permit meaningful consultations by Committee members with persons affected by proposed agreements authorized by this title.

(j) NO AUTHORITY TO NEGOTIATE.—Nothing contained in this section shall be construed to authorize or to permit any individual (not otherwise authorized or permitted) to participate directly in any negotiation of any agreement authorized by this title.

SEC. 307.[8] IMPORT RESTRICTIONS.

(a) DOCUMENTATION OF LAWFUL EXPORTATION.—No designated archaeological or ethnological material that is exported (whether or not such exportation is to the United States) from the State Party after the designation of such material under section 305 may be imported into the United States unless the State Party issues a certification or other documentation which certifies that such exportation was not in violation of the laws of the State Party.

(b) CUSTOMS ACTION IN ABSENCE OF DOCUMENTATION.—If the consignee of any designated archaeological or ethnological material is unable to present to the customs officer concerned at the time of making entry of such material—

(1) the certificate or other documentation of the State Party required under subsection (a); or

(2) satisfactory evidence that such material was exported from the State Party—

(A) not less than ten years before the date of such entry and that neither the person for whose account the material is imported (or any related person) contracted for or acquired an interest, directly or indirectly, in such material more than one year before that date of entry, or

(B) on or before the date on which such material was designated under section 305.

the customs officer concerned shall refuse to release the material from customs custody and send it to a bonded warehouse or store to be held at the risk and expense of the consignee, notwithstanding any other provision of law, until such documentation or evidence is filed with such officer. If such documentation or evidence is not presented within ninety days after the date on which such material is refused release from customs custody, or such longer period as may be allowed by the Secretary for good cause shown, the material shall be subject to seizure and forfeiture. The presentation of such documentation or evidence shall not bar subsequent action under section 310.

(c) DEFINITION OF SATISFACTORY EVIDENCE.—The term "satisfactory evidence" means—

(1) for purposes of subsection (b)(2)(A)—

(A) one or more declarations under oath by the importer, or the person for whose account the material is imported, stating that, to the best of his knowledge—

(i) the material was exported from the State Party not less than ten years before the date of entry into the United States, and

(ii) neither such importer or person (or any related person) contracted for or acquired an interest, directly or indirectly, in such material more than one year before the date of entry of the material; and

(B) a statement provided by the consignor, or person who sold the material to the importer, which states the date, or, if not known, his belief, that the material was exported from the State Party not less than ten years before the date of entry into the United States, and the reasons on which the statement is based; and

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[8] 19 U.S.C. 2606.

(2) for purposes of subsection (b)(2)(B)—

(A) one or more declarations under oath by the importer or the person for whose account the material is to be imported, stating that, to the best of his knowledge, the material was exported from the State Party on or before the date such material was designated under section 305, and

(B) a statement by the consignor or person who sold the material to the importer which states the date, or if not known, his belief, that the material was exported from the State Party on or before the date such material was designated under section 305, and the reasons on which the statement is based.

(d) RELATED PERSONS.—For purposes of subsections (b) and (c), a person shall be treated as a related person to an importer, or to a person for whose account material is imported, if such person—

(1) is a member of the same family as the importer or person of account, including, but not limited to, membership as a brother or sister (whether by whole or half blood), spouse, ancestor, or lineal descendant;

(2) is a partner or associate with the importer or person of account in any partnership, association, or other venture; or

(3) is a corporation or other legal entity in which the importer or person of account directly or indirectly owns, controls, or holds power to vote 20 percent or more of the outstanding voting stock or shares in the entity.

SEC. 308.[9] STOLEN CULTURAL PROPERTY.

No article of cultural property documented as appertaining to the inventory of a museum or religious or secular public monument or similar institution in any State Party which is stolen from such institution after the effective date of this title, or after the date of entry into force of the Convention for the State Party, whichever date is later, may be imported into the United States.

SEC. 309.[10] TEMPORARY DISPOSITION OF MATERIALS AND ARTICLES SUBJECT TO TITLE.

Pending a final determination as to whether any archaeological or ethnological material, or any article of cultural property has been imported into the United States in violation of section 307 or section 308, the Secretary shall, upon application by any museum or other cultural or scientific institution in the United States which is open to the public, permit such material or article to be retained at such institution if he finds that—

(1) sufficient safeguards will be taken by the institution for the protection of such material or article; and

(2) sufficient bond is posted by the institution to ensure its return to the Secretary.

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[9] 19 U.S.C. 2607.

[10] 19 U.S.C. 2608.

SEC. 310.[11] SEIZURE AND FORFEITURE.

(a) In General.—Any designated archaeological or ethnological material or article of cultural property, as the case may be, which is imported into the United States in violation of section 307 or section 308 shall be subject to seizure and forfeiture. All provisions of law relating to seizure, forfeiture, and condemnation for violation of the customs laws shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under this title, insofar as such provisions of law are applicable to, and not inconsistent with, the provisions of this title.

(b) Archaeological and Ethnological Material.—Any designated archaeological and ethnological material which is imported into the United States in violation of section 307 and which is forfeited to the United States under this title shall—

(1) first be offered for return to the State Party;

(2) if not returned to the State Party, be returned to a claimant with respect to whom the material was forfeited if that claimant establishes—

(A) valid title to the material,

(B) that the claimant is a bona fide purchaser for value of the material; or

(3) if not returned to the State Party under paragraph (1) or to a claimant under paragraph (2), be disposed of in the manner prescribed by law for articles forfeited for violation of the customs laws.

No return of material may be made under paragraph (1) or (2) unless the State Party or claimant, as the case may be, bears the expenses incurred incident to the return and deliver, and complies with such other requirements relating to the return as the Secretary shall prescribe.

(c) Articles of Cultural Property.—

(1) In any action for forfeiture under this section regarding an article of cultural property imported into the United States in violation of section 208, if the claimant establishes valid title to the article, under applicable law, as against the institution from which the article was stolen, forfeiture shall not be decreed unless the State Party to which the article is to be returned pays the claimant just compensation for the article. In any action for forfeiture under this section where the claimant does not establish such title but establishes that it purchased the article for value without knowledge or reason to believe it was stolen, forfeiture shall not be decreed unless—

(A) the State Party to which the article is to be returned pays the claimant an amount equal to the amount which the claimant paid for the article, or

(B) the United States establishes that such State Party, as a matter of law or reciprocity, would in similar circumstances recover and return an article stolen from an institution in the United States without requiring the payment of compensation.

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[11] 19 U.S.C. 2609.

(2) Any article of cultural property which is imported into the United States in violation of section 308 and which is forfeited to the United States under this title shall—

(A) first be offered for return to the State Party in whose territory is situated the institution referred to in section 308 and shall be returned if that State Party bears the expenses incident to such return and delivery and complies with such other requirements relating to the return as the Secretary prescribes; or

(B) if not returned to such State Party, be disposed of in the manner prescribed by law for articles forfeited for violation of the customs laws.

SEC. 311.[12] EVIDENTIARY REQUIREMENTS.

Notwithstanding the provisions of section 615 of the Tariff Act of 1930 (19 U.S.C. 1615), in any forfeiture proceeding brought under this title in which the material or article, as the case may be, is claimed by any person, the United States shall establish—

(1) in the case of any material subject to the provisions of section 307, that the material has been listed by the Secretary in accordance with section 305; and

(2) in the case of any article subject to section 308, that the article—

(A) is documented as appertaining to the inventory of a museum or religious or secular public monument or similar institution in a State Party, and

(B) was stolen from such institution after the effective date of this title, or after the date of entry into force of the Convention for the State Party concerned, whichever date is later.

SEC. 312.[13] CERTAIN MATERIAL AND ARTICLES EXEMPT FROM TITLE.

The provisions of this title shall not apply to—

(1) any archaeological or ethnological material or any article of cultural property which is imported into the United States for temporary exhibition or display if such material or article is immune from seizure under judicial process pursuant to the Act entitled "An Act to render immune from seizure under judicial process certain objects of cultural significance imported into the United States for temporary display or exhibition, and for other purposes", approved October 19, 1965 (22 U.S.C. 2459); or

(2) any designated archaeological or ethnological material or any article of cultural property imported into the United States if such material or article—

(A) has been held in the United States for a period of not less than three consecutive years by a recognized museum or religious or secular monument or similar institution, and was purchased by that institution for value, in good faith, and without notice that such material or article was imported in violation of this title, but only if—

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[12] 19 U.S.C. 2610.

[13] 19 U.S.C. 2611.

(i) the acquisition of such material or article has been reported in a publication of such institution, any regularly published newspaper or periodical with a circulation of at least fifty thousand, or a periodical or exhibition catalog which is concerned with the type of article or materials sought to be exempted from this title,

(ii) such material or article has been exhibited to the public for a period or periods aggregating at least one year during such three-year period, or

(iii) such article or material has been cataloged and the catalog material made available upon request to the public for at least two years during such three-year period;

(B) if subparagraph (A) does not apply, has been within the United States for a period of not less than ten consecutive years and has been exhibited for not less than five years during such period in a recognized museum or religious or secular monument or similar institution in the United States open to the public; or

(C) if subparagraphs (A) and (B) do not apply, has been within the United States for a period of not less than ten consecutive years and the State Party concerned has received or should have received during such period fair notice (through such adequate and accessible publication, or other means, as the Secretary shall by regulation prescribe) of its location within the United States; and

(D) if none of the preceding subparagraphs apply, has been within the United States for a period of not less than twenty consecutive years and the claimant establishes that it purchased the material or article for value without knowledge or reason to believe that it was imported in violation of law.

SEC. 313.[14] REGULATIONS.

The Secretary shall prescribe such rules and regulations as are necessary and appropriate to carry out the provisions of this title.

SEC. 314.[15] ENFORCEMENT.

In the customs territory of the United States, and in the Virgin Islands, the provisions of this title shall be enforced by appropriate customs officers. In any other territory or area within the United States, but not within such customs territory or the Virgin Islands, such provisions shall be enforced by such persons as may be designated by the President.

SEC. 315. EFFECTIVE DATE.

(a) In General.—This title shall take effect on the ninetieth day after the date of the enactment of this Act or on any date which the President shall prescribe and publish in the Federal Register, if such date is—

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[14] 19 U.S.C. 2612.
[15] 19 U.S.C. 2613.

(1) before such ninetieth day and after such date of enactment; and

(2) after the initial membership of the Committee is appointed.

(b) EXCEPTION.—Notwithstanding subsection (a), the members of the Committee may be appointed in the manner provided for in section 306 at any time after the date of the enactment of this Act.

12. International Expositions

a. United States Recognition and Participation in International Expositions

Public Law 91-269 [S. 856], 84 Stat. 271; 22 U.S.C. 2801-2807, approved May 27, 1970, as amended by Public Law 97-254 [H.R. 6409], 96 Stat. 808, approved September 8, 1982

AN ACT To provide for Federal Government recognition of and participation in international expositions proposed to be held in the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That [1] the Congress finds that—

(a) international expositions, when properly organized, financed, and executed, have a significant impact on the economic growth of the region surrounding the exposition and, under appropriate international sanction, are important instruments of national policy, particularly in the exchange of ideas and the demonstration of cultural achievements between peoples;

(b) in view of the widely varying circumstances under which international expositions have developed in the United States, the different degrees to which the Federal Government has assisted and participated in such expositions, and the increasing number of proposals for future expositions, the national interest requires that Federal action concerning such expositions be given orderly consideration; and

(c) such orderly consideration is best achieved by the development of uniform standards, criteria, and procedures to establish the conditions under which the Government hereafter will (A) recognize international expositions proposed to be held in the United States, and (B) take part in such expositions.

FEDERAL RECOGNITION

Sec. 2.[2] (a) Any international exposition proposed to be held in the United States shall be eligible on application from its sponsors to receive the recognition of the Federal Government upon a finding of the President that recognition will be in the national interest. In making such a finding the President shall consider—

(1) a report by the Secretary of Commerce which shall include (A) an evaluation of purposes and reasons for the exposition, and (B) a determination that guaranteed financial and other support has been secured by the exposition from affected

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[1] 22 U.S.C. 2801.

[2] 22 U.S.C. 2802.

State and local governments and from business and civic leadership of the region and others, in amounts sufficient in his judgment to assure the successful development and progress of the exposition;

(2) a report by the Secretary of State that the proposed exposition qualifies for consideration of registration by the Bureau of International Expositions (hereafter referred to as BIE); and

(3) such other evidence as the President may consider to be appropriate.

(b) Upon a finding by the President that an international exposition is eligible for Federal recognition, the President may take such measures recognizing the exposition as he deems proper, including, but not limited to—

(1) presenting of an official request by the United States for registration of the exposition by the BIE;

(2) providing for fulfillment of the requirements of the Convention of November 22, 1928, as amended, relating to international expositions; and

(3) extending invitations, by proclamation or by such other manner he deems proper, to the several States of the Union and to foreign governments to take part in the exposition, provided that he shall not extend such an invitation until he has been notified officially of BIE registration for the exposition.

(c) The President shall report his actions under this section promptly to the Congress.

FEDERAL PARTICIPATION

Sec. 3.[3] (a)[4] The Federal Government may participate in an international exposition proposed to be held in the United States only upon the authorization of the Congress. If the President finds that Federal participation is in the national interest, he shall transmit to the Congress his proposal for such participation, which proposal shall include—

(1)[4] evidence that the international exposition has met the criteria for Federal recognition and, pursuant to section 2 of this Act, it has been so recognized;

(2)[4] a statement that the international exposition has been registered by the BIE; and

(3)[4] a plan prepared by the Secretary of Commerce in cooperation with other interested departments and agencies of the Federal Government for Federal participation in the exposition. The Secretary of Commerce shall include in such plan any documentation described in subsection (b)(1)(A) of this section, a rendering of any design described in subsection (b)(1)(B) of this section, and any recommendation based on the determination under subsection (b)(1)(C) of this section.[5]

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[3] 22 U.S.C. 2803.

[4] Sec. 16 of Public Law 97-254 (96 Stat. 812) inserted the subsec. designation "(a)", substituted the clause designations of (1), (2), and (3) in lieu of (a), (b), and (c), respectively, and added a new subsec. (b).

[5] Sec. 16 of Public Law 97-254 (96 Stat. 812) substituted this sentence in lieu of the final three sentences of clause (3).

(b)(1) In developing a plan under subsection (a)(3) of this section the Secretary of Commerce shall consider whether the plan should include the construction of a Federal pavilion. If the Secretary of Commerce determines that a Federal pavilion should be constructed, he shall request the Administrator of General Services (hereinafter in this section referred to as the "Administrator") to determine, in consultation with such Secretary, whether there is a federally endorsed need for a permanent structure in the area of the exposition. If the Administrator determines that any such need exists—

(A) the Administrator shall fully document such determination, including the identification of the need, and shall transmit such documentation to the Secretary of Commerce;

(B) the Secretary of Commerce, in consultation with the Administrator, shall design a pavilion which satisfies the federally endorsed needs for—

(i) participation in the exposition; and

(ii) permanent use of such pavilion after the termination of participation in the exposition; and

(C) the Secretary of Commerce shall determine whether the Federal Government should be deeded a satisfactory site for the Federal pavilion in fee simple, free of all liens and encumbrances, as a condition of participation in the exposition.

(2) Notwithstanding paragraph (1)(B) of this subsection, if the Secretary of Commerce, in consultation with the Administrator determines that no design of a Federal pavilion will satisy both needs described in paragraph (1)(B) of this subsection, the Secretary shall design a temporary Federal pavilion.

(c) The enactment of a specific authorization of appropriations shall be required—

(1) to construct a Federal pavilion in accordance with the plan prepared pursuant to subsection (a)(3) of this section;

(2) if the Federal pavilion is not temporary, to modify such Federal pavilion after termination of participation in the exposition if modification is necessary to adapt such pavilion for use by the Federal Government to satisfy a need described in subsection (b)(1)(B)(ii) of this section; and

(3) if the Federal pavilion is temporary, to dismantle, demolish, or otherwise dispose of such Federal pavilion after termination of Federal participation in the exposition.

(d) For the purposes of this section—

(1) a Federal pavilion shall be considered to satisfy both needs described in subsection (b)(1)(B) of this section if the Federal pavilion which satisfies the needs described in paragraph (1)(B)(i) of such subsection can be modified after completion of the exposition to satisfy the needs described in paragraph (1)(B)(ii) of such subsection, provided that such modification shall cost no more than the expense of demolition, dismantling, or other disposal, or if the cost is higher, it shall be no more than 50 per centum of the original cost of the construction of the pavilion; and

(2) a Federal pavilion is temporary if the Federal pavilion is designed to satisfy the minimum needs of the Federal Government described in subsection (b)(1)(B)(i) of this section and is in-

tended for disposal by the Federal Government after the termination of participation in the exposition.

ESTABLISHMENT AND PUBLICATION OF STANDARDS AND CRITERIA

Sec. 4.[6] (a) The Secretary of Commerce is hereby authorized and directed to establish and maintain standards, definitions, and criteria which are adequate to carry out the purposes of section 2(a)(1) and section 3(a) of this Act; and

(b) Standards, definitions, and criteria established by the Secretary and such revisions in them as he may make from time to time shall be published in the Federal Register.

Sec. 5.[7] The President may withdraw Federal recognition or participation whenever he finds that continuing recognition or participation would be inconsistent with the national interest and with the purposes of this Act.

Sec. 6.[8] Nothing in this Act shall affect or limit the authority of Federal departments and agencies to participate in international expositions or events otherwise authorized by law.

Sec. 7. Section 8 of Public Law 89-685 is hereby repealed.

Sec. 8.[9] There are authorized to be appropriated such sums, not to exceed $200,000 in any fiscal year, as may be necessary to carry out the purposes of this Act.

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[6] 22 U.S.C. 2804.
[7] 22 U.S.C. 2805.
[8] 22 U.S.C. 2806.
[9] 22 U.S.C. 2807.

b. Louisiana World Exposition

Public Law 97-254 [H.R. 6409], 96 Stat. 808, approved September 8, 1982

AN ACT To provide for the participation of the United States in the 1984 Louisiana World Exposition to be held in New Orleans, Louisiana, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with the Act entitled "An Act to provide for Federal Government recognition of and participation in international expositions proposed to be held in the United States, and for other purposes", approved May 27, 1970 (22 U.S.C. 2801 et seq.), the President is authorized to provide for United States participation in an international exposition to be known as the 1984 Louisiana World Exposition (hereinafter in this Act referred to as the "Exposition"), to be held in New Orleans, Louisiana. The purposes of the Exposition are—

(1) to offer the citizens of the world a greater understanding and appreciation of rivers and fresh water as a basis of life, providing food, transportation, energy, generating related industry and commercial activity, and serving as a source of aesthetic gratification, social interchange, and inspiration for the arts;

(2) to create an awareness of the need to conserve and protect the world's fresh water resources from the hazards of increasing demands, diminishing supplies, pollution, and ecological disruption; and

(3) to stimulate international trade, encourage tourist travel in and to the United States, and promote cultural exchanges.

Sec. 2. (a) The President, through the Secretary of Commerce (hereinafter in this Act referred to as the "Secretary") and the other officials designated in this Act, is authorized to carry out in the most effective manner the proposal for United States participation in the Exposition, transmitted by the President to the Congress pursuant to section 3 of Public Law 91-269 (22 U.S.C. 2803), and to fulfill the obligations of the Federal Government under the Convention Relating to International Expositions, done at Paris, France, on November 22, 1928, as amended, and entered into by the United States at Paris on April 30, 1968 (hereinafter in this Act referred to as the "Convention"), and under the General Rules for the 1984 Louisiana World Exposition, as approved by the Bureau of International Expositions.

(b)(1) The President is authorized to appoint, by and with the advice and consent of the Senate, a Commissioner General of the United States Government for the 1984 Louisiana World Exposition, who shall be in the Department of Commerce and who shall be the senior Federal official for the Exposition. The Commissioner General shall have such duties and exercise such responsibilities as may be prescribed by the Secretary and as may be necessary and appropriate to fulfill the obligations of the United States Government under the Convention and the General Rules for the 1984 Louisiana World Exposition.

(2) The Commissioner General shall be compensated at a rate not greater than the minimum rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(c) The Secretary of State may assign for duty with the Exposition not more than two career members of the Foreign Service who have the rank of ambassador, and who are not otherwise assigned, to assist the Commissioner General in performing the functions of the Commissioner General in foreign countries and in carrying out the diplomatic responsibilities of the United States as the host Government of the Exposition. The travel and other necessary expenses authorized by law which are incurred by any individual or individuals assigned under this subsection in carrying out the responsibilities of that assignment shall be paid from funds appropriated to carry out this Act. The assignment of any individual or individuals under this subsection shall terminate at the close of the Exposition or on such other date as may be agreed upon by the Secretary of State and the Secretary.

(d) Any functions which the Commissioner General or any individual or individuals assigned under subsection (c) of this section perform in a foreign country shall be performed in consultation with the Chief of the United States diplomatic mission in that country, and the Commissioner General or such individual or individuals shall keep the Secretary of State fully and currently informed with respect to all those functions so performed.

(e) The Secretary shall designate a Commissioner General of Section for United States participation in the Exposition (as provided in the proposal referred to in subsection (a) of this section), who shall be in the Department of Commerce and who shall perform such duties in carrying out this Act as many be delegated or assigned by the Secretary, including serving as director of the United States pavilion.

Sec. 3. To such extent or in such amounts as are provided in appropriation Acts, the Secretary is authorized to—

(1) lease such buildings and other structures or space therein (including commercial space for administrative purposes) and any land appurtenant thereto, and to make such improvements and renovations in such buildings or other structures as may be appropriate for United States participation in the Exposition;

(2) incur such other expenses as may be necessary to carry out the purposes of this Act, including—

(A) expenditures for the design, development, construction, installation, rental, purchase, or other acquisition of exhibits and materials and equipment for exhibits, and for the actual display, dismantling, and disposition of exhibits; and

(B) expenditures for transportation, insurance, safekeeping and storage, maintenance and operation, printing, purchase of reference books, newspapers, and periodicals, and publicity; and

(3) enter into such contracts and agreements as may be necessary to provide for United States participation in the Exposition.

Sec. 4. The Secretary is authorized to obtain the services of consultants and experts as authorized by section 3109 of title 5, United States Code, to the extent the Secretary considers it necessary to carry out the provisions of this Act. Persons so appointed shall be compensated at rates not to exceed the daily equivalent of the rate of basic pay payable for grade GS-18 of the General Schedule. To such extent or in such amounts as are provided in appropriation Acts, persons so appointed shall be reimbursed for travel and other necessary expenses incurred, including a per diem allowance, as authorized by section 5703 of title 5, United States Code, for employees serving intermittently in the Government service.

Sec. 5. (a) Notwithstanding section 3679(b) of the Revised Statutes of the United States (31 U.S.C. 665(b)) and section 3111 of title 5, United States Code, the Secretary is authorized to recruit, train, and accept the voluntary services of individuals in carrying out those functions, services, or activities in and related to United States participation in the Exposition.

(b) To such extent or in such amounts as are provided in appropriations Acts, the Secretary is authorized to provide for incidental expenses of individuals providing voluntary services described in subsection (a), including transportation, uniforms, lodging, and subsistence expenses.

(c)(1) Except as provided in paragraphs (2) and (3) of this subsection, an individual providing voluntary service described in subsection (a) shall not be deemed to be a Federal employee and shall not be subject to those provisions of law relating to Federal employment, including provisions relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(2) For purposes of section 1346(b) and chapter 171 of title 28, United States Code, an individual providing voluntary service described in subsection (a) shall be deemed to be an employee of the government.

(3) An individual providing voluntary service described in subsection (a) shall be deemed to be an "employee" for purposes of subchapter I of chapter 81 of title 5, United States Code, relating to compensation to Federal employees for work injuries. For purposes of that subchapter, such an individual shall be deemed to be receiving monthly pay at the minimum rate of GS-2 of the General Schedule.

Sec. 6. (a) To such extent or in such amounts as are provided in appropriation Acts, the Secretary is authorized—

(1) notwithstanding the requirements of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), to purchase for resale and to sell at fair market value books, brochures, recordings, souvenirs, and other items in conformity with the theme of the Exposition and commemorative of United States participation in the Exposition, and to charge

an amount sufficient to realize a reasonable profit on the sale of those items; and

(2) to enter into contracts and leases, including cooperative arrangements and concessions agreements, with respect to the sale of the items described in paragraph (1).

The proceeds from the sale of the items described in paragraph (1) shall be credited to the appropriation for United States participation in the Exposition and, to the extent provided in advance in appropriation Acts, such credited amounts may be used for such participation. To the extent that such proceeds exceed the amounts necessary to provide for such participation, they shall be covered into the Treasury as miscellaneous receipts.

(b) The Secretary is authorized to provide, without charge, aid and assistance to visitors to the United States pavilion in emergencies.

Sec. 7. The Secretary shall take all reasonable measures to facilitate the participation in the Exposition of the governments of other countries and their nationals, to assure adherence to the protocols of the Bureau of International Expositions, and to cooperate with the Louisiana World Exposition, Incorporated in its efforts and the efforts of the Federal Government to organize, develop, and administer the Exposition successfully.

Sec. 8. The Secretary shall encourage private individuals, firms, associations, agencies, and other groups to participate to the maximum extent feasible in carrying out the purposes of this Act and to make contributions of funds, property, use of property, and services to be used in carrying out this Act. The Secretary is authorized to accept such contributions.

Sec. 9. The head of each department, agency, or instrumentality of the Federal Government is authorized—

(1) to cooperate with the Secretary with respect to carrying out this Act; and

(2) to make available to the Secretary from time to time, on a reimbursable or nonreimbursable basis, such personnel as may be necessary to assist the Secretary in carrying out this Act.

Sec. 10. Within one year after the date of the official close of the Exposition, the Secretary shall transmit to the Congress a report on the activities of the Federal Government under this Act, including a detailed statement of expenditures made under this Act. Upon transmittal of such report to the Congress, all appointments made under this Act shall terminate, except that the Secretary may extend any such appointment for such additional period of time as the Secretary considers necessary to carry out the purposes of this Act. The preceding sentence shall not apply to assignments made under section 2(c) of this Act.

Sec. 11. After the close of the Exposition, all Federal property acquired to carry out this Act shall be disposed of in the discretion of the Secretary, upon such terms and conditions as the Secretary considers appropriate, in accordance with the provisions of the Federal Property and Administrative Services Act of 1949 and other applicable Federal laws relating to the disposition of excess and surplus property.

Sec. 12. The functions authorized by this Act may be performed without regard to the requirements, prohibitions, and limitations of the following laws:

(1) Section 3109(b) of title 5, United States Code, to the extent that section limits procurement of temporary services to one year.

(2) Section 5(a) of the Act of July 16, 1914 (31 U.S.C. 638a(a)), as amended by section 16(a) of the Administrative Expenses Act of 1946, to the extent that section pertains to hiring automobiles.

(3) Section 201(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(a)).

(4) Section 305(c) of the Federal Property and Aministrative Services Act of 1949 (41 U.S.C. 255(c)), and section 3648 of the Revised Statutes of the United States (31 U.S.C. 529), if the Secretary determines that it is impracticable to obtain adequate security in a particular case and that there is a compelling need to make an advance payment in that case.

(5) Section 322 of the Act of June 20, 1932 (40 U.S.C. 278a), if the Secretary determines that waiver of that section would be in the best interests of the Federal Government.

(6) Section 2 of the Act of March 3, 1933 (popularly known as the "Buy American Act"; 41 U.S.C. 10a).

(7) Section 501 of title 44, United States Code.

(8) Section 3702 of title 44, United States Code.

(9) Section 3703 of title 44, United States Code.

Sec. 13. The Secretary may issue such regulations as the Secretary considers necessary to carry out this Act.

Sec. 14. (a) There is authorized to be appropriated $10,000,000 to carry out the purposes of this Act.

(b) Amounts appropriated under this section are authorized to remain available until expended.

Sec. 15. This Act shall take effect upon its enactment, except that section 2(b)(2) and the second sentence of section 4 shall become effective on October 1, 1982.

Sec. 16.[1] * * *

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[1] Sec. 16 consists of amendments to Public Law 91-269. See page 1608 for text.

13. Board for International Broadcasting

a. Board for International Broadcasting Act of 1973 (Radio Free Europe/Radio Liberty)

Public Law 93-129 [S. 1914], 87 Stat. 456, approved October 19, 1973, as amended by Public Law 93-392 [S. 3190], 88 Stat. 781, approved August 28, 1974; Public Law 94-104 [S. 2230], 89 Stat. 508, approved October 6, 1975; Public Law 94-350 [S. 3168], 90 Stat. 823, approved July 12, 1976; Public Law 95-105 [H.R. 6689], 91 Stat. 844 at 851, approved August 17, 1977; Public Law 95-426 [Foreign Relations Authorization Act, Fiscal Year 1979; H.R. 12593], 92 Stat. 963 at 975, approved October 7, 1978; Public Law 96-60 [ICA Authorization Act, Fiscal Years 1980 and 1981; H.R. 3363], 93 Stat. 395 at 402, approved August 15, 1979; Public Law 97-241 [S. 1193], 96 Stat. 273, approved August 24, 1982; Public Law 98-164 [Department of State Authorization Act, Fiscal Years 1984 and 1985; H.R. 2915], 97 Stat. 1017 at 1036, approved November 22, 1983; and by Public Law 99-93 [Foreign Relations Authorization Act, Fiscal Years 1986 and 1987, H.R. 2068], 99 Stat. 405, approved August 16, 1985

AN ACT To provide for the establishment of the Board for International Broadcasting, to authorize the continuation of assistance to Radio Free Europe and Radio Liberty, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Board for International Broadcasting Act of 1973".

DECLARATION OF PURPOSES

Sec. 2.[1] The Congress hereby finds and declares—

(1) that it is the policy of the United States to promote the right of freedom of opinion and expression, including the freedom "to seek, receive, and impart information and ideas through any media and regardless of frontiers," in accordance with article 19 of the Universal Declaration of Human Rights;

(2) that open communication of information and ideas among the peoples of the world contributes to international peace and stability, and that the promotion of such communication is in the interests of the United States;

(3) that Free Europe, Incorporated, and the Radio Liberty Committee, Incorporated (commonly referred to as Radio Free Europe and Radio Liberty), which have now been consolidated into RFE/RL, Incorporated,[2] have demonstrated their effectiveness in furthering the open communication of information and ideas in Eastern Europe and the Union of Soviet Socialist Republics;

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[1] 22 U.S.C. 2871.

[2] Sec. 302(a)(1) of the Foreign Relations Authorization Act, Fiscal Year 1978 (91 Stat. 851) substituted the words to this point beginning with "(commonly referred to * * *" in lieu of "(hereinafter referred to as Radio Free Europe and Radio Liberty),".

(4) that the continuation of RFE/RL, Incorporated, as an[3] independent broadcast media, operating in a manner not inconsistent with the broad foreign policy objectives of the United States and in accordance with high professional standards, is in the national interest; and

(5) that in order to provide an effective instrumentality for the continuation of assistance to RFE/RL, Incorporated[4] and to encourage a constructive dialog with the peoples of the Union of Soviet Socialist Republics, Eastern Europe, and Afghanistan (as long as it is under Soviet occupation),[5] it is desirable to establish a Board for International Broadcasting.

ESTABLISHMENT AND ORGANIZATION

Sec. 3.[6] (a) There is established a Board for International Broadcasting (hereinafter referred to as the "Board").

(b)(1)[7] Composition of Board.—The Board shall consist of ten members, one of whom shall be an ex officio member. The President shall appoint, by and with the advice and consent of the Senate, nine voting members, one of whom the President shall designate as chairman. Not more than five of the members of the Board appointed by the President shall be of the same political party. The chief operating executive of RFE/RL, Incorporated, shall be an ex officio member of the Board and may participate in the activities of the Board, but may not vote in the determinations of the Board.

(2) Selection.—Members of the Board appointed by the President shall be citizens of the United States who are not concurrently regular full-time employees of the United States Government. Such members shall be selected by the President from among Americans distinguished in the fields of foreign policy or mass communications.

(3)[8] Term of Office of Presidentially Appointed Members.—The term of office of each member of the Board appointed by the President shall be three years, except that the terms of office of the individuals initially appointed as the four additional voting members of the Board who are provided for by the Board for International Broadcasting Authorization Act, Fiscal Years 1982 and 1983, shall be one, two, or three years (as designated by the President at the time of their appointment) so that the terms of one-third of the voting members of the Board expire each year. The President shall appoint, by and with the advice and consent of the Senate, members to fill vacancies occurring prior to the expiration of a term, in which case the members so appointed shall serve for the remainder of such term. Any member whose term has expired may serve until his or her successor has been appointed and qualified.

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[3] Sec. 302(a)(2) of the Foreign Relations Authorization Act, Fiscal Year 1978 (91 Stat. 851) substituted the words "RFE/RL, Incorporated, as an" in lieu of "Radio Free Europe and Radio Liberty as".

[4] Sec. 302(a)(3) of the Foreign Relations Authorization Act, Fiscal Year 1978 (91 Stat. 851) substituted the words "RFE/RL, Incorporated" in lieu of "Radio Free Europe and Radio Liberty".

[5] This reference to Afghanistan was added by sec. 303(a) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99-93; 99 Stat. 405). The Supplemental Appropriations Act, 1985 (Public Law 99-93; 99 Stat. 293) appropriated $500,000 "to promote the development of an independent media service by the Afghan people and to provide for the training of Afghans in media and media-related fields, $500,000, to remain available until September 30, 1986: *Provided*, That the Director, with the Secretary of State, shall report to the appropriate committees of Congress on the obligation of these funds 60 days from the date of enactment of this Act.".

[6] 22 U.S.C. 2872.

[7] Par. (1), as amended by sec. 302 of Public Law 94-350, sec. 302 of Public Law 95-105, and sec. 303 of Public Law 95-426, was further amended and restated by sec. 403(b) of Public Law 97-241 (96 Stat. 296). Formerly, the Board was composed of seven members (two ex officio members), five voting members, and only three members of the Board could be of the same political party.

[8] Par. (3) was amended and restated by sec. 403(b)(2) of Public Law 97-241 (96 Stat. 296).

(4) [9] TERM OF OFFICE OF THE EX OFFICIO MEMBER.—The ex officio member of the Board shall serve on the Board during his or her term of service as chief operating executive of RFE/RL, Incorporated.

(5) COMPENSATION.—Members of the Board appointed by the President shall, while attending meetings of the Board or while engaged in duties relating to such meetings or in other activities of the Board pursuant to this section, including traveltime, be entitled to receive compensation equal to the daily equivalent of the compensation prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code. While away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently. The ex officio member [10] of the Board shall not be entitled to any compensation under this Act, but may be allowed travel expenses as provided in the preceding sentence.

(c) [11] The Board may, to the extent it deems necessary to carry out its functions under this Act, procure supplies, services, and other personal property, including specialized electronic equipment.

FUNCTIONS

Sec. 4.[12] (a) The Board is authorized:

(1) to make grants to RFE/RL, Incorporated,[13] in order to carry out the purposes set forth in section 2 of this Act;

(2) to review and evaluate the mission and operation of RFE/RL, Incorporated,[13] and to assess the quality, effectiveness and professional integrity of its broadcasting within the context of the broad foreign policy objectives of the United States;

(3) to encourage the most efficient utilization of available resources by RFE/RL, Incorporated,[13] and to undertake, or request that RFE/RL, Incorporated,[13] undertake, such studies as may be necessary to identify areas in which the operations of RFE/RL, Incorporated,[13] may be made more efficient and economical;

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[9] Par. (4), as amended by sec. 302 of Public Law 94-350, sec. 302 of Public Law 95-105, and sec. 303 of Public Law 95-426, was further amended and restated by sec. 403(b)(2) of Public Law 97-241 (96 Stat. 296).

[10] Sec. 302(a)(3) of the Foreign Relations Authorization Act, Fiscal Year 1977 substituted the words "The ex officio member" in lieu of "Ex officio members".

[11] Subsec. (c) was added by sec. 302(b) of the Foreign Relations Authorization Act. Fiscal Year 1977.

[12] 22 U.S.C. 2873.

[13] Sec. 302(c) of the Foreign Relations Authorization Act, Fiscal Year 1978 (91 Stat. 851), substituted the words "RFE/RL, Incorporated" in lieu of "Radio Free Europe and Radio Liberty".

(4) to develop and apply such financial procedures, and to make such audits of RFE/RL, Incorporated,[13] as the Board may determine are necessary, to assure that grants are applied in accordance with the pu[illegible] for which such grants are made;

(5) to develop and apply [illegible] evaluative procedures as the Board may determine are necessary to assure that grants are applied in a manner not inconsistent with the broad foreign policy objectives of the United States Government;

(6) to appoint such staff personnel as may be necessary, subject to the provisions of section 5, United States Code, governing appointments in the competitive service, and to fix their compensation in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

(7)(A) to procure temporary and intermittent personal services to the same extent as is authorized by section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the rate provided for GS–18; and

(B) to allow those providing such services, while away from their homes or their regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently, while so employed;

(8) [14] to make available for its own use or for the use of RFE/RL, Incorporated, for official reception and representational expenses not to exceed $65,000 of the funds made available to carry out this Act each fiscal year;

(9) [14] to report annually to the President and the Congress on or before the 31st day of January,[15] summarizing the activities of the Board during the year ending the preceding September [15] 30, and reviewing and evaluating the operation of RFE/RL, Incorporated,[13] during such year; and

(10) [14] to prescribe such regulations as the Board deems necessary to govern the manner in which its functions shall be carried out.

(b) In carrying out the foregoing functions, the Board shall bear in mind the necessity of maintaining the professional independence and integrity of RFE/RL, Incorporated.[13]

RECORDS; AUDIT; CONTRIBUTORS

Sec. 5.[16] (a) The Board shall require that RFE/RL, Incorporated,[17] keep records which fully disclose the amount and disposition of assistance provided under this Act, the total cost of the undertakings or programs in connection with which such assistance is given or used, that portion of the cost of the undertakings or programs supplied by other sources, and such other records as will facilitate an effective audit.

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[14] Sec. 304 of Public Law 95–426 (92 Stat. 976) redesignated pars. (8) and (9) as pars. (9) and (10), respectively, and added a new par. (8), effective Oct. 1, 1978.

[15] Sec. 302(c) of the Foreign Relations Authorization Act, Fiscal Year 1977 substituted the words "31st day of January" and "September" in lieu of "30th day of October" and "June", respectively.

[16] 22 U.S.C. 2874.

[17] Sec. 302(d)(8) of the Foreign Relations Authorization Act, Fiscal Year 1978 (91 Stat. 852), substituted the words "RFE/RL, Incorporated," in lieu of "Radio Free Europe and Radio Liberty".

(b) The Board and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of RFE/RL, Incorporated,[17] which, in the opinion of the Board or the Comptroller General, may be related or pertinent to the assistance provided under this Act.

(c) No grant may be made under this Act unless RFE/RL Incorporated,[18] agrees to make available, and does make available, for public inspection, during normal business hours at its principal office in the United States, a complete list of every person and government making a contribution to RFE/RL, Incorporated,[19] (including a contribution made to any corporation or other entity having a principal purpose of receiving private contributions on behalf of RFE/RL, Incorporated) [20] during the fiscal year preceding the making of the grant and the fiscal year in which the grant is to be made, the address of the person or government making the contribution, the amount of each such contribution, and the date the contribution was made.

ROLE OF THE SECRETARY OF STATE

Sec. 6. (a) [21] To assist the Board in carrying out its functions, the Secretary of State shall provide the Board with such information regarding the foreign policy of the United States as the Secretary may deem appropriate. The Secretary shall report regularly to the Board on the impact of broadcasts by RFE/RL, Incorporated, in Eastern Europe and the Soviet Union.[21]

(b) [22] No grant may be made under this Act unless RFE/RL, Incorporated, agrees to the presence of an observer representing the Secretary of State at the meetings of its Board of Directors.

PUBLIC SUPPORT

Sec. 7.[23] The Board is authorized to receive donations, bequests, devises, gifts, and other forms of contributions of cash, services, and other property, from persons, corporations, foundations, and all other groups and entities both within the United States and abroad, and, pursuant to the Federal Property Administrative Services Act of 1949, as amended, to use, sell, or otherwise dispose of such property for the carrying out of its functions. For the purposes of sections 170, 2055, and 2522 of the Internal Revenue Code of 1954, as amended (26 U.S.C. 170, 2055, or 2522), the Board shall be deemed to be a corporation described in section 170(c)(2), 2055(a)(2), or 2522(a)(2) of the Code, as the case may be.

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[18] Sec. 302(d)(3) of the Foreign Relations Authorization Act, Fiscal Year 1978 (91 Stat. 852), substituted the words "RFE/RL, Incorporated," in lieu of "the radio to which the grant is to be made".

[19] Sec. 302(d)(3) of the Foreign Relations Authorization Act, Fiscal Year 1978 (91 Stat. 852), substituted the words "RFE/RL, Incorporated," in lieu of "that radio".

[20] The parenthetical phrase was added by sec. 305 of Public Law 95-426 (92 Stat. 976).

[21] 22 U.S.C. 2875. Section 305 (a) (1) and (2) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987, (Public Law 99-93; 99 Stat. 405) designated this section as section (a) and added the text of the second sentence relating to reporting of impact of broadcasts.

[22] Subsection (b) was added by sec. 305 (a) (3) of the Foreign Relations Authorization Act, Fiscal Year 1986 and 1987 (Public Law 99-93; 99 Stat. 405).

[23] 22 U.S.C. 2876.

AUTHORIZATION OF APPROPRIATIONS

Sec. 8.[24] (a)[25] (1) There are authorized to be appropriated to carry out the purposes of this Act—

(A) $125,000,000 for the fiscal year 1986 and $125,000,000 for the fiscal year 1987; and

(B) such additional amounts for any fiscal year as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law.

(2) In order to maintain the level of operations authorized under paragraph (1) for RFE/RL, Incorporated, there are authorized to be appropriated such additional amounts as may be necessary for any fiscal year to offset adverse fluctuations in foreign currency exchange rates, or overseas wage and price changes,[26] occurring after November 30 of the earlier of (A) the calendar year which ended during the fiscal year preceding such fiscal year, or (B) the calendar year which preceded the calendar year during which the authorization of appropriations for such fiscal year was enacted.[27] Amounts appropriated under this paragraph shall be available for obligation and expenditure only to the extent that the Director of the Office of Management and Budget determines (and so certifies to the Congress) is necessary, because of such fluctuations or such changes,[28] in order to maintain the level of operation authorized under paragraph (1) for RFE/RL, Incorporated.

(3) Amounts appropriated under this subsection are authorized to be made available until expended.

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[24] 22 U.S.C. 2877. Sec. 301 of the Foreign Relations Authorization Act, Fiscal Year 1977 amended sec. 8 which formerly read as follows:

"FINANCING AND IMPLEMENTATION—

"Sec. 8. (a) There are authorized to be appropriated, to remain available until expended, $65,640,000 for fiscal year 1976. There are authorized to be appropriated for fiscal year 1976 such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law and for other nondiscretionary costs.

"(b) To allow for the orderly implementation of this Act, the Secretary of State is authorized to make grants to Radio Free Europe and to Radio Liberty under such terms and conditions as he deems appropriate for their continued operation until a majority of the voting members of the Board have been appointed and qualified, and until funds authorized to be appropriated under this Act are available to the Board."

[25] Subsec. (a) was amended and restated by sec. 302 of the ICA Authorization Act, Fiscal Years 1980 and 1981 (Public Law 96-60; 93 Stat. 402). Section 301(a) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99-93; 99 Stat. 405) substituted the authorization figures for fiscal years 1986 and 1987 in lieu of authorization figures for fiscal years 1984 and 1985. Previously, the authorization figures for FY 1984 and 1985 had been added by sec. 302 of the BIB Authorization Act, Fiscal Years 1984 and 1985 (title III of Public Law 98-164; 97 Stat. 1036).

See also sec. 307 of the BIB Authorization Act, Fiscal Years 1984 and 1985 which places restrictions on the use of funds authorized in sec. 8(a)(1)(A) of this Act. Authorization figures in recent years included the following: FY 1979—$88,180,000; FY 1980—$81,917,000; FY 1981—$86,787,000; FY 1982—$86,519,000; FY 1983—$111,600,000; FY 1984—$106,055,000; 1985—$111,251,000.

[26] The words "or overseas wage and price changes," were added by sec. 112(c) of Public Law 97-241 (96 Stat. 278).

[27] The words to this point beginning with "earlier of (A) the calendar year . . ." were inserted in lieu of the words "preceding fiscal year" by sec. 112(c) of Public Law 97-241 (96 Stat. 278).

[28] The words "or such changes" were added by sec. 112(c) of Public Law 97-241 (96 Stat. 278).

(b) [29] Beginning with fiscal year 1983, any amount appropriated under subsection (a)(1) of this section which, because of upward fluctuations in foreign currency exchange rates, is in excess of the amount necessary to maintain the budgeted level of operation for RFE/RI, Incorporated, may be merged with and made available for the same time period and same purposes as amounts appropriated under subsection (a)(2) of this section.

(c) [30] Of the authorization of appropriations contained in subsection (a)(1)(A), authorizations of $20,000,000 for the fiscal year 1986 and $18,323,000 for the fiscal year 1987, which shall be available for radio modernization, shall remain available until the appropriations are made and when those amounts are appropriated they are authorized to remain available until expended.

USE OF BROADCASTING FACILITIES BY COMMUNIST COUNTRIES

Sec. 9.[31] No funds or other assistance may be provided by the Board under this Act to RFE/RL, Incorporated, if RFE/RL, Incorporated, permits any Communist country (within the meaning of section 620(f) of the Foreign Assistance Act of 1961) to use its broadcasting facilities unless that Communist country permits RFE/RL, Incorporated, to use that country's broadcasting facilities on a comparable basis.

Sec. 10.[32] Under the authority of section 4(a)(3) of this Act, the Board shall prepare and transmit to the Congress, on or before October 1, 1979, a report setting forth alternative plans for the relocation to the territory of the United States of such activities of RFE/RL, Incorporated, as would result in the transfer to the United States of not less than 10 percent, 25 percent, and 50 percent, respectively, of the total personnel of RFE/RL, Incorporated. For each such alternative plan, the report shall include—

(1) proposals for the timing of such transfer and the recommended location in the United States of such personnel;

(2) estimates of the costs and amortization period for such plan;

(3) a consideration of the impact of such plan on the operating efficiency of RFE/RL, Incorporated, in achieving its program objectives; and

(4) any other significant anticipated consequences of such a relocation.

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[29] Subsec. (b), as amended by sec. 306 of Public Law 95–426 (92 Stat. 977), was amended and restated by sec. 303 of the BIB Authorization Act, Fiscal Year 1984 and 1985 (title III of Public Law 98–164; 97 Stat. 1036). It previously read as follows:

"(b) The Director of the Office of Management and Budget shall place in reserve and inform the Congress of any amount appropriated under this section which, because of upward fluctuations in foreign currency exchange rates, is in excess of the amount necessary to maintain the budgeted level of operation for RFE/RL, Incorporated."

[30] Subsec. (c) was added by 302 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99–93; 99 Stat. 405).

[31] 22 U.S.C. 2878, sec. 9 was added by sec. 307 of Public Law 95–426 (92 Stat. 977).

[32] 22 U.S.C. 2879 note, sec. 10 was added by sec. 303 of the ICA Authorization Act, Fiscal Years 1980 and 1981 (Public Law 96–60; 93 Stat. 402).

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MERGER OF THE BOARD FOR INTERNATIONAL BROADCASTING AND THE RFE/RL BOARD

Sec. 11.[33] (a) Effective 60 days after the date of enactment of this section, no grant may be made under this Act to RFE/RL, Incorporated, unless the certificate of incorporation of RFE/RL, Incorporated, has been amended to provide that—

(1) the Board of Directors of RFE/RL, Incorporated, shall consist of the members of the Board for International Broadcasting and of no other members, except that the member of the Board for International Broadcasting who is an ex officio member of that Board because of his or her position as chief operating executive of RFE/RL, Incorporated, may participate in the activities of the Board of Directors but may not vote in the determinations of the Board of Directors; and

(2) such Board of Directors shall make all major policy determinations governing the operation of RFE/RL, Incorporated, and shall appoint and fix the compensation of such managerial officers and employees of RFE/RL, Incorporated, as it deems necessary to carry out the purposes of this Act.

(b) Compliance with the requirement of paragraph (1) of subsection (a) shall not be construed to make RFE/RL, Incorporated, a Federal agency or instrumentality.

BENEFITS FOR CERTAIN RETIREES AND SURVIVING SPOUSES OF EMPLOYEES OF RADIO FREE EUROPE AND RADIO LIBERTY

Sec. 12.[34] The Congress hereby authorizes the Board to make available in accordance with the Supplemental Appropriations Act, 1983, $4,900,000 of the amount appropriated for the Board by that Act for enhancement of (1) the pensions and cost-of-living adjustments of individuals who retired from RFE/RL, Incorporated, before January 1, 1976, and (2) the benefits to which surviving spouses of employees of RFE/RL, Incorporated, are entitled by virtue of the creditable service of such employees rendered before January 1, 1976.

SALARY OF THE RFE/RL PRESIDENT

Sec. 13.[35] Funds made available under this Act to RFE/RL, Incorporated, may not be used for the salary of the President of RFE/RL, Incorporated, at an annual rate in excess of the rate payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

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[33] 22 U.S.C. 2880. Sec. 11 was added by sec. 403(a) of Public Law 97-241 (96 Stat. 296).

[34] 22 U.S.C. 2881. Sec. 12 was added by sec. 304 of the BIB Authorization Act, Fiscal Years 1984 and 1985 (title III of Public Law 98-164; 97 Stat. 1036).

The Supplemental Appropriations Act, 1983 (Public Law 98-63; 97 Stat. 307) provided the following:

"For an additional amount for the Board for International Broadcasting, 'Grants and Expenses', $8,017,000 exclusively for grants to Radio Free Europe/Radio Liberty, of which $4,900,000 shall be for the purposes of (1) upgrading pensions and benefits for the Members of the Society of International Broadcasters, who are pre-1976 Radio Free Europe/Radio Liberty retirees, and (2) the RFE/RL Special Widows Project;"

[35] 22 U.S.C. 2882. Sec. 13 was added by sec. 305(a) of the BIB Authorization Act, Fiscal Years 1984 and 1985 (title III of Public Law 98-164; 97 Stat. 1037). Sec. 305(b) of that Act stated that this new sec. 13 would apply with respect to funds used for the salary of any President of RFE/RL, Inc., who is appointed after the date of enactment of this Act (Nov. 22, 1983).

RADIO BROADCASTING TO AFGHANISTAN IN THE DARI AND PASHTO LANGUAGES

Sec. 14.[36] Funds granted to RFE/RL, Incorporated, under this Act may be used for radio broadcasting to the Afghan people in the Dari and Pashto languages, such broadcasts to be designated "Radio Free Afghanistan".

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[36] 22 U.S.C. 2883. This section was added by sec. 303(b) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99-93, 99 Stat. 405). The Supplemental Appropriations Act, 1985 (Public Law 99-88; 99 Stat 293) appropriated $500,000, "to promote the development of an independent media service by the Afghan people and to provide for the training of Afghans in media and media-related fields, to remain available until September 30, 1986".

b. Board for International Broadcasting Authorization Act, Fiscal Years 1986 and 1987

Partial text of Public Law 99-93 [Foreign Relations Authorization Act, Fiscal Years 1986 and 1987; H.R. 2068], 99 Stat. 405 at 434, approved August 16, 1985

> NOTE.—Deleted provisions in this Act amend the Board for International Broadcasting Act of 1973 and have been incorporated into that act at the appropriate places.

AN ACT To authorize appropriations for fiscal years 1986 and 1987 for the Department of State, the United States Information Agency, the Board for International Broadcasting, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * * * *

TITLE III—BOARD FOR INTERNATIONAL BROADCASTING

SEC. 304. MANAGEMENT OF RFE/RL, INCORPORATED.

(a) FINDINGS.—The Congress finds that—

(1) RFE/RL, Incorporated, is essential to the continued and effective furtherance of the open flow of information and ideas throughout Eastern Europe and the Soviet Union;

(2) effective communication of information and ideas can only be accomplished if the long-term credibility of RFE/RL, Incorporated, operating in accordance with the highest standards of professionalism, is maintained;

(3) the performance of RFE/RL, Incorporated, is dependent on proper management, an objective approach to news, quality programming, and effective oversight;

(4) the Board for International Broadcasting, in addition to making grants, is responsible for overseeing broadcast quality and effectiveness and for overseeing effective utilization of Federal funds;

(5) RFE/RL, Incorporated, is responsible for its own management and for daily broadcasts into Eastern Europe and the Soviet Union;

(6) the Board for International Broadcasting and RFE/RL, Incorporated, must remain very distinct and different institutions if they adhere to the Joint Explanatory Statement of the Committee on Conference relating to the Board for International Broadcasting Authorization Act, Fiscal Years 1982 and 1983; [1]

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[1] 22 USC 2871 note.

(7) the President of RFE/RL, Incorporated, who is responsible for the proper management and supervision of the daily operations of the radios, should devote the necessary resources and personnel to strengthen both the oversight and the quality of programming;

(8) the Board for International Broadcasting, in an effort to preserve or enhance its ability to properly oversee the operations of RFE/RL, Incorporated, must avoid even the appearance of involvement in daily operational decisions and management of RFE/RL, Incorporated; and

(9) the absence of satisfactory pre-broadcast review and the lack of sufficient records of actions taken to explain or remedy program problems identified through post-broadcast review, may endanger the long-term credibility of RFE/RL, Incorporated.

(b) ACTIONS TO BE TAKEN BY RFE/RL.—It is the sense of the Congress that RFE/RL, Incorporated, should—

(1) strengthen existing broadcast control procedures and post-broadcast program analysis; and

(2) improve its personnel management system to inlcude such things as better documentation of internal decisionmaking and communication, personnel review, and job description.

(c) ACTIONS TO BE TAKEN BY BIB.—It is the sense of the Congress that the Board for International Broadcasting should—

(1) periodically review and update the Program Policy Guidelines of RFE/RL, Incorporated, with the goal of maintaining their clarity and responsiveness; and

(2) ensure that the distinctions between the Board for International Broadcasting and RFE/RL, Incorporated, remain clear and that these two entities continue to operate within the framework established by law.

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SEC. 305. ROLE OF THE SECRETARY OF STATE

(a) * * *

(b) [2] LIAISON WITH RFE/RL, INCORPORATED; REPRESENTATION AT BOARD MEETINGS.—The Secretary of State shall—

(1) establish an office within the United States Consulate in Munich, Federal Republic of Germany, which shall be responsible for the daily liaison operations of the Department of State with RFE/RL, Incorporated; and

(2) be represented by an observer at each meeting of the Board for International Broadcasting and of the Board of Directors of RFE/RL, Incorporated.

SEC. 306. TASK FORCE WITH RESPECT TO BROADCASTS TO SOVIET JEWRY.

(a) ESTABLISH TASK FORCE.—There shall be established by the Board for International Broadcasting a task force to conduct a study of the advisability and feasibility of increasing broadcasts to the Jewish population within the Soviet Union.

(b) STUDY.—The Task Force shall—

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[2] USC 2875 note.

(1) investigate the needs of Jewish audiences in the Soviet Union;

(2) study the practicality and desirability of establishing a special program, in accordance with the Program Policy Guidelines of RFE/RL, Inc., of Russian language broadcasting to the Jewish population of the Soviet Union;

(3) study the advisability of incorporating such a special program in a special unit of its Radio Liberty division entitled the "Radio Maccabee Program of Radio Liberty";

(4) make recommendations with respect to the desirable content of broadcast programming; and

(5) identify the needs and concerns of the activist as well as the refusnik population in the Soviet Union.

(c) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Board for International Broadcasting shall submit a report to the Congress. Such report shall include the following:

(1) Whether expansion of original programming scheduled ("Jewish Cultural and Social Life") or planned ("Judaism") is fulfilling the needs of the audience, and whether expanded Soviet-Jewish programming should include broadcasts on Jewish history, culture, religion, or other matters of general cultural, intellectual, political, and religious interest to the Soviet Jewish populaton, as well as Hebrew education courses.

(2) The extent to which such programming is broadcast in Russian, Hebrew, and Yiddish.

(3) Recommendations for implementing expanded programming within the structure of RFE/RL, Inc., including specific personnel required and providing for a Soviet Jewry administrative unit within Radio Liberty.

(4) The findings of, and the recommendations from, the study required under subsection (b).

(d) MACCABEE PROGRAMMING.—RFE/RL, Incorporated, shall strengthen existing programming dealing with issues of concern to Jewish audiences in the Soviet Union, to be known as Maccabee programming.

(e) EXISTING PERSONNEL TO CONDUCT STUDY AND MAKE REPORT.—The study and the report required by this section shall be carried out by existing personnel of RFE, Inc., or the Board of International Broadcasting.

c. Board for International Broadcasting Authorization Act, Fiscal Years 1984 and 1985

Partial text of Public Law 98-164 [H.R. 2915], 97 Stat. 1017, at 1036, approved November 22, 1983

> NOTE.—Deleted provisions in this Act amend the Board for International Broadcasting Act of 1973 and have been incorporated into that act at the appropriate places.

AN ACT To authorize appropriations for fiscal years 1984 and 1985 for the Department of State, the United States Information Agency, the Board for International Broadcasting, the Inter-American Foundation, and the Asia Foundation, to etablish the National Endowment for Democracy, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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TITLE III—BOARD FOR INTERNATIONAL BROADCASTING

SHORT TITLE

Sec. 301. This title may be cited as the "Board for International Broadcasting Authorization Act, Fiscal Years 1984 and 1985".

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SALARY OF THE RFE/RL PRESIDENT

Sec. 305. (a)[1] * * *

(b) The amendment made by this section applies with respect to funds used for the salary of any President of RFE/RL, Incorporated, who is appointed after the date of enactment of this Act.

POLICY ON BROADCASTS OF RFE/RL AND THE VOICE OF AMERICA CONCERNING SOVIET RELIGIOUS PERSECUTION

Sec. 306. It is the sense of the Congress that RFE/RL, Incorporated (commonly known as Radio Free Europe and Radio Liberty) and the Voice of America (VOA) are to be commended for their news and editorial coverage of the increasing religious persecution in the Soviet Union, including the declining levels of Jewish emigration, and are encouraged to intensify their efforts in this regard.

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[1] Sec. 305(a) added a new sec. 13 to the Board for International Broadcasting Act of 1973 regarding the salary of the RFE/RL President.

BALTIC DIVISION

Sec. 307. None of the funds authorized to be appropriated by the amendment made by section 302 of this Act [2] may be used for a grant to RFE/RL, Incorporated unless—

(1) the Estonian, Latvian, and Lithuanian radio services of RFE/RL, Incorporated, are organized as a separate division within Radio Liberty; and

(2) those radio services begin broadcasts under a name which would accurately reflect United States policy of not recognizing the illegal incorporation of Estonia, Latvia, and Lithuania into the Soviet Union.

POLICY ON THE JAMMING BY THE SOVIET UNION OF BROADCASTS OF THE VOICE OF AMERICA AND RFE/RL

Sec. 308. (a) The Congress finds that—

(1) the permanent unrestrained flow of accurate information would greatly facilitate mutual understanding and world peace:

(2) the Soviet Union and its allies are at present electronically jamming the broadcasts of the Voice of America and RFE/RL, Incorporated (commonly known as Radio Free Europe and Radio Liberty); and

(3) electronic jamming of international broadcasts violates at least four international agreements: Article 35(1) of the International Telecommunications Union Convention, Article 19 of the Universal Declaration of Human Rights, Article 19 of the International Covenant on Civil and Political Rights, and the Final Act of the Conference on Security and Cooperation in Europe (commonly known as the Helsinki Accords).

(b) it is the sense of the Congress that the President should urge the Government of the Soviet Union to terminate its jamming of the broadcasts of the Voice of America and RFE/RL, Incorporated.

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[2] Sec. 302 amended sec. 8 of the Board for International Broadcasting Act of 1973 by authorizing the appropriation of funds for fiscal years 1984 and 1985.

d. Board for International Broadcasting Appropriations

(1) Board for International Broadcasting Appropriations, 1987

Partial text of Public Law 99-591 [Title V of Sec. 101(b) of the Continuing Appropritions Act; H.J. Res. 738], 100 Stat. 3341, approved October 30, 1986.

JOINT RESOLUTION Making continuing appropriations for the fiscal year 1987, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1987, and for other purposes, namely:

SEC. 101(a) * * *

(b) Such amounts as may be necessary for programs, projects or activities provided for in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1987, at a rate of operations and to the extent and in the manner provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

AN ACT Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1987 and for other purposes.

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TITLE V

BOARD FOR INTERNATIONAL BROADCASTING

GRANTS AND EXPENSES

For expenses of the Board for International Broadcasting, including grants to RFE/RL, Inc., $140,000,000, of which not to exceed $52,000 may be made available for official reception and representation expenses, and of which $15,000,000, to remain available until expended, shall become available for expenditure on October 1, 1987.

* * * * * * *

(2) Urgent Supplemental Appropriations Act, 1986

Partial text of Public Law 99-349 [H.R. 4515], 100 Stat. 718, approved July 2, 1986

AN ACT Making supplemental appropriations for the fiscal year ending September 30, 1986 and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1986, and for other purposes, namely:

TITLE I

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CHAPTER II

* * * * * * *

RELATED AGENCIES

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BOARD FOR INTERNATIONAL BROADCASTING

GRANTS AND EXPENSES

For an additional amount for "Grants and Expenses", $18,800,000, to remain available until expended: *Provided,* That notwithstanding the proviso under this head in Public law 99-88, and notwithstanding section 8(b) of the Board for International Broadcasting Act of 1973, as amended,[1] the amounts placed in reserve, or which would have been placed in reserve, in fiscal year 1985 pursuant to that section shall be available to the Board for grants to Radio Free Europe/Radio Liberty.

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[1] 22 U.S.C. 2877

14. Radio Broadcasting to Cuba Act

Public Law 98-111 [S. 602], 97 Stat. 749, approved October 4, 1983, as amended by Public Law 98-411 [H.R. 5712], 98 Stat. 1545 at 1574, approved August 30, 1984

AN ACT To provide for the broadcasting of accurate information to the people of Cuba, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Radio Broadcasting to Cuba Act".

FINDINGS; PURPOSES

Sec. 2.[1] The Congress finds and declares—

(1) that it is the policy of the United States to support the right of the people of Cuba to seek, receive, and impart information and ideas through any media and regardless of frontiers, in accordance with article 19 of the Universal Declaration of Human Rights;

(2) that, consonant with this policy, radio broadcasting to Cuba may be effective in furthering the open communication of accurate information and ideas to the people of Cuba, in particular information about Cuba;

(3) that such broadcasting to Cuba, operated in a manner not inconsistent with the broad foreign policy of the United States and in accordance with high professional standards, would be in the national interest; and

(4) that the Voice of America already broadcasts to Cuba information that represents America, not any single segment of American society, and includes a balanced and comprehensive projection of significant American thought and institutions but that there is a need for broadcasts to Cuba which provide news, commentary and other information about events in Cuba and elsewhere to promote the cause of freedom in Cuba.

ADDITIONAL FUNCTIONS OF THE UNITED STATES INFORMATION AGENCY

Sec. 3.[2] (a) In order to carry out the objectives set forth in section 2, the United States Information Agency (hereafter in this Act referred to as the "Agency") shall provide for the open communication of information and ideas through the use of radio broadcasting to Cuba. Radio broadcasting to Cuba shall serve as a consistently reliable and authoritative source of accurate, objective, and comprehensive news.

(b) Radio broadcasting in accordance with subsection (a) shall be part of the Voice of America radio broadcasting to Cuba and shall be in accordance with all Voice of America standards to ensure the broadcast of programs which are objective, accurate, balanced, and which present a variety of views.

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[1] 22 U.S.C. 1465.

[2] 22 U.S.C. 1465a.

(c) Radio broadcasting to Cuba authorized by this Act shall utilize the broadcasting facilities located at Marathon, Florida, and the 1180 AM frequency that were used by the Voice of America prior to the date of enactment of this Act. Other frequencies, not on the commercial Amplitude Modulation (AM) Band (535 kHz to 1605 kHz), may also be simultaneously utilized: *Provided,* That no frequency shall be used for radio broadcasts to Cuba in accordance with this Act which is not also used for all other Voice of America broadcasts to Cuba. Time leased from nongovernmental shortwave radio stations may be used to carry all or part of the Service programs and to rebroadcast Service programs: *Provided,* That not less than 30 per centum of the programs broadcast or rebroadcast shall be regular Voice of America broadcasts with particular emphasis on news and programs meeting the requirements of section 503(2) of Public Law 80-402.

(d) Notwithstanding subsection (c), in the event that broadcasts to Cuba on the 1180 AM frequency are subject to jamming or interference greater by 25 per centum or more than the average daily jamming or interference in the twelve months preceding September 1, 1983, the Director of the United States Information Agency may lease time on commercial or noncommercial educational AM band radio broadcasting stations. The Federal Communications Commission shall determine levels of jamming and interference by conducting regular monitoring of the 1180 AM frequency. In the event that more than two hours a day of time is leased, not less than 30 per centum of the programing broadcast shall be regular Voice of America broadcasts with particular emphasis on news and programs meeting the requirements of section 503(2) of Public Law 80-402.

(e) Any program of United States Government radio broadcasts to Cuba authorized by this section shall be designated "Voice of America: Cuba Service" or "Voice of America: Radio Marti program".

(f) In the event broadcasting facilities located at Marathon, Florida, are rendered inoperable by natural disaster or by unlawful destruction, the Director of the United States Information Agency may, for the period in which the facilities are inoperable but not to exceed one hundred and fifty days, use other United States Government-owned transmission facilities for Voice of America broadcasts to Cuba authorized by this Act.

CUBA SERVICE OF THE VOICE OF AMERICA

Sec. 4.[3] The Director of the United States Information Agency shall establish within the Voice of America a Cuba Service (hereafter in this section referred to as the "Service"). The Service shall be responsible for all radio broadcasts to Cuba authorized by section 3. The Director of the United States Information Agency shall appoint a head of the Service and shall employ such staff as the head of the Service may need to carry out his duties. The Cuba Service shall be administered separately from other Voice of America functions and the head of the Cuba Service shall report directly to the Director and the Associate Director for Broadcasting of the United States Information Agency.

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[3] 22 U.S.C. 1465b.

BOARD FOR RADIO BROADCASTING TO CUBA

Sec. 5.[4] (a) There is established within the Office of the President the Advisory Board for Radio Broadcasting to Cuba (hereafter in this Act referred to as the "Board"). The Board shall consist of nine members, appointed by the President by and with the advice and consent of the Senate, of whom not more than five shall be members of the same political party. The President shall designate one member of the Board to serve as Chairman.

(b) The Board shall review the effectiveness of the activities carried out under this Act and shall make such recommendations to the President, the Director and the Associate Director for Broadcasting of the United States Information Agency as it may deem necessary.

(c) In appointing the initial voting members of the Board, the President shall designate three members to serve for a term of three years, three members to serve for a term of two years, and three members to serve for a term of one year. Thereafter, the term of each member of the Board shall be three years. The President shall appoint, by and with the advice and consent of the Senate, members to fill vacancies occurring prior to the expiration of a term, in which case the members so appointed shall serve for the remainder of such term. Any member whose term has expired may serve until his successor has been appointed and qualified.

(d) The head of the Service shall serve, ex officio, as a member of the Board.

(e) Members of the Board appointed by the President shall, while attending meetings of the Board or while engaged in duties relating to such meetings or in other activities of the Board pursuant to this section, including traveltime, be entitled to receive compensation equal to the daily equivalent of the compensation prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code. While away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently. The ex officio member of the Board shall not be entitled to any compensation under this section, but may be allowed travel expenses as provided in the preceding sentence.

(f) The Board may, to the extent it deems necessary to carry out its functions under this section, procure supplies, services, and other personal property, including specialized electronic equipment.

(g) Notwithstanding any other provision of law, the Board shall remain in effect indefinitely.

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[4] 22 U.S.C. 1465c.

(h) There are authorized to be appropriated $130,000 to carry out the provisions of this section.

ASSISTANCE FROM OTHER GOVERNMENT AGENCIES

Sec. 6.[5] (a) In order to assist the United States Information Agency in carrying out the purposes set forth in section 2, any agency or instrumentality of the United States may sell, loan, lease, or grant property (including interests therein) and may perform administrative and technical support and services at the request of the Agency. Support and services shall be provided on a reimbursable basis. Any reimbursement shall be credited to the appropriation from which the property, support, or services was derived.

(b) The Agency may carry out the purposes of section 3 by means of grants, leases, or contracts (subject to the availability of appropriations), or such other means as the Agency determines will be most effective.

FACILITY COMPENSATION

Sec. 7.[6] (a) It is the intent of the Congress that the Secretary of State should seek prompt and full settlement of United States claims against the Government of Cuba arising from Cuban interference with broadcasting in the United States. Pending the settlement of these claims, it is appropriate to provide some interim assistance to the United States broadcasters who are adversely affected by Cuban radio interference and who seek to assert their right to measures to counteract the effects of such interference.

(b) Accordingly, the Agency may make payments to the United States radio broadcasting station licensees upon their application for expenses which they have incurred before, on or after the date of this Act in mitigating, pursuant to special temporary authority from the Federal Communications Commission, the effects of activities by the Government of Cuba which directly interfere with the transmission or reception of broadcasts by these licensees. Such expenses shall be limited to the costs of equipment replaced [6a] (less depreciation) and associated technical and engineering costs.

(c) The Federal Communications Commission shall issue such regulations and establish such procedures for carrying out this section as the Federal Communications Commission finds appropriate. Such regulations shall be issued no later than one hundred and eighty days after enactment of this Act.

(d) There are authorized to be appropriated to the Agency, $5,000,000 for use in compensating United States radio broadcasting licensees pursuant to this section. Amounts appropriated under this section are authorized to be available until expended.

(e) Funds appropriated for implementation of this section shall be available for a period of no more than four years following the initial broadcast occurring as a result of programs described in this Act.

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[5] 22 U.S.C. 1465d.

[6] 22 U.S.C. 1465e.

[6a] Sec. S12 of Public Law 98-411, 99 Stat. 1575, moved the parenthetical bracket in subsec. b from before "replaced" to before "less."

(f) It is the sense of the Congress that the President should establish a task force to analyze the level of interference from the operation of Cuban radio stations experienced by broadcasters in the United States and to seek a practical political and technical solution to this problem.

(g) This section shall enter into effect on October 1, 1984.

AUTHORIZATION OF APPROPRIATIONS

Sec. 8.[7] (a) There are authorized to be appropriated for the United States Information Agency $14,000,000 for fiscal year 1984,[8] and $11,000,000 for fiscal year 1985 to carry out sections 3 and 4 of this Act. The amount obligated by the United States Information Agency in ensuing fiscal years shall be sufficient to maintain broadcasts to Cuba under this Act at rates no less than the fiscal year 1985 level.

(b) In addition to amounts otherwise authorized to be appropriated to the Agency for the fiscal years 1984 and 1985, there are authorized to be appropriated to the Agency $54,800,000 for the fiscal year 1984 and $54,800,000 for the fiscal year 1985, which amounts shall be available only for expenses incurred by essential modernization of the facilities and operations of the Voice of America.

(c) Amounts appropriated under this section are authorized to be made available until expended.

INDEPENDENT EVALUATION OF THE CUBA SERVICE

Sec. 9.[9] The United States Information Agency shall arrange, by contract if necessary, an independent evaluation of Cuba Service programing, the results of which are to be set forth in a report to be prepared and transmitted to the Agency eighteen months after the date of enactment of this Act and at intervals of one year thereafter for the following three years. The Agency shall, not later than thirty days after the date of receipts of such report, transmit to the Congress such report, together with any recommendations for legislative action.

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[7] 22 U.S.C. 1465f.

[8] Title V of sec. 101(b) of the Continuing Appropriations Oct., 1987; [H.J. Res. 78], 100 Stat. 3341 appropriated for radio broadcating to Cuba as follows:

RADIO BROADCASTING TO CUBA

For an additional amount, necessary to enable the United States Information Agency to carry out the Radio Broadcasting to Cuba Act (providing for the Radio Marti program or Cuba Service of the Voice of America), including the purchase, rent, construction, and improvement of facilities for radio transmission and reception and purchase and installation of necessary equipment for radio transmission and reception, $10,250,000, to remain available until expended.

[9] 22 U.S.C. 1465g.

15. Commission on Security and Cooperation in Europe

a. Establishing a Commission on Security and Cooperation in Europe

Public Law 94-304 [S. 2679], 90 Stat. 661, approved June 3, 1976, as amended by Public Law 94-534 [H.R. 15813], 90 Stat. 2495, approved October 17, 1976; Public Law 95-426 [Foreign Relations Authorization Act, Fiscal Year 1979; H.R. 12598], 92 Stat. 963 at 992, approved October 7, 1978; Public Law 96-60 [H.R. 3363], 93 Stat. 395 at 403, approved August 15, 1979; Public Law 99-7 [S. 592], 99 Stat. 19, approved March 27, 1985, and by Public Law 99-190 [H.R. 465], 99 Stat. 1322, approved December 19, 1985.

AN ACT To establish a Commission on Security and Cooperation in Europe.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,[1] That there is established the Commission on Security and Cooperation in Europe (hereafter in this Act referred to as the "Commission").

Sec. 2.[2] The Commission is authorized and directed to monitor the acts of the signatories which reflect compliance with or violation of the articles of the Final Act of the Conference on Security and Cooperation in Europe, with particular regard to the provisions relating to human rights and [3] Cooperation in Humanitarian Fields. The Commission is further authorized and directed to monitor and encourage the development of programs and activities of the United States Government and private organizations with a view toward taking advantage of the provisions of the Final Act to expand East-West economic cooperation and a greater interchange of people and ideas between East and West.

Sec. 3.[4] The Commission shall be composed of twenty-one members as follows:

(1) Nine Members of the House of Representatives appointed by the Speaker of the House of Representatives. Five Members shall be selected from the majority party and four Members

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[1] 22 U.S.C. 3001.

[2] 22 U.S.C. 3002.

[3] The words "human rights and" were added by sec. 2 of Public Law 99-7 (99 Stat. 18).

[4] 22 U.S.C. 3003. The text of sec. 3 was amended and restated by secs. (1) (a) and (b) of Public Law 99-7, (99 Stat. 18). It previously read as follows:

"Sec. 3. The Commission shall be composed of fifteen members as follows:

"(1) Six Members of the House of Representatives appointed by the Speaker of the House of Representatives. Four members shall be selected from the majority party and two shall be selected, after consultation with the minority leader of the House, from the minority party. The Speaker shall designate one of the House Members as chairman.

"(2) Six Members of the Senate appointed by the President of the Senate. Four members shall be selected from the majority party and two shall be selected, after consultation with the minority leader of the Senate, from the minority party.

"(3) One member of the Department of State appointed by the President of the United States.

"(4) One member of the Defense Department appointed by the President of the United States.

"(5) One member of the Commerce Department appointed by the President of the United States."

shall be selected, after consultation with the minority leader of the House, from the minority party.

(2) Nine Members of the Senate appointed by the President of the Senate. Five Members shall be selected from the majority party of the Senate, after consultation with the majority leader, and four Members shall be selected, after consultation with the minority leader of the Senate, from the minority party.

(3) One member of the Department of State appointed by the President of the United States.

(4) One member of the Department of Defense appointed by the President of the United States.

(5) One member of the Department of Commerce appointed by the President of the United States.

(b) There shall be a Chairman and a Cochairman of the Commission.

(c) [5] At the beginning of each odd-numbered Congress, the President of the Senate, on the recommendation of the majority leader, shall designate one of the Senate Members as Chairman of the Commission. At the beginning of each even-numbered Congress, the Speaker of the House of Representatives shall designate one of the House Members as Chairman of the Commission.

(d)[5] At the beginning of each odd-numbered Congress, the Speaker of the House of Representatives shall designate one of the House Members as Cochairman of the Commission. At the beginning of each even-numbered Congress, the President of the Senate, on the recommendation of the majority leader, shall designate one of the Senate Members as Cochairman of the Commission.

Sec. 4.[5] In carrying out this Act, the Commission may require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary. Subpenas may be issued over the signature of the Chairman of the Commission or any member designated by him, and may be served by any person designated by the Chairman or such member. The Chairman of the Commission, or any member designated by him, may administer oaths to any witness.

Sec. 5.[6] In order to assist the Commission in carrying out its duties, the President shall submit to the Commission a semiannual report, the first one to be submitted six months after the date of enactment of this Act, which shall include (1) a detailed survey of actions by the signatories of the Final Act reflecting compliance with or violation of the provisions of the Final Act, and (2) a listing and description of present or planned programs and activities of the appropriate agencies of the executive branch and private organizations aimed at taking advantage of the provisions of the Final

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[5] Sec. 6(b)(1) of Public Law 99–7 (99 Stat. 14), provides that the provisions of sec. 3(c), and (d) shall take effect on the first day of the One Hundreth Congress. Section 3(c) of Public Law 99–7, (99 Stat. 18) further stated:

"On the effective date of this subsection, the President of the Senate, on the recommendation of the majority leader, shall designate one of the Senate Members to serve as Chairman of the Commission for the duration of the Ninety-ninth Congress, and the Speaker of the House of Representatives shall designate one of the House Members to serve as Cochairman of the Commission for the duration of the Ninety-ninth Congress." 22 U.S.C. 3004. See footnote 5.

[6] 22 U.S.C. 3005.

Act to expand East-West economic cooperation and to promote a greater interchange of people and ideas between East and West.

Sec. 6.[7] The Commission is authorized and directed to report to the House of Representatives and the Senate with respect to the matters covered by this Act on a periodic basis and to provide information to Members of the House and Senate as requested. For each fiscal year for which an appropriation is made the Commission shall submit to Congress a report on its expenditures under such appropriation.

Sec. 7. (a)(1)[8, 9] There are authorized to be appropriated to the Commission for each fiscal year such sums as may be necessary to enable it to carry out its duties and functions. Appropriations to the Commission are authorized to remain available until expended.

(2) Appropriations to the Commission shall be disbursed on vouchers approved—

(A) jointly by the Chairman and the Cochairman, or

(B) by a majority of the members of the personnel and administration committee established pursuant to section 8(a).

(b)[10] For purposes of section 502(b) of the Mutual Security Act of 1954, the Commission shall be deemed to be a standing committee of the Congress and shall be entitled to use of funds in accordance with such sections.

(c)[11] Not to exceed $6,000 of the funds appropriated to the Commission for each fiscal year may be used for official reception and representational expenses.

(d)[12] Foreign travel for official purposes by Commission members and staff may be authorized by either the Chairman or the Cochairman.

Sec. 8.[13] (a) The Commission shall have a personnel and administration committee composed of the Chairman, the Cochairman, the senior Commission member from the minority party in the House of Representatives, and the senior Commission member from the minority party in the Senate.

(b) All decisions pertaining to the hiring, firing, and fixing of pay of Commission staff personnel shall be by a majority vote of the personnel and administration committee, except that—

(1) the Chairman shall be entitled to appoint and fix the pay of the staff director, and the Cochairman shall be entitled to appoint and fix the pay of his senior staff person; and

(2) the Chairman and Cochairman each shall have the authority to appoint, with the approval of the personnel and administration committee, at least four professional staff mem-

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[7] 22 U.S.C. 3006.

[8] 22 U.S.C. 3007(a).

[9] The text of sections 7(a) (1) and (2) was amended and restated by Public Law 99-7, 99 Stat. 18. Previously, sec. 702 of Public Law 95-426 authorized $550,000 to assist in meeting the expenses of the Commission. This latter authorization replaced a previous one of $350,000.

[10] Subsec. (b) was added by Public Law 94-534.

[11] Subsec. (c) was added by sec. 401 of the Department of State Authorization Act, Fiscal Years 1980 and 1981; (Public Law 96-60; 93 Stat. 403).

[12] Subsection d was added by sec. 4 of Public Law 99-7, 99 Stat. 18.

[13] 22 U.S.C. 3008. Sec. 8 was amended and restated by sec. 5 of Public Law 99-7 (99 Stat. 18). It previously read as follows:

"Sec. 8. The Commission may appoint and fix the pay of such staff personnel as it deems desirable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and general schedule pay rates."

bers who shall be responsible to the Chairman or the Cochairman (as the case may be) who appointed them.

The personnel and administration committee may appoint and fix the pay of such other staff personnel as it deems desirable.

(c) All staff appointments shall be made without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and general schedule pay rates.

(d)[14] (1) For purposes of pay and other employment benefits, rights, and privileges and for all other purposes, any employee of the Commission shall be considered to be a congressional employee as defined in section 2107 of title 5, United States Code.

(2) For purposes of section 3304(c)(1) of title 5, United States Code, staff personnel of the Commission shall be considered as if they are in positions in which they are paid by the Secretary of the Senate or the Clerk of the House of Representatives.

(3) The provisions of paragraphs (1) and (2) of this subsection shall be effective as of June 3, 1976.

Sec. 9.[15] For purposes of costs relating to printing and binding, including the costs of personnel detailed from the Government Printing Office, the Commission shall be deemed to be a committee of the Congress.

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[14] Sec. 6(b)(2) of Public Law 99-7, 99 Stat. 14, provided that subsec. (d) shall be effective as of June 3, 1976.

[15] Sec. 9 was added by sec. 134 of the Further Continuing Appropriations, fiscal year 1986 (Public Law 99-190; 99 Stat. 1322).

b. Commission on Security and Cooperation in Europe Appropriations, 1987

Partial Text of Public Law 99-591 (Title V of sec. 101(b) of the Continuing Appropriations Act, H.J. Res. 738], 100 Stat. 3341, approved October 30, 1986

JOINT RESOLUTION Making continuing appropriations for the fiscal year 1987, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1987, and for other purposes, namely:

SEC. 101. (a) * * *

(b) Such amounts as may be necessary for programs, projects or activities provided for in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1987, at a rate of operations and to the extent and in the manner provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

AN ACT Making appropriations for the Departments of Commerce, Justice and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1987, and for other purposes.

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TITLE V—RELATED AGENCIES

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COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94-304, $526,000 to remain available until expended: *Provided,* That not to exceed $6,000 of such amount shall be available for official reception and representation expenses.

c. Helsinki Human Rights Day

Public Law 99-374 [S.J. Res. 371], 100 Stat. 800, approved August 6, 1986

JOINT RESOLUTION To designate August 1, 1986, as "Helsinki Human Rights Day".

Whereas August 1, 1986, will be the eleventh anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe (hereafter in this preamble referred to as the "Helsinki Accords");

Whereas on August 1, 1975, the Helsinki Accords were agreed to by the Governments of Austria, Belgium, Bulgaria, Canada, Cyprus, Czechoslovakia, Denmark, Finland, France, the German Democratic Republic, the Federal Republic of Germany, Greece, the Holy See, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Monaco, the Netherlands, Norway, Poland, Portugal, Romania, San Marino, Spain, Sweden, Switzerland, Turkey, the Union of Soviet Socialist Republics, the United Kingdom, the United States of America, and Yugoslavia;

Whereas the Helsinki Accords express the commitment of the participating States to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion";

Whereas the Helsinkis Accords also express the commitment of the participating States to "promote and encourage the effective exercise of civil, political, economic, social, cultural and othe rights and freedoms all of which derive from the inherent dignity of the human person and are essential for his free and full development";

Whereas the Helsinki Accords also express the commitment of the participating States to "recognize and respect the freedom of the individual to profess and practise, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience";

Whereas the Helsinki Accords also express the commitment of the participating States in whose territory national minorities exist to "respect the right of persons belonging to such minorities to equality before the law" and that such States "will afford them the full opportunity for the actual enjoyment of human rights and funamental freedoms and will, in this manner, protect their legitimate interests in this sphere";

Whereas the Helsinki Accords also express the commitment of the participating States to "recognize the universal significance of human rights and fundamental freedoms, respect for which is an essential factor for the peace, justice and well-being necessary to ensure the development of friendly relations and cooperation among themselves as among all States";

Whereas the Helsinki Accords also express the commitment of the participating States to "constantly respect these rights and freedoms in their mutual relations" and that such States "will endeavor jointly and separately, including in cooperation with the United Nations, to promote universal and effective respect for them";

Whereas the Helsinki Accords also express the commitment of the participating States to "confirm the right of the individual to know and act upon his rights and duties in this field";

Whereas the Helsinki Accords also express the commitment of the participating States in the field of human rights and fundamental freedoms to "act in conformity with the purposes and principles of the Charter of the United Nations and with the Universal Declaration of Human Rights" and to "fulfill their obligations in this field, including inter alia the International Covenants on Human Rights, by which they may be bound";

Whereas the Helsinki Accords also express the commitment of the participating States to "facilitate freer movement and contacts, individually and collectively, whether privately or officially, among persons, institutions and organizations of the participating States, and to contribute to the solution of the humanitatian problems that arise in that connection";

Whereas the Helsinki Accords also express the commitment of the participating States to "favorably consider applications for travel with the purpose of allowing persons to enter or leave their territory temporarily, and on a regular basis if desired, in order to visit members of their families";

Whereas the Helsinki Accords also express the commitment of the participating States to "deal in a positive and humanitarian spirit with the applications of persons who wish to be reunited with members of their family" and "to deal with applications in this field as expeditiously as possible";

Whereas the Helsinki Accords also express the commitment of the participating states to "examine favorably and on the basis of humanitarian considerations requests for exit or entry permits from persons who have decided to marry a citizen from another participating State";

Whereas the Helsinki Accords also express the commitment of the participating States to "facilitate wider travel by their citizens for personal or professional reasons";

Whereas the Governments of the Union of Soviet Socialist Republics, Bulgaria, Czechoslovakia, the German Democratic Republic, Hungary, Poland, and Romania, in agreeing to the Helsinki Accords, have acknowledged an adherence to the principles of human rights and fundamental freedoms as embodied in the Helsinki Accords;

Whereas the aforementioned Governments have violated their commitments to the Helsinki Accords by denying individuals their inherent rights to freedom of religion, thought, conscience, and belief;

Whereas the aforementioned Governments have violated their commitments to the Helsinki Accords by restricting the freer movement of people, ideas and information;

Whereas the concluding document of the Madrid Review Conference of September 9, 1983, called for the Ottawa Human Rights Experts Meeting, the Budapest Cultural Forum, and the Bern Human Contacts Experts Meeting to discuss questions concerning respect for human rights and cooperation in humanitarian fields as embodied in the Helsinki Accords;

Whereas these meetings, which were attended by representatives of all the signatory States, presented important opportunities to address issues of compliance with the human rights and humanitarian provisions of the Helsinki Accords; and

Whereas in November 1986 representatives of the signatory States will be meeting in Vienna to review implementation of the Helsinki Accords, including the human rights and humanitarian provisions: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) August 1, 1986, the eleventh anniversary of the signing of the Helsinki Accords is designated as "Helsinki Human Rights Day";

(2) the President is authorized and requested to issue a proclamation reasserting the American commitment to full implementation of the human rights and humanitarian provisions of the Helsinki Accords, urging all signatory nations to abide by their obligations under the Helsinki Accords, and encouraging the people of the United States to join the President and Conress in observance of Helsinki Human Rights Day with appropriate programs, ceremonies, and activities;

(3) the President is further requested to continue his efforts to achieve full implementation of the human rights provisions of the Helsinki Accords by raising the issue of noncompliance with the Governments of the Soviet Union, Bulgaria, Czechoslovakia, the German Democratic Republic; Hungary, Poland, and Romania at every possibily opportunity;

(4) the President is further requested to convey to all signatories of the Helsinki Accords that respect for human rights and fundamental freedoms is a vital element of further progress in the ongoing Helsinki process; and

(5) the President is authorized to convey to allies and friends of the United States that unity on the question of respect for human rights and fundamental freedoms is the most effective means to promote the full implementation of the human rights and humanitarian provisions of the Helsinki Accords.

SEC. 2. The Secretary of the Senate is directed to transmit copies of this joint resolution to the President, the Secretary of State, and the Ambassadors of the thirty-four Helsinki signatory nations.

16. Control of Swine Influenza

Partial text of Public Law 94-302 [H.R. 9721], 90 Stat. 591, approved May 31, 1976

AN ACT To provide for increased participation by the United States in the Inter-American Development Bank, to provide for the entry of nonregional members and the Bahamas and Guyana in the Inter-American Development Bank, to provide for the participation of the United States in the African Development Fund, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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TITLE III—SWINE INFLUENZA

Sec. 301.[1] (a) The Congress finds and declares that—

(1) the problems posed by swine influenza transcend national and political boundaries;

(2) no one country, or even one portion of the world, can singularly undertake the search for a worldwide solution to the problems posed by swine influenza;

(3) the global nature of swine influenza demands international cooperation and coordination in the investigation and planning for effective control of swine influenza;

(4) the Public Health Service of the United States has invited the World Health Organization of the United Nations and its International Influenza Reference Centers to participate in the investigation and planning for the control of swine influenza;

(5) special collaboration has already been established among the United States, the United Kingdom, and Canada for mutual participation in the investigation and planning for the control of swine influenza;

(6) the United States Department of State and the Public Health Service of the United States have joint programs to provide information to foreign countries on the nature and extent of swine influenza and the methods necessary to control it; and

(7) the technology of the United States for the surveillance of virus disease and vaccine production should be made available to foreign countries.

(b) It is the sense of the Congress that the President should furnish assistance to foreign countries and international organizations for the investigation and planning for the control of swine influenza.

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[1] 22 U.S.C. 2101 note

USE OF THE INDEX

The index is organized by subject matter only. Each subject entry also includes the legal citation indicating the document to which it refers. These legal citations were not chosen on the basis of standard legal citation form, but rather for the amount of information they provided and for convenience in producing a computer-printed index. A list of abbreviations used in the legal citation section of the index appears below:

Art—Article
EO—Executive Order
fn—Footnote
FR—Federal Register
H Con Res—House Concurrent Resolution
HRes—House Resolution
PL—Public Law
Sec—Section
Stat—United States Statutes at Large.

Page references, wherever possible, indicate the exact page on which mention of the entry is made. Entries of a more general nature that refer to a large section or to an entire document are listed with the page on which the reference begins.

GLOSSARY OF TERMS USED IN THE INDEX

ABM	Anti-Ballistic Missile
ACDA	Arms Control and Disarmament Agency
ADB	Asian Development Bank
AFDB	African Development Bank
AFDF	African Development Fund
AID	Agency for International Development
EEC	European Economic Community
FAO	Food and Agriculture Organization
FCC	Federal Communications Commission
GAO	General Accounting Office
IADB	Inter-American Development Bank
IAEA	International Atomic Energy Agency
ICA	International Communication Agency
IDA	International Development Association
IDCA	International Development Cooperation Agency
IFAD	Internationl Fund for Agricultural Development
IFC	International Finance Corporation
IFIs	International Financial Institutions
IMF	International Monetary Fund
MIA	Missing-in-Action
NATO	North Atlantic Treaty Organization
OAS	Organization of American States
OPIC	Overseas Private Investment Corporation
POW	Prisoners-of-War
SALT	Strategic Arms Limitation Talk
SDAF	Special Defense Acquisition Fund
SEATO	Southeast Asia Treaty Organization
U.N.	United Nations
UNCTAD	United Nations Conference on Trade and Development
UNDP	United Nations Development Program
UNESCO	United Nations Educational, Scientific, and Cultural Organization
USIA	United States Information Agency.

			Page
A			
ABM Treaty			
less restrictive interpretation of	PL 99-661	Sec 217	671
Abortions			
aid prohibition	PL 99-591	Sec 540	512
foreign aid prohibition	PL 87-195	Sec 104(f)	27
involuntary			
foreign aid prohibition	PL 99-591	Title II	492
Peace Corps funds prohibition on use of	PL 99-591	Title II	498
ACDA			
administration	PL 87-297	Sec 25	969
advisory boards	PL 87-297	Sec 41	975
appropriations, 1987	PL 99-591	Title V	991
audit of	PL 87-297	Sec 46	981
authorization of appropriations for	PL 87-297	Sec 48-49	982
functions	PL 87-297	Sec 2	963
	PL 87-297	Sec 31-35	970
General Advisory Committee	PL 87-297	Sec 26	969
interagency coordination	PL 87-297	Sec 35	973
international negotiations	PL 87-297	Sec 34	972
organization	PL 87-297	Sec 21-26	968
patents	PL 87-297	Sec 32	972
personnel	PL 87-297	Sec 22-24	968
	PL 87-297	Sec 41-45	975
attorneys	PL 87-297	Sec 41	975
compensation	PL 87-297	Sec 44	978
consultants	PL 87-297	Sec 41	975
Foreign Service	PL 87-297	Sec 42	978
security investigations	PL 87-297	Sec 45	979
purpose	PL 87-297	Sec 2	963
research	PL 87-297	Sec 31	970
Secretary of State's authority	PL 87-297	Sec 22	968
transfer of functions	PL 87-297	Sec 47	981
U.S. Disarmament Administration	PL 87-297	Sec 47	981
visiting scholar program	PL 87-297	Sec 28	970
Achille Lauro			
punishment of hijackers	PL 99-177		Vol. II
Acid rain	PL 98-164	Sec 1008	1039
Act of state doctrine			
courts to decline recognition of	PL 87-195	Sec 620(e)(2)	183
Act to Combat International Terrorism, 1984	PL 98-533		1373
ACTION			
(see also Foreign Service)			
(see also Peace Corps)			
interdepartmental cooperation	EO 12137	Sec 1-602	955
transfer of functions to Peace Corps	PL 97-113	Sec 601(b)	987
ADB	PL 89-369		Vol. II
appropriations, 1987	PL 99-591	Title I	490
Asian Development Fund			
U.S. contribution	PL 89-369	Sec 24	Vol. II
authorization of appropriations for	PL 93-189	Sec 28	461
capital stock			
payment of subscriptions	PL 89-369	Sec 7	Vol. II
	PL 89-369	Sec 23-26	Vol. II
China (People's Republic of) as member	PL 89-369	Sec 27(c)	Vol. II
courts			
jurisdiction	PL 89-369	Sec 8	Vol. II
loans			
voting against	PL 89-369	Sec 18-19	Vol. II
member banks	PL 89-369	Sec 6	Vol. II
privileges and immunities	PL 89-369	Sec 9	Vol. II
reports to Congress	PL 89-369	Sec 4	Vol. II
securities	PL 89-369	Sec 10-11	Vol. II
Securities and Exchange Commission			
reports	PL 89-369	Sec 11	Vol. II
Southeast Asia			
emphasis on	PL 89-369	Sec 13	Vol. II
special funds			
U.S. contribution	PL 89-369	Sec 26	Vol. II
U.S. contributions	PL 89-369	Sec 21-28	Vol. II
Taiwan as member	PL 89-369	Sec 25	Vol. II
U.S. membership			
acceptance of	PL 89-369	Sec 2	Vol. II

			Page
ADB--Continued			
U.S. Special Resources	PL 89-369	Sec 12-17	Vol. II
where spent	PL 89-369	Sec 13	Vol. II
Adjustment assistance (see Trade injuries)			
Adjustment Assistance Coordinating Committee			
trade injuries	PL 93-618	Sec 281	Vol. II
Advisory Committee for Trade Negotiations			
trade agreements	PL 93-618	Sec 135	Vol. II
Advisory Panel on Overseas Security			
report to Congress	PL 99-399	Sec 407	1446
AEC			
abolished	PL 83-703	Note	Vol. II
reports to Congress	PL 83-703	Sec 251	Vol. II
restricted data			
available to other Government agencies	PL 87-297	Sec 45	979
AFDB			
appropriations, 1987	PL 99-591	Title I	491
U.S. foreign aid	PL 87-195	Sec 206	59
U.S. Governor to	PL 97-35	Sec 1333	Vol. II
U.S. membership	PL 97-35	Sec 1332	Vol. II
U.S. subscription of stock	PL 97-35	Sec 1338	Vol. II
AFDF			
contributions to	PL 99-591	Title I	490
courts			
jurisdiction	PL 94-302	Sec 208	Vol. II
U.S. Governor	PL 94-302	Sec 203	Vol. II
U.S. participation in	PL 94-302	Sec 202	Vol. II
U.S. subscription			
authorization	PL 94-302	Sec 206	Vol. II
increase	PL 94-302	Sec 212	Vol. II
voting instructions	PL 94-302	Sec 210	Vol. II
Afghan Alliance	PL 99-354		Vol. II
Afghanistan			
ESF	PL 99-83	Sec 904	355
foreign aid, 1987	PL 99-591	Sec 541	512
humanitarian relief	PL 99-661	Sec 331	672
humanitarian relief			
sense of Congress	PL 98-525	Sec 1542	737
radio broadcasting to	PL 93-129	Sec 14	1625
Refugees			
humanitarian relief	PL 99-145	Sec 305	690
U.S. policy toward			
findings of Congress	PL 99-399	Sec 1308	1474
Afghanistan Day - Proclamation	PL 99-252		Vol. II
Afghanistan-U.S. relations			
foreign aid prohibited	PL 87-195	Sec 620D	192
most-favored-nation treatment			
authority to deny	PL 99-190	Sec 118	Vol. II
trade relations	PL 99-190	Sec 118	Vol. II
Africa			
Cuban troops	PL 95-426	Sec 613	1079
famine relief	PL 99-10	Title I	523
emergency reserve funds	PL 99-10	Title II	524
food aid			
appropriations, 1985	PL 99-10	Title I	523
locust	PL 95-424	Sec 120	429
Africa-U.S. relations			
foreign aid	PL 87-195	Sec 206	59
famine relief	PL 87-195	Sec 495K	132
Africa, Sub-Saharan-U.S. relations			
arms sales			
limited	PL 90-629	Sec 33	267
Special Facility for Sub-Saharan Africa			
contribution to	PL 99-591	Title I	489
African Development Bank (see AFDB)			
African Development Bank Act	PL 97-35		Vol. II
African Development Foundation	PL 95-424	Sec 122	429
appropriations, 1987	PL 99-591	Title II	497
authorization of			
appropriations, 1984	PL 98-151	Sec 101(b)(2)	369
established	PL 96-533	Sec 503	401
management of	PL 96-533	Sec 507	408
purposes	PL 96-533	Sec 504	404
African Development Foundation Act	PL 96-533	Sec 501	401
African Development Fund (see AFDF)			
African Development Fund Act	PL 94-302		Vol. II

			Page
African Famine Relief and Recovery Act of 1985	PL 99-8		366
African National Congress			
U.S. policy toward	PL 99-440	Title I	Vol. II
Agency for International Development (see AID)			
Agents (see Foreign agents registration)			
Aging			
U.N. assembly on	PL 95-424	Sec 117(e)	428
	PL 98-164	Sec 119	1034
Agricultural Act of 1980	PL 96-494		883
Agricultural commodities (see also Agricultural commodity sales)			
exchanged for strategic materials	PL 81-439	Sec 416(d)	829
	PL 99-198	Sec 1129	843
	PL 99-198	Sec 1167	849
export credits	PL 99-198	Sec 1125	839
export subsidies	PL 99-198	Sec 1123	838
exports			
cooperator market development program	PL 99-198	Sec 1126	839
expanding U.S. markets	PL 99-198	Sec 1127	840
programs impacting on	PL 99-[illegible]	Sec 1162	847
U.S. maritime industry	PL 99-198	Sec 1141	846
of U.S. origin			
purchasing	PL 99-83	Sec 205	309
tied aid credits program	PL 99-83	Sec 206	309
transported in U.S. ships	49 Stat. 1985	Sec 901b	544
Agricultural commodity sales (see also Food aid) (see also Food for Peace)			
administration of	EO 12220		865
Advisory Committee	PL 83-480	Sec 407	804
agricultural commodity defined	PL 83-480	Sec 402	801
appropriation for PL 480, 1987	PL 99-591	Sec 101(a)	858
authorization of appropriations	PL 92-226	Sec 2	466
	PL 83-480	Sec 403	802
availability on multiyear basis	PL 83-480	Sec 413	806
bilateral agreements			
conditioned	PL 83-480	Sec 109	785
termination	PL 83-480	Sec 109	785
commodities available	PL 83-480	Sec 401	800
Commodity Credit Corporation	PL 83-480	Sec 102	769
congressional consultation	PL 97-98	Sec 1202	899
consultation with other exporting nations	PL 97-98	Sec 1206	903
control of	PL 97-444	Sec 238	Vol. II
cotton sales	PL 85-931	Sec 8	809
dollars on credit terms	PL 83-480	Sec 106	779
educational and cultural exchange	PL 83-480	Sec 104(b)(2)	774
exchanged for strategic materials	PL 83-480	Sec 310	799
export assistance	PL 98-258	Sec 501	815
export controls			
protection	PL 97-98	Sec 1204-1205	900
export subsidies			
IMF	PL 79-171	Sec 44	Vol. II
export subsidy program	PL 97-98	Sec 1203	899
exports			
dairy products	PL 99-198	Sec 1163	847
exports prohibited to USSR			
Commodity Credit Corporation purchases	PL 96-494	Sec 206	884
price supports	PL 96-494	Sec 203	883
financing	PL 83-480	Sec 204	792
Food for Development Program	PL 83-480	Sec 301	794
country designation	PL 83-480	Sec 302	795
foreign currencies	EO 12220	Sec 1-4	866
	PL 93-205	Sec 8	Vol. II
release prohibited	PL 87-195	Sec 612	175
foreign currency usage by PVOs	PL 83-480	Sec 207	793
foreign currency uses			
balance of payments	PL 83-480	Sec 105	779
conditions on	PL 83-480	Sec 206	793
debt payments	PL 83-480	Sec 104(a)	773
disaster relief	PL 83-480	Sec 104(d)	776

Page

- Agricultural commodity sales--Continued
        - population growth----- PL 83-480 Sec 104(h) 776
        - report to Congress---- PL 81-439 Sec 416(b) 824
        - travel---------------- PL 83-480 Sec 104(j) 776
    - foreign self-help measures- PL 83-480 Sec 109 785
    - foreign self-sufficiency--- PL 83-480 Sec 406 803
        - PL 99-198 Sec 1107 832
    - Foreign Service buildings-- PL 83-480 Sec 104(b)(4) 775
    - free enterprise
        - agricultural policies- PL 99-198 Sec 1110 832
    - friendly countries
        - defined--------------- PL 83-480 Sec 103(d) 770
    - human rights--------------- PL 83-480 Sec 112 787
    - markets developed---------- PL 83-480 Sec 104(b)(1) 773
    - North Vietnam restrictions- PL 83-480 Sec 411 806
    - objectives----------------- PL 83-480 Sec 404(a) 802
    - operation of review-------- PL 95-113 Sec 1210 814
    - policy direction----------- PL 83-480 Sec 114 788
    - population growth---------- PL 83-480 Sec 405 803
    - private enterprise--------- PL 83-480 Sec 107 781
        - foreign currency uses- PL 83-480 Sec 108 782
    - promotion of--------------- PL 97-253 Sec 135 911
    - publicity------------------ PL 83-480 Sec 103(l) 772
    - publicity of U.S. role----- PL 83-480 Sec 202 790
    - purchased by bid----------- PL 83-480 Sec 115 788
    - purpose of----------------- PL 83-480 Sec 2 768
    - report to Congress--------- PL 83-480 Sec 408 805
    - revolving fund------------- PL 89-808 Sec 4(d) 874
    - science and technology----- PL 83-480 Sec 104(b)(3) 775
    - Secretary of State--------- PL 83-480 Sec 406 803
    - suspension of-------------- PL 96-494 Sec 208 885
    - trade suspension reserve--- PL 96-494 Sec 208 885
    - U.N. world food program---- PL 83-480 Sec 205 793
    - use in obtaining natural resources---------------- PL 96-494 Sec 210 889
- Agricultural Export Credit Revolving Fund--------------- PL 89-808 Sec 4(d) 874
- Agricultural price supports
    - termination
        - minimizing effects on production---------- PL 99-198 Sec 104 831
- Agricultural production
    - financial institutions (international)
        - aid from-------------- PL 95-118 Sec 901 Vol. II
    - price support program termination
        - minimizing effects---- PL 99-198 Sec 104 831
- Agricultural Programs Adjustment Act, 1984--------- PL 98-258 815
- Agricultural Trade Act of 1949- PL 81-439 819
- Agricultural Trade Act of 1978- PL 95-501 877
- Agricultural Trade and Export Policy Commission Act-------- PL 97-98 Sec 1217 906
- Agricultural Trade and Food Aid, Special Assistant for--- PL 99-198 Sec 1113 835
- Agricultural Trade Development and Assistance Act of 1954--- PL 83-480 767
- Agricultural Trade Officers---- PL 95-501 Sec 401 878
- Agricultural Trade Suspension Adjustment Act of 1980------- PL 96-494 883
- Agriculture
    - Agricultural Trade and Export Policy, National Commission on------------ PL 97-98 Sec 1220 906
    - assistance to poor countries---------------- H. Res. 1399 Vol. II
    - commodities
        - export controls on---- PL 96-72 Sec 7(g) Vol. II
    - exports
        - foreign exchange risks PL 99-198 Sec 1130 845
    - food reserves-------------- PL 83-480 Sec 412 806
    - international cooperation-- PL 99-198 Sec 1402 851
    - International Fertilizer Development Center
        - U.S. particiaption---- PL 87-195 Sec 301(f) 103
    - research------------------- PL 87-195 Sec 103A 27
        - PL 87-195 Sec 296 95
        - international cooperation--------- PL 87-195 Sec 297 97
    - trade consultations with other countries---------- PL 99-198 Sec 1123 838
- Agriculture and Food Act of 1981------------------------ PL 97-98 899
- Agriculture, Department of
    - attache reports------------ PL 99-198 Sec 1132 844
    - Under Secretary for International Affairs and Commodity Programs------- PL 95-501 Sec 501 881

		Page
Agriculture, Rural Development, and Related Agencies		
Appropriations Act, 1987-----	PL 99-591 Sec 101(a)	857
Agriculture, Secretary of		
(see also Agricultural commodity sales)		
PL 480		
administration of-----	EO 12220 Sec 1-1	865
AID		
auditing OPIC--------------	PL 87-195 Sec 239	89
continuation within IDCA---	EO 12163 Sec 1-103	621
development assistance		
appropriations, 1987--	PL 99-591 Title II	492
drug education programs		
authorizations of		
appropriations------	PL 99-570 Sec 2028	618
drug education programs abroad		
appropriations--------	PL 99-591 Sec 101(n)	1534
Export-Import Bank		
tied aid credit		
program-------------	PL 98-181 Sec 641-647	Vol. II
Inspector General		
security activities---	PL 97-113 Sec 705(a)	381
	PL 95-452 Sec 8A	Vol. II
Inspector General, assistant		
appointed-------------	PL 97-113 Sec 705(a)	381
International Private Investment Advisory		
Council on Foreign Aid---	PL 87-195 Sec 601	163
operating expenses		
appropriations, 1987--	PL 99-591 Title II	494
OPIC management------------	PL 87-195 Sec 233(b)	74
personnel		
unified system--------	PL 95-424 Sec 401	430
transfer of functions to		
OPIC---------------------	EO 11579 Sec 4	646
Vitamin A Deficiency Program		
appropriations, 1987--	PL 99-591 Title II	492
Air carriers		
foreign--------------------	PL 95-426 Sec 706	1080
suspension of flights to		
and from Lebanon---------	50 FR 31835	Vol. II
suspension of flights to		
and from South Africa----	PL 99-440 Title III	Vol. II
Aircraft		
AWACS		
foreign military sales	PL 99-83 Sec 131	304
B-1B bomber program		
sense of Congress-----	PL 99-145 Sec 1425	705
OA-37 Dragonfly		
foreign military sales	PL 98-525 Sec 113	716
piracy---------------------	PL 93-366 Sec 103	Vol. II
security standards---------	PL 93-366 Sec 106	Vol. II
strategic bomber programs		
sense of Congress-----	PL 99-145 Sec 1425	705
suspension of air service--	PL 93-366 Sec 106	Vol. II
Airports		
foreign airport security---	PL 99-83 Sec 551	313
explosive detection		
techniques----------	PL 99-83 Sec 557	318
Alaska natives		
killing endangered species-	PL 93-205 Sec 10(e)	Vol. II
Alaskan pipeline		
negotiations with Canada---	PL 93-153 Sec 301	Vol. II
Albert Schweitzer Hospital		
U.S. grants to-------------	PL 93-189 Sec 33	462
Alcohol (fuel)		
use of protein byproducts		
from---------------------	PL 97-98 Sec 1208	904
Alien employees		
foreign aid program--------	PL 87-195 Sec 635	209
Allegiance		
(see Loyalty)		
Alliance for Progress		
foreign military budgets---	PL 87-195 Sec 620(s)	186
Ambassadors		
(see also Chief of mission)		
(see also Foreign ministers)		
qualifications-------------	PL 84-885 Sec 18	1130
transportation abroad------	PL 84-885 Sec 11	1127
U.S. representative to U.N.	PL 79-264 Sec 2	Vol. II
American Institute of Taiwan---	PL 96-8 Sec 6	Vol. II
employment of U.S.		
personnel----------------	PL 96-8 Sec 11	Vol. II
services to U.S. citizens--	PL 96-8 Sec 7	Vol. II
tax exempt status----------	PL 96-8 Sec 8	Vol. II

			Page
American schools and hospitals abroad			
appropriations, 1987-------	PL 99-591	Title II	494
American-Australian Bicentennial Foundation			
grant to-------------------	PL 99-93	Sec 106	1004
Anglo-Irish Agreement			
U.S. contributions in support of---------------	PL 99-415		297
Anglo-Irish Agreement Support Act of 1986------------------	PL 99-415		297
Angola-U.S. relations			
aid prohibition------------	PL 99-591	Sec 512	504
policy toward U.S. business transactions in----------	PL 99-472	Sec 21	Vol. II
Angola-U.S.S.R. relations------	PL 94-329	Sec 405	445
Antarctic Marine Living Resources Convention Act of 1984-------------------------	PL 98-623		Vol. II
Antidumping-------------------	PL 71-361	Sec 516A	Vol. II
appraisals of value--------	PL 71-361	Sec 516A	Vol. II
imports affected-----------	PL 93-618	Sec 201	Vol. II
Antidumping duties			
conditional payment of-----	PL 71-361	Sec 738	Vol. II
determination			
final-----------------	PL 71-361	Sec 735	Vol. II
preliminary-----------	PL 71-361	Sec 733	Vol. II
imposition of--------------	PL 71-361	Sec 731	Vol. II
investigation			
initiation of----------	PL 71-361	Sec 732	Vol. II
termination of--------	PL 71-361	Sec 734	Vol. II
orders published-----------	PL 71-361	Sec 736	Vol. II
review of------------------	PL 71-361	Sec 751	Vol. II
Antihijacking Act of 1974------	PL 93-366		Vol. II
Apartheid			
ending in South Africa-----	PL 99-93	Sec 211(c)	1506
IMF			
congressional instructions--------	PL 79-171	Sec 43(b)	Vol. II
international efforts to undermine----------------	PL 99-440	Title IV	Vol. II
progress towards ending system			
reports to Congress---	PL 99-440	Title V	Vol. II
U.S. efforts to undermine--	PL 99-440	Title III	Vol. II
U.S. policy toward---------	PL 99-83	Sec 803	349
U.S. policy toward ending--	PL 99-440	Title I	Vol. II
victims of			
measures to assist----	PL 99-440	Title II	Vol. II
Appropriations			
examination of estimates in the field----------------	PL 83-207	Sec 1108	Vol. II
valid obligations----------	31 USC 1108		528
Aptheker v. Secretary of State			
passports			
communist			
organizations-------	64 Stat. 987		1382
Arab-Israeli conflict (see Middle East)			
Arbitral awards			
full faith and credit of---	PL 89-532	Sec 3	Vol. II
Arbitration			
Interparliamentary Union---	PL 74-170	Sec 1	Vol. II
investment disputes			
OPIC------------------	PL 87-195	Sec 237	84
nationalizations-----------	PL 87-195	Sec 620(e)(1)	182
Arbitrators (see Arbitration)			
Archaelogical material			
convention on--------------	PL 97-446		1593
Arctic Research and Policy Act of 1984----------------------	PL 98-373		Vol. II
Arctic Research Commission-----	EO 12501		Vol. II
Argentina-U.S. relations			
nuclear materials			
export of-------------	PL 98-164	Sec 1007	1039
U.S. aid and sales			
conditions on---------	PL 97-113	Sec 725	391
Armed forces (see Military)			
Arms			
chemical and biological			
transport of----------	PL 91-672	Sec 13	472
Arms Control------------------	PL 99-661	Title X	673
Arms control (see also ACDA)			
agreements			
U.S. compliance with--	PL 87-297	Sec 52	986
U.S. support of-------	PL 98-525	Sec 1110	730
verification of-------	PL 87-297	Sec 37	975

Page

- Arms control--Continued
  - chemical and biological weapons programs
    - verification---------- PL 98-525 Sec 1109 729
  - compliance with existing agreements
    - sense of Congress----- PL 99-145 Sec 1001 691
  - conventional arms transfers
    - negotiations to limit- PL 99-83 Sec 129 302
  - conventional weapons
    - developing nations---- PL 93-559 Sec 51 458
  - coventional arms transfers
    - report to Congress---- PL 99-83 Sec 129 302
  - defined-------------------- PL 87-297 Sec 3 967
  - disarmament as
    - Congressional goal------- PL 93-126 Sec 16 1108
  - less developed countries
    - limiting conventional arms---------------- PL 99-83 Sec 129 302
  - lethal products
    - review of------------- PL 95-92 Sec 27 444
  - negotiator (U.S.)----------- PL 87-297 Sec 27 970
  - nuclear risk reduction centers
    - sense of Congress----- PL 98-525 Sec 1108 728
    - sense of Congress in support of---------- PL 99-661 Sec 1004 675
  - nuclear testing
    - sense of Congress----- PL 99-661 Sec 1002 673
  - nuclear winter
    - report to Congress---- PL 98-525 Sec 1107 727
  - policy and negotiations
    - weapons impact on----- PL 87-297 Sec 36 973
  - SALT II continued compliance with
    - sense of Congress----- PL 99-661 Sec 1001 673
  - Soviet compliance
    - report to Congress---- PL 99-145 Sec 1002 692
      PL 98-525 Sec 1106 727
  - strategic defense programs
    - annual report on------ PL 98-525 Sec 1102 725
    - report to Congress---- PL 98-525 Sec 1101 724
  - tactical nuclear warheads reduction
  - test ban treaties
    - ratification of------- PL 98-525 Sec 1111 732
  - theater nuclear weapons
    - report to Congress---- PL 98-525 Sec 1103 725
  - U.S. arms control negotiating team
    - constructing new building------------ PL 99-93 Sec 705 987
  - U.S. compliance with
    - report to Congress---- PL 87-297 Sec 52 986
  - U.S. counter force capability
  - U.S. foreign policy goals-- PL 90-629 Sec 1 237
  - U.S. non-compliance
    - report to Congress---- PL 99-661 Sec 1003 674
  - verification capabilities
    - study on-------------- PL 99-145 Sec 1003 692
  - visiting scholar program--- PL 87-297 Sec 26 970
- Arms Control and Disarmament Act-------------------------- PL 87-297 963
- Arms Control and Disarmament Act Authorization for Fiscal Years 1986 and 1987---------- PL 99-93 987
- Arms Control and Disarmament Agency
  - (see ACDA)
- Arms Control and Disarmament Negotiations, Special Representative for----------- PL 87-297 Sec 27 970
- Arms Export Control Act-------- PL 90-629 237
- Arms export controls
  - administration of---------- EO 11958 650
- Arms sales (U.S.)
  - administration of---------- EO 11958 650
    - expenses-------------- PL 90-629 Sec 43 282
  - authorization of appropriations----------- PL 90-629 Sec 31 265
  - cash sales----------------- PL 90-629 Sec 21-22 248
    - waiver of costs------- PL 99-591 Sec 9034 684
  - commercial exports
    - agent fees------------ PL 90-629 Sec 39 279
    - illegal payments------ PL 94-329 Sec 607 452
    - items manufactured by U.S. Government----- PL 90-629 Sec 30 264
    - reports to Congress--- PL 90-629 Sec 36(c) 275
    - suspension------------ PL 90-629 Sec 42(e) 282

Page

Arms sales (U.S.)--Continued
congressional opposition to PL 90-629 Sec 36(b) 270
coproduction outside U.S. PL 90-629 Sec 42 280
counterpart funds PL 87-195 Sec 609 173
countries aiding terrorists
prohibition PL 90-629 Sec 3(f) 245
credit sales PL 90-629 Sec 23 253
appropriations, 1987 PL 99-591 Title III 500
credits
repayment PL 96-92 Sec 17(b) 421
decrement stock 10 USC 975 657
Egypt PL 99-83 Sec 101 300
eligibility of foreign
countries PL 90-629 Sec 3 240
excess defense articles
maximum acquisition
costs PL 90-629 Sec 31(d) 267
Export-Import Bank PL 90-629 Sec 32 267
exporting to countries
supporting international
terrorism
prohibited PL 90-629 Sec 40 280
foreign currencies
Special Account PL 87-195 Sec 609 173
foreign intimidation and
harassment PL 90-629 Sec 6 248
from stocks
readiness impact 10 USC 133b 654
Greece PL 99-83 Sec 101 300
guarantees to U.S.
businesses PL 90-629 Sec 24 255
impact on U.S industrial
base PL 98-525 Sec 1522 734
implementation of PL 91-672 470
Israel PL 99-83 Sec 101 300
PL 95-92 Sec 26 444
PL 91-672 Sec 5 470
Jordan PL 99-83 Sec 130 303
leasing
authority PL 90-629 Sec 61 287
congressional review PL 90-629 Sec 63 289
report to Congress PL 90-629 Sec 62 288
less developed countries PL 90-629 Sec 1 237
sophisticated weapons PL 90-629 Sec 4 245
licensed production outside
U.S. PL 90-629 Sec 42 280
military construction
services PL 90-629 Sec 29 263
NATO
cooperative projects PL 90-629 Sec 27 260
personnel PL 90-629 Sec 42(f) 282
procurement outside U.S. PL 90-629 Sec 42 280
prohibition on certain
articles 10 USC 975 657
regulations PL 90-629 Sec 38 277
reimbursements PL 87-195 Sec 524 151
report to Congress PL 99-83 Sec 106 302
reports to Congress PL 90-629 Sec 25 257
PL 90-629 Sec 28 263
PL 90-629 Sec 36 268
Saudi Arabia PL 99-83 Sec 131 304
SDAF PL 90-629 Sec 51 285
Secretary of State's
authority PL 90-629 Sec 2 240
security assistance surveys PL 90-629 Sec 26 259
sophisticated weapons PL 90-629 Sec 3-4 240
transfers PL 90-629 Sec 3(d) 243
transportation of to allies
costs 10 USC 2213 658
Turkey PL 99-83 Sec 101 300
U.N. obligations PL 90-629 Sec 4 245
unauthorized use of PL 90-629 Sec 3(c) 242
vessels
transfer of PL 97-342 762
weapons manufactured in
Army arsenal
sales restrictions 10 USC 2208 658
worldwide PL 91-672 Sec 6 470
Arms sales
international controls on PL 90-629 Sec 1 237
South Africa
embargo viloations PL 99-440 Title V Vol. II
training and related
support
exchange of PL 90-629 Sec 30A 265
Arms transfers (U.S.)
restrictions on PL 99-591 Sec 9036 684
Arms transfers
by intelligence agencies
report to Congress PL 99-569 Sec 602 290

			Page
Art			
(see Educational and cultural exchange)			
Arts, Advisory Committee on----	PL 87-256	Sec 106	1551
Asia			
Amerasian children			
report to Congress----	PL 99-83	Sec 903	355
Asia Foundation			
appropriation, 1987--------	PL 99-591	Sec 101(b)	1117
authorization of appropriations, 1986-87--	PL 98-164	Sec 404	1428
Congressional findings-----	PL 98-164	Sec 402	1427
supplemental appropriations, 1986-----	PL 99-349	Chapter II	1120
U.S. contribution, 1982-83-	PL 97-241	Sec 111	1050
U.S. grant to-------------	PL 98-164	Sec 403	1428
Asia Foundation Act------------	PL 98-164	Sec 401	1427
Asian Development Bank			
(see ADB)			
Asian Development Fund			
U.S. contribution to-------	PL 89-369	Sec 24	Vol. II
Astronauts			
(see Outer space)			
Atlantic Salmon Convention Act of 1982----------------------	PL 97-389	Title III	Vol. II
Atlantic Tunas Convention Act of 1975			
(see also Fisheries, tuna)-	PL 94-70		Vol. II
appropriation authorization	PL 94-70	Sec 10	Vol. II
Atomic energy			
(see also IAEA)			
Berlin-U.S. cooperation----	PL 83-703	Sec 125	Vol. II
byproduct material distribution----------	PL 83-703	Sec 81-84	Vol. II
defined--------------------	PL 83-703	Sec 11(c)	Vol. II
EURATOM			
U.S. approval---------	S. Con. Res. 85-116		Vol. II
U.S. liability--------	PL 85-846	Sec 7	Vol. II
U.S. purchase from----	PL 85-846	Sec 6	Vol. II
U.S. sale to----------	PL 85-846	Sec 5	Vol. II
European-U.S. cooperation--	PL 85-846		Vol. II
export licensing procedure-	PL 83-703	Sec 126	Vol. II
export of			
congressional review--	PL 83-703	Sec 130	Vol. II
criteria--------------	PL 83-703	Sec 127-128	Vol. II
India-----------------	EO 12055		Vol. II
requirements----------	PL 95-242	Sec 402	Vol. II
termination-----------	PL 83-703	Sec 129	Vol. II
findings of Congress-------	PL 83-703	Sec 2	Vol. II
IAEA-----------------------	PL 85-177	Sec 3	Vol. II
information control--------	PL 83-703	Sec 141-145	Vol. II
information for Congress---	PL 83-703	Sec 303	Vol. II
international arrangement defined--------------	PL 83-703	Sec 11(n)	Vol. II
international atomic pool--	PL 83-703	Sec 124	Vol. II
international cooperation--	PL 83-703	Sec 123	Vol. II
	PL 95-242	Sec 404	Vol. II
information exchange--	PL 83-703	Sec 144	Vol. II
license issuance-----------	PL 83-703	Sec 102-103	Vol. II
license required-----------	PL 83-703	Sec 101	Vol. II
medical therapy------------	PL 83-703	Sec 104	Vol. II
military application-------	PL 83-703	Sec 91-92	Vol. II
non-military application international cooperation---------	PL 83-703	Sec 124	Vol. II
NRC			
licensing-------------	PL 83-703	Sec 111	Vol. II
nuclear fuel supply--------	PL 95-242	Sec 101-105	Vol. II
international cooperation---------	PL 95-242	Sec 104	Vol. II
nuclear incident			
defined---------------	PL 83-703	Sec 11(q)	Vol. II
peaceful uses of-----------	PL 95-242	Sec 403	Vol. II
restricted data------------	PL 83-703	Sec 141-145	Vol. II
CIA transmission of---	EO 10899		Vol. II
defined---------------	PL 83-703	Sec 11(y)	Vol. II
restrictions on-------	PL 83-703	Sec 145	Vol. II
State Department transmission of-----	EO 11057		Vol. II
source material			
defined---------------	PL 83-703	Sec 11(z)	Vol. II
foreign distribution--	PL 83-703	Sec 64	Vol. II
reports to Congress---	PL 83-703	Sec 61	Vol. II
transfer of-----------	PL 83-703	Sec 62	Vol. II
special nuclear material---	PL 83-703	Sec 51	Vol. II
acquisition of--------	PL 83-703	Sec 55	Vol. II
defined---------------	PL 83-703	Sec 11(aa)	Vol. II
foreign distribution of-----------------	PL 83-703	Sec 54	Vol. II
prohibitions----------	PL 83-703	Sec 57	Vol. II

			Page
Atomic energy--Continued			
reports to Congress	PL 83-703	Sec 58	Vol. II
subsequent arrangements	PL 83-703	Sec 131	Vol. II
U.S. policy declaration	PL 83-703	Sec 1	Vol. II
Atomic Energy Act of 1954	PL 83-703		Vol. II
purpose of Act	PL 83-703	Sec 3	Vol. II
Atomic weapons	PL 83-703	Sec 91	Vol. II
defined	PL 83-703	Sec 11(d)	Vol. II
international cooperation information exchange	PL 83-703	Sec 144	Vol. II
Attorney General			
criminal violations reports from Inspector General	PL 95-452	Sec 4	Vol. II
foreign agents registration	PL 75-583	Sec 2	Vol. II
AWACS			
Saudi Arabia Presidential certification	PL 99-83	Sec 131	304
Awards			
(see Arbitral awards)			
B			
Balance of payments			
foreign aid procurement abroad	PL 87-195	Sec 604	167
GATT	PL 93-618	Sec 121-122	Vol. II
OPIC guarantees	PL 87-195	Sec 237	84
reserved foreign currencies available	31 USC 5303		541
Balanced Budget and Emergency Deficit Control Act of 1985			
program, project and activity defined	PL 99-591	Sec 550	519
Baltic Freedom Day - Proclamation	PL 99-329		Vol. II
Bank Export Services Act	PL 97-290	Sec 201	Vol. II
Banks			
(see also ADB) (see also IADB) (see also MDBs) (see also World Bank)			
export trading company investment in	PL 97-290	Sec 203	Vol. II
IMF bailout of	PL 79-171	Sec 46	Vol. II
international lending information on	PL 79-171	Sec 42	Vol. II
international lending supervision	PL 98-181	Title IX	Vol. II
international system conference on	PL 98-181	Sec 1102	Vol. II
Basic human needs			
IMF policy	PL 79-171	Sec 33	Vol. II
Battle Act			
(see Export Administration Act of 1979)			
Bay of Pigs Invasion; Twenty-Fifth Anniversary - Proclamation	PL 99-279		Vol. II
Beirut Agreement of 1949			
(see Educational and cultural exchange, importing material)			
Berlin			
(see also Germany-U.S. relations)			
access to	H. Con. Res. 87-570		Vol. II
Berlin Resolution	H. Con. Res. 87-570		Vol. II
Binary chemical munitions			
prohibition on procurement	PL 98-525	Sec 111	716
Board for International Broadcasting			
(see also Radio Free Europe and Radio Liberty)			
appropriations, 1987	PL 99-591	Title V	1631
supplemental appropriations, 1986	PL 99-349	Chapter II	1632
task force on broadcasting to Soviet Jewry	PL 99-93	Sec 306	1627
Board for International Broadcasting Act of 1973			
(see Radio Free Europe and Radio Liberty)			
Board for International Broadcasting Authorization Act, FY 1984 and 1985	PL 98-164	Sec 301	1629
Board for International			

			Page
Broadcasting Authorization Act, FY 1986 and 1987--------	PL 99-93	Sec 304	1626
Board of Foreign Scholarships--	PL 87-256	Sec 106	1551
	EO 11034	Sec 7	1559
	PL 99-93	Sec 608	1566
Board of the Foreign Service (see Foreign Service)			
Bolivia-U.S. relations			
foreign aid			
conditions for--------	PL 99-83	Sec 611	319
Books, publications and documents (see Educational and cultural exchange, importing materials			
Borrowing (see respective MDBs)			
Boycotts (foreign)			
U.S. person participation in----------------------	PL 96-72	Sec 8	Vol. II
Brain drain (see Education) (see Educational and cultural exchange) (see Science and technology)			
Brazil-U.S. relations			
Ex-Im Bank special facility	PL 79-173	Sec 13	Vol. II
Bretton Woods Agreements Act---	PL 79-171		Vol. II
capital stock-------------	PL 79-171	Sec 16	Vol. II
courts			
jurisdiction----------	PL 79-171	Sec 10	Vol. II
venue-----------------	PL 79-171	Sec 10	Vol. II
default of foreign governments--------------	PL 79-171	Sec 9	Vol. II
Gold Reserve Act fund------	PL 79-171	Sec 18	Vol. II
information furnished------	PL 79-171	Sec 8	Vol. II
International Finance Corporation			
World Bank-----------	PL 79-171	Sec 21	Vol. II
interpretation of IMF Articles----------------	PL 79-171	Sec 13	Vol. II
limitations on President---	PL 79-171	Sec 5	Vol. II
loan stabilization---------	PL 79-171	Sec 12	Vol. II
loans to IMF--------------	PL 79-171	Sec 17	Vol. II
member banks--------------	PL 79-171	Sec 6	Vol. II
policy of United States----	PL 79-171	Sec 14	Vol. II
privileges and immunities--	PL 79-171	Sec 11	Vol. II
securities----------------	PL 79-171	Sec 15	Vol. II
subscriptions			
payment of-----------	PL 79-171	Sec 7	Vol. II
U.S. memberships in financial institutions authorized--------------	PL 79-171	Sec 2	Vol. II
Bretton Woods Agreements Act Amendments, 1978------------	PL 95-435		Vol. II
Bretton Woods Agreements Act Amendments, 1980------------	PL 96-389		Vol. II
British-U.S. relations			
parliamentary group--------	PL 98-164	Sec 109(b)	1030
Broadcasting (see also Cuba, broadcasting to) (see also Radio Free Europe and Radio Liberty)			
appropriations authorization-----------	PL 93-129	Sec 8	1622
Buildings (abroad) (see Foreign Service buildings)			
Bulgaria-U.S. relations			
claims			
liquidation of property-----------	PL 81-455	Sec 201-216	Vol. II
claims against------------	PL 81-455	Sec 301-318	Vol. II
Bureau of Diplomatic Security			
Diplomatic Security Service	PL 99-399	Sec 201	1438
Bureau of International Narcotics Matters-----------	PL 99-93	Sec 131	1008

C

Camarena, Enrique-------------	PL 99-93	Sec 134(c)	1009
Cambodia-U.S. relations (see also Indochina War)			
aid prohibition-----------	PL 95-424	Sec 602	431
	PL 99-591	Sec 512	504
defense commitment of U.S.-	PL 91-652	Sec 7	469
disaster relief assistance-	PL 87-195	Sec 495H	130
foreign aid---------------	PL 99-83	Sec 905	355

Page

- Cambodia-U.S. relations--Continued
    - prohibited------------ PL 96-533 Sec 717 408
  - human rights--------------- PL 95-426 Sec 610 1077
  - Khmer Rouge
    - foreign aid
      - prohibition---------- PL 99-83 Sec 905 355
  - military aid, 1987---------- PL 99-591 Sec 543 512
- Camp David Accords
  - continued participation of Egypt--------------------- PL 99-591 Title II 496
- Canada-U.S. relations
  - (see also International Joint Commission)
  - acid rain------------------ PL 98-164 Sec 1008 1039
  - airports------------------- PL 94-329 Sec 608 452
  - Alaskan pipeline----------- PL 93-153 Sec 301 Vol. II
  - deepwater ports------------ PL 93-627 Sec 22 Vol. II
  - environment---------------- PL 95-426 Sec 612 1078
  - hog and pork imports------- PL 98-573 Sec 250 Vol. II
  - interparliamentary group--- PL 86-42 Vol. II
  - livestock imports---------- PL 99-83 Sec 721 335
- Canada-U.S. Relations
  - reciprocal fisheries agreement----------------- PL 95-6 Sec 5 Vol. II
- Canada-U.S. relations
  - Saint Lawrence Seaway toll- PL 95-105 Sec 110 1085
  - timber imports------------- PL 99-83 Sec 721 335
  - trade
    - free trade zone------- PL 93-618 Sec 612 Vol. II
  - trade agreements----------- PL 93-618 Sec 126 Vol. II
- Capital
  - Social Progress Trust Fund
    - transfers from-------- PL 93-189 Sec 36 463
- Capital flows
  - significance to U.S.------- PL 93-110 Sec 5315 Vol. II
- Capital stock
  - Bretton Woods Agreements Act----------------------- PL 79-171 Sec 16 Vol. II
  - IDA
    - payment of subscriptions------- PL 86-565 Sec 7 Vol. II
  - IFC
- Caribbean (eastern)
  - foreign aid
    - report to Congress---- PL 96-533 Sec 313 399
- Caribbean
  - International Advisory Commission for the Caribbean Region--------- PL 99-83 Sec 714 332
- Caribbean Basin Economic Recovery Act----------------- PL 98-67 Vol. II
  - implementation of---------- Proc 5133 Vol. II
- Caribbean Basin Initiative
  - (see CBI)
- Caribbean Development Bank----- PL 96-533 Sec 315 399
  - Puerto Rican membership---- PL 93-559 Sec 52 459
- Caribbean hurricane relief assistance------------------ PL 87-195 Sec 495G 130
- Case Act----------------------- PL 92-403 1161
- CBI
  - implementation of---------- Proc 5133 Vol. II
  - International Trade Commission
    - report to Congress---- PL 98-67 Sec 215 Vol. II
  - labor impact
    - study on-------------- PL 98-67 Sec 216 Vol. II
  - Puerto Rico and U.S. insular possesions------- PL 98-67 Sec 214 Vol. II
  - sugar imports-------------- PL 98-67 Sec 231 Vol. II
  - tax provisions------------- PL 98-67 Sec 221-223 Vol. II
  - trade initiatives---------- PL 98-67 Sec 211-218 Vol. II
    - eligible articles----- PL 98-67 Sec 213 Vol. II
    - eligible countries---- PL 98-67 Sec 212 Vol. II
  - trade initiatives eligible countries---------------- Proc 5133 Annex A Vol. II
- Ccountevailing duties
  - appraisals of value-------- PL 71-361 Sec 303 Vol. II
- Center for Cultural and Technical Interchange between East and West
  - (see East-West Center)
- Central America
  - assistance to
    - delegation of authority to implement----------- EO 12570 604
  - conflict resolution
    - report to Congress---- PL 99-591 Sec 214 568
  - economic development, peace

			Page
Central America--Continued			
and stability			
promotion of----------	PL 99-591	Sec 201	556
refugee relief-------------	PL 87-195	Sec 495I	131
U.S. armed forces in			
sense of Congress-----	PL 98-525	Sec 310	717
U.S. policy toward---------	PL 99-591	Sec 202	556
Central America Democracy, Peace, and Development Initiative			
authorization of			
appropriations-----------	PL 87-195	Sec 465	112
peace in Central America---	PL 87-195	Sec 463	110
policy statement-----------	PL 87-195	Sec 461	109
Central America peace process			
additional aid-------------	PL 99-88	Sec 105	578
Central American democracies			
foreign aid (U.S.)---------	PL 99-591	Sec 205	559
funding assistance to			
report to Congress----	PL 99-591	Sec 206	560
Chemical warfare			
condemnation of------------	PL 97-113	Sec 716	385
herbicides-----------------	EO 11850		992
Chemical Warfare Review Commission-------------------	PL 98-525	Sec 1511	733
Chemical weapons			
binary chemical munitions			
conditions for use of			
funds---------------	PL 99-145	Sec 1411	697
lethal agents and munitions			
destruction of--------	PL 99-145	Sec 1412	699
policy on banning----------	PL 99-93	Sec 707	989
prohibition			
negotiations on-------	PL 97-252	Sec 1124	750
testing			
report to Congress----	PL 99-145	Sec 1413	702
verification programs			
Chiefs of diplomatic mission			
salaries-------------------	PL 96-465	Sec 401	1193
Chiefs of diplomatic missions			
authority------------------	PL 90-629	Sec 2	240
foreign aid-----------	PL 87-195	Sec 622	194
	PL 87-195	Sec 631	202
transportation-------------	PL 84-885	Sec 11	1127
Child Survival Fund			
appropriations, 1987-------	PL 99-591	Title II	492
Children			
Asia-----------------------	PL 87-195	Sec 241	94
health of			
sense of Congress on--	PL 98-198		Vol. II
health programs			
immunizations---------	PL 99-198	Sec 1112(b)	835
universal immunizations----	PL 99-591	Sec 547	513
Children's Medical Relief International			
foreign aid----------------	PL 87-195	Sec 214(d)	61
Chile-U.S. relations			
foreign aid			
restriction-----------	PL 94-161	Sec 320	453
human rights---------------	PL 93-189	Sec 35	463
reconstruction of----------	PL 86-735	Sec 3	533
U.S. aid and sales			
conditions on---------	PL 97-113	Sec 726	391
China (People's Republic of)-U.S. relations			
agricultural attache-------	PL 94-141	Sec 106	1102
agricultural sales---------	PL 95-501	Sec 202	878
claims---------------------	PL 81-455	Sec 501-513	Vol. II
payment of------------	PL 81-455	Sec 8(f)	Vol. II
OPIC-----------------------	PL 87-195	Sec 239	89
trade----------------------	EO 12167		Vol. II
China (Republic of) (see Taiwan)			
China-U.S. relations			
increasing trade-----------	PL 99-93	Sec 807	1021
CIA----------------------------	PL 87-195	Sec 662	227
	EO 12333	Sec 1.8	1333
atomic energy			
restricted data			
transmission--------	EO 10899		Vol. II
Citizens abroad			
protection of--------------	15 Stat. 224		1378
Citizenship (U.S.)			
proof of-------------------	PL 84-885	Sec 33	1138
Civil Service			
Peace Corps personnel------	EO 11103		958
Civilian Career Service			
former Peace Corps			
personnel----------------	EO 11103		958

			Page
Claims (against U.S. Government)			
patents			
foreign aid-----------	PL 87-195	Sec 606	169
Claims			
(see also Foreign claims)			
(see also IADB)			
foreign aid			
fraud-----------------	PL 87-195	Sec 640A	216
investment disputes--------	PL 87-195	Sec 635	209
seizure of U.S. fishing vessels-----------------	PL 83-680	Sec 5	Vol. II
Climate			
unhealthful posts			
Foreign Service credit	PL 96-465	Sec 817	1239
Coal			
Federal Coal Export Commission--------------	PL 99-83	Sec 1304	362
Coast Guard			
drug-interdiction assistance--------------	PL 99-145	Sec 1421	703
fisheries			
North Pacific---------	PL 83-579	Sec 9	Vol. II
Coastal water			
(see Sea law)			
Coffee			
international agreement act of 1980-----------------	PL 96-599		Vol. II
international agreement on-	PL 96-599		Vol. II
delegation of authority-----------	EO 12297		Vol. II
Collective security			
(see Mutual defense)			
Colombo Plan Council for Technical Cooperation			
U.S. membership in---------	PL 86-108	Sec 502	534
Columbia-U.S. relations			
narcotics control----------	PL 96-533	Sec 402(c)	400
Commander-in-Chief powers			
(see also War powers)			
Indochina War--------------	PL 88-408		Vol. II
Commerce, Department of			
export trade office established--------------	PL 97-290	Sec 104	Vol. II
foreign aid program			
administration of-----	EO 12163	Sec 1-502	625
Under Secretary for Export Administration-----------	PL 96-72	Sec 15	Vol. II
Commerce, Secretary of			
educational and cultural exchange functions-------	EO 11034	Sec 3	1558
export controls------------	EO 12131		Vol. II
expositions			
U.S. participation in-	PL 91-269	Sec 2-4	1608
fisheries			
North Pacific---------	PL 83-579	Sec 7	Vol. II
foreign direct investment in U.S.-----------------	PL 93-479		Vol. II
duties regarding------	EO 11858	Sec 2	Vol. II
Office of Foreign Availability-------------	PL 96-72	Sec 5(f)	Vol. II
reports to Congress--------	PL 93-479		Vol. II
service industries			
development program			
establishment of------	PL 98-573	Sec 306	Vol. II
trade injuries			
adjustment assistance-	PL 93-618	Sec 280-282	Vol. II
adjustment assistance for firms-----------	PL 93-618	Sec 251-264	Vol. II
trade statistics-----------	PL 87-826	Sec 301	Vol. II
Commission for the Preservation of America's Heritage Abroad-	PL 99-83	Sec 1303	360
Commission on Central American Negotiations			
establishment of-----------	PL 99-591	Sec 213	566
Commission on Security and Cooperation in Europe			
(see Security and Cooperation in Europe)			
Commission on the Organization of the Government for the Conduct of Foreign Policy----	PL 92-352	Sec 602-606	1110
Commission on the Ukraine Famine Act------------------	PL 99-180		Vol. II
Commodities			
(see Trade)			
Commodity Credit Corporation			
acquiring strategic materials---------------	PL 85-931	Sec 7	809

Page

- Commodity Credit Corporation--Continued
  - agricultural commodity sales-------------------- PL 83-480 Sec 102 769
  - Agricultural Export Credit Revolving Fund----------- PL 89-808 Sec 4(d) 874
  - barter programs
    - report on status------ PL 99-64 Sec 203 Vol. II
  - deferred payments---------- PL 95-501 Sec 201 877
  - export sales--------------- PL 89-808 Sec 4 873
  - food for peace program----- PL 89-808 Sec 3-4 871
  - free enterprise
    - agricultural policies- PL 99-198 Sec 1110 832
- Communications (International)- PL 84-885 Sec 35 1138
  - (see USIA)
  - International Communications and Information Policy, Office of---------------- PL 84-885 Sec 35 1138
  - International Telecommunications Satellite Organization--- PL 99-93 Sec 146 1012
  - links between nuclear armed countries---------------- PL 99-93 Sec 706 988
  - policy-------------------- PL 95-426 Sec 601 1073
- Communications (international)
  - U.S.-Soviet Union link----- PL 99-85 758
- Communications System, National established---------------- EO 12472 Vol. II
- Communism
  - East-West trade------------ PL 93-618 Sec 402-411 Vol. II
  - Middle East
    - aggression in--------- PL 85-7 Sec 2 Vol. II
  - Western Hemishpere
    - subversion in--------- PL 87-733 Vol. II
- Communist countries
  - aggression
    - mutual defense against PL 87-195 Sec 501 134
  - defined-------------------- PL 87-195 Sec 620(f) 183
  - duty-free treatment denied- PL 93-618 Sec 502 Vol. II
  - IMF participation---------- PL 79-171 Sec 43(a) Vol. II
  - U.S. relations with
    - foreign aid----------- PL 87-195 Sec 620(f) 183
- Compact of Free Association
  - approval and effective date PL 99-239 Title Four Vol. II
  - approval between U.S. and Palau------------------- PL 99-658 Vol. II
  - approval of---------------- PL 99-239 Sec 101 Vol. II
  - definition of terms-------- PL 99-239 Title Four Vol. II
  - economic relations--------- PL 99-239 Title Two Vol. II
  - governmental relations----- PL 99-239 Title One Vol. II
  - investment development funds------------------- PL 99-239 Sec 111(b) Vol. II
  - jurisdiction--------------- PL 99-239 Sec 202 Vol. II
  - management of-------------- EO 12569 Vol. II
  - preamble and text---------- PL 99-239 Sec 201 Vol. II
  - security and defense relations---------------- PL 99-239 Title Three Vol. II
  - supplemental provisions---- PL 99-239 Sec 105 Vol. II
  - tariff agreements with U.S. PL 99-239 Title IV Vol. II
  - trade agreements with U.S.- PL 99-239 Title IV Vol. II
  - U.S. policy regarding------ PL 99-239 Sec 104 Vol. II
- Compact of Free Association Act of 1985--------------------- PL 99-239 Vol. II
- Competition
  - (see Private enterprise)
- Comprehensive Anti-Apartheid Act
  - implementation of---------- EO 12571 Vol. II
- Comprehensive Anti-Apartheid Act of 1986------------------ PL 99-440 Vol. II
- Comptroller General of the U.S.
  - (see also GAO)
  - ACDA audit----------------- PL 87-297 Sec 46 981
- Computers
  - software
    - copyright protection-- PL 98-573 Sec 251 Vol. II
- Conciliators
  - (see Arbitration)
- Congress
  - (see also Reports to Congress)
  - (see also War powers)
  - Commission on Security and Cooperation in Europe---- PL 94-304 Sec 7 1640
  - East-West trade------------ PL 93-618 Sec 402 Vol. II
  - energy actions
    - review of------------- PL 94-163 Sec 551 Vol. II
  - expedited procedures
    - U.S. troop removal---- PL 98-164 Sec 1013 1043
  - food policy---------------- H. Res. 1399 Vol. II

			Page
Congress--Continued			
foreign agents appearance before-------------------	PL 75-583	Sec 4	Vol. II
foreign travel			
local currencies------	PL 83-665	Sec 502	536
	PL 83-665	Sec 502	Vol. II
gifts (foreign)			
acceptance of---------	S. Res. 90-314		1408
House Ways and Means Committee----------------	PL 93-618	Sec 152	Vol. II
trade agreements------	PL 93-618	Sec 161	Vol. II
trade injuries--------	PL 93-618	Sec 201	Vol. II
international agreements			
fishery---------------	PL 94-265	Sec 203	Vol. II
interparliamentary groups--	PL 86-42		Vol. II
participation in------	PL 86-628	Sec 105	Vol. II
Joint Committee on Atomic Energy			
abolished-------------	PL 83-703	Sec 301	Vol. II
functions transferred-	PL 83-703	Sec 302	Vol. II
multinational force in Lebanon			
U.S. participation----	PL 98-119		Vol. II
national emergency powers--	PL 94-412	Sec 202	Vol. II
parliamentary procedures---	PL 93-148	Sec 6-7	Vol. II
trade agreements------	PL 93-618	Sec 151-154	Vol. II
reports			
(see Reports to Congress)			
represented at U.N.--------	PL 79-264	Sec [illegible]	Vol. II
request for information from executive branch----	PL 92-352	Sec 502	1109
requests for information			
foreign aid-----------	PL 87-195	Sec 633A	205
Senate Finance Committee---	PL 93-618	Sec 102	Vol. II
trade agreements------	PL 93-618	Sec 161	Vol. II
trade injuries--------	PL 93-618	Sec 406	Vol. II
Senate procedure-----------	PL 94-329	Sec 601	450
State Department			
oversight of----------	PL 92-226	Sec 407	467
travel abroad			
foreign currencies used for------------	PL 83-665	Sec 502	536
war powers-----------------	PL 93-148	Sec 5-7	Vol. II
Sinai personnel-------	PL 94-110	Sec 1	Vol. II
war powers legislation			
procedures------------	PL 93-148	Sec 6-7	Vol. II
Conservation			
Antarctic marine living resources----------------	PL 98-623	Title III	Vol. II
defined--------------------	PL 93-205	Sec 3(3)	Vol. II
Constitution (U.S.)			
Necessary and Proper Clause	PL 93-148	Sec 1	Vol. II
war powers-----------------	PL 93-148	Sec 2	Vol. II
Consular Affairs, Bureau of----	PL 82-414	Sec 104(b)	1159
Consular officers			
passports			
punishable violations-	PL 80-772	Sec 1541	1385
Consulates			
(see Foreign Service Buildings Act of 1926)			
Contadora Agreement			
assistance in implementing-	PL 99-88		576
Contingency fund			
authorization of appropriations-----------	PL 87-195	Sec 451	108
Contracts repudiated by foreign governments			
effect on ADB loans--------	PL 89-369	Sec 18	Vol. II
effect on IADB loans-------	PL 86-147	Sec 21	Vol. II
effect on IDA loans--------	PL 86-565	Sec 12	Vol. II
foreign aid cut-off--------	PL 87-195	Sec 620(e)	180
Convention			
Settlement of Investment Disputes-----------------	PL 93-618	Sec 502	Vol. II
Settlement of Investment Disputes Act of 1966-----	PL 89-532		Vol. II
Convention on Cultural Property Implementation Act-----------	PL 97-446		1593
Convention on the Conservation of Antarctic Marine Living Resources			
implementation of----------	PL 98-623	Sec 302	Vol. II
Cooperative research and development programs			
non-NATO allies------------	PL 99-661	Sec 1105	677
Copyrights			
trade agreements-----------	PL 93-618	Sec 405	Vol. II
Corruption			
foreign aid administration-	PL 87-195	Sec 621	193

Page
Counterterrorism Protection Fund
  authorization of appropriations----------- PL 84-885 Sec 39 1143
Countervailing duties
  conditional payment of----- PL 71-361 Sec 709 Vol. II
  determinations
    final----------------- PL 71-361 Sec 705 Vol. II
    preliminary----------- PL 71-361 Sec 703 Vol. II
  imposition of------------- PL 71-361 Sec 701 Vol. II
  investigation
    initiation of--------- PL 71-361 Sec 702 Vol. II
    termination of-------- PL 71-361 Sec 704 Vol. II
  judicial review----------- PL 71-361 Sec 516A Vol. II
  levy of------------------- PL 71-361 Sec 303 Vol. II
  non-rubber footwear-------- PL 71-361 Sec 303 Vol. II
  orders published----------- PL 71-361 Sec 706 Vol. II
  pending investigations----- PL 96-39 Sec 102 Vol. II
  reports to Congress-------- PL 71-361 Sec 303 Vol. II
  review of----------------- PL 71-361 Sec 751 Vol. II
  transition rules----------- PL 96-39 Sec 104 Vol. II
Courts
  act of state doctrine------ PL 87-195 Sec 620(e)(2) 183
  jurisdiction--------------- PL 89-532 Sec 3 Vol. II
    (see also Privileges and immunities)
    ADB------------------ PL 89-369 Sec 8 Vol. II
    Bretton Woods Agreements Act------ PL 79-171 Sec 10 Vol. II
    IADB----------------- PL 86-147 Sec 8 Vol. II
    IDA------------------ PL 86-565 Sec 8 Vol. II
    IFC------------------ PL 84-350 Sec 8 Vol. II
  venue
    ADB------------------ PL 89-369 Sec 8 Vol. II
    Bretton Woods Agreements Act------ PL 79-171 Sec 10 Vol. II
    IADB----------------- PL 86-147 Sec 8 Vol. II
    IDA------------------ PL 86-565 Sec 9 Vol. II
    IFC------------------ PL 84-350 Sec 8 Vol. II
    OPIC----------------- PL 87-195 Sec 239 89
Covert aid
  Nicaragua
    appropriations, 1984-- PL 98-212 Sec 775 600
    limitation------------ PL 98-215 Sec 108 598
Criminal code (U.S.)
  foreign officials---------- PL 92-539 Vol. II
    kidnaping------------- PL 92-539 Sec 201-202 Vol. II
    murder conspiracy----- PL 92-539 Sec 101-102 Vol. II
    murder or manslaughter of----------------- PL 92-539 Sec 101-102 Vol. II
Criminal code
  diplomatic or consular buildings in U.S.-------- PL 92-539 Sec 301 Vol. II
  passports------------------ PL 80-772 Sec 1541-46 1385
CSCE
  (see Security and Cooperation in Europe, Commission on)
Cuba
  drug trafficking----------- PL 99-83 Sec 617 322
  refugees------------------- PL 96-533 Sec 715 407
    deportation of-------- PL 96-533 Sec 712 407
Cuba-U.S. relations------------ PL 87-733 Vol. II
  aid prohibition------------ PL 99-591 Sec 512 504
  claims--------------------- PL 81-455 Sec 501-513 Vol. II
  drug control--------------- PL 99-83 Sec 617 322
  foreign aid
    cut-off--------------- PL 87-195 Sec 620(a) 180
    prohibited------------ PL 96-533 Sec 717 408
    PL 95-424 Sec 602 431
  negotiations--------------- PL 95-105 Sec 511 1091
  radio broadcasts----------- PL 97-241 Sec 404 1517
    PL 98-111 1636
  reaffirmation of policy towards------------------ PL 98-525 Sec 1543 737
  refugees------------------- PL 96-422 Sec 501 1420
    EO 12341 1422
  refugees from
    education of---------- EO 11077 Sec 2 1415
  trade---------------------- PL 71-361 Sec 350(b) Vol. II
  troops in Africa----------- PL 95-426 Sec 613 1079
Cuba, radio broadcasting to---- PL 98-111 1636
  appropriations, 1987------- PL 99-591 Sec 101(b) 1535
  authorization, 1984-85----- PL 98-111 Sec 8 1637
Cuba, radio broadcasts to------ PL 97-241 Sec 404 1517
Cuban refugees----------------- PL 97-241 Sec 502 1053
Cuban Resolution--------------- PL 87-733 Vol. II
Culebra
  military (U.S.)------------ PL 93-365 Sec 704 754

			Page
Cultural exchange			
(see Educational and cultural exchange)			
Cultural property			
advisory committee on------	PL 97-446	Sec 306	1599
convention on--------------	PL 97-446		1593
Currencies (foreign)			
(see also Agricultural commodity sales)			
(see also Par values of currencies)			
agreements to use surplus--	PL 83-665	Sec 402	535
appropriations acts--------	PL 87-125	Sec 508	540
arms sales (U.S.)----------	PL 87-195	Sec 609	173
balance of payments position of U.S.---------	31 USC 5303		541
convertibility			
OPIC insurance--------	PL 87-195	Sec 234(a)	75
counterpart funds			
military activities---	PL 93-189	Sec 40	465
educational and cultural exchange programs--------	PL 87-195	Sec 612	175
	PL 87-256	Sec 104-105	1547
endangered species protected by use of------	PL 93-205	Sec 8	Vol. II
expenditure by agencies----	31 USC 1306		540
Federal agencies use			
reimbursement of Treasury Note-------	PL 83-480	Note	779
foreign aid----------------	PL 87-195	Sec 636	211
accounting------------	PL 87-195	Sec 613	177
military activities---	PL 93-189	Sec 40	465
Presidential discretion----------	PL 87-195	Sec 614	178
special authority-----	PL 87-195	Sec 648	223
Foreign Service buildings--	PL 69-186	Sec 4(i)	1393
informational media guaranties---------------	PL 80-402	Sec 1011	1501
maximum use of-------------	PL 87-195	Sec 612	175
Peace Corps use------------	PL 87-293	Sec 17	942
PL 480 sales---------------	EO 12220	Sec 1-4	866
reports on-----------------	PL 93-110		Vol. II
salaries of U.S. Government employees abroad---------	PL 83-665	Sec 523	539
Social Progress Trust Fund-	PL 93-189	Sec 36	463
travel abroad			
Congressional members and staffs----------	PL 83-665	Sec 502	536
	PL 83-665	Sec 502	Vol. II
Customs			
deepwater ports------------	PL 93-627	Sec 19(d)	Vol. II
Customs and miscellaneous amendments-------------------	PL 98-573	Title II	Vol. II
Customs Court			
unfair import practices----	PL 71-361	Sec 337	Vol. II
Customs duties			
(see also Import regulations)			
international organizations			
privileges and immunities----------	PL 79-291	Sec 3	Vol. II
Cyprus			
Economic Support Fund------	PL 99-83	Sec 203	308
negotiations with Turkey---	PL 87-195	Sec 620(x)	187
settlement of conflict-----	PL 99-83	Sec 101	300
	PL 94-104	Sec 2	552
Cyprus-U.S. relations----------	PL 87-195	Sec 620C	190
	PL 95-384	Sec 13	432
foreign aid----------------	PL 87-195	Sec 495	127
appropriations, 1987--	PL 99-591	Title II	496
Czechoslovakia Claims Settlement Act of 1981-------	PL 97-127		Vol. II
Czechoslovakia-U.S. relations			
claims---------------------	PL 81-455	Sec 401-415	Vol. II
	PL 97-127		Vol. II
trade----------------------	PL 93-618	Sec 408	Vol. II
Czechoslovakian Claims Fund----	PL 97-127	Sec 4	Vol. II

D

DAC			
(see Organization for Economic Cooperation and Development)			
Dairy surplus			
overseas donations---------	PL 81-439		819
David Ben-Gurion			
birth anniversary commemoration------------	PL 99-541		Vol. II

			Page
Debts (foreign)			
Egypt			
report to Congress----	PL 99-83	Sec 1205	358
IMF economic adjustment			
programs-----------------	PL 79-171	Sec 45	Vol. II
Israel			
report to Congress----	PL 99-83	Sec 1205	358
Latin America			
settlement of--------------	PL 94-161	Sec 321	453
Turkey			
report to Congress----	PL 99-83	Sec 1205	358
Debts (U.S.)			
foreign currencies from			
agricultural commodity			
sales--------------------	PL 83-480	Sec 104(a)	773
Decorations			
(see Gifts)			
Deep Seabed Hard Mineral			
Removal Tax Act of 1979------	PL 96-283	Title IV	Vol. II
Deep Seabed Hard Mineral			
Resources Act----------------	PL 96-283		Vol. II
enforcement of--------------	PL 96-283	Title III	Vol. II
impact of international			
agreement----------------	PL 96-283	Title II	Vol. II
Deepwater Port Act of 1974-----	PL 93-627		Vol. II
Deepwater ports----------------	PL 93-627		Vol. II
adjacent coastal State			
defined---------------	PL 93-627	Sec 3(1)	Vol. II
jurisdiction----------	PL 93-627	Sec 19(b)	Vol. II
court jurisdiction---------	PL 93-627	Sec 19(e)	Vol. II
defined--------------------	PL 93-627	Sec 3(10)	Vol. II
foreign vessel use---------	PL 93-627	Sec 19(c)	Vol. II
international law----------	PL 93-627	Sec 11	Vol. II
jurisdiction over----------	PL 93-627	Sec 19(a)	Vol. II
marine environmental			
protection---------------	PL 93-627	Sec 10	Vol. II
navigational safety--------	PL 93-627	Sec 10	Vol. II
negotiations with Canada			
and Mexico---------------	PL 93-627	Sec 22	Vol. II
report to Congress---------	PL 93-627	Sec 20	Vol. II
Defense			
(see Military, U.S.)			
Defense Production Act			
Amendments of 1975-----------	PL 94-152		Vol. II
relationship to Energy			
Policy and Conservation			
Act----------------------	PL 94-152	Sec 3	Vol. II
Defense, Department of			
appropriations, 1987			
restriction on use----	PL 99-591	Sec 9021	684
assistance to U.N.---------	PL 79-264	Sec 7	Vol. II
reimbursement of------	PL 79-264	Sec 7	Vol. II
atomic energy			
access to information-	PL 83-703	Sec 143	Vol. II
atomic weapons			
international			
cooperation---------	PL 83-703	Sec 144	Vol. II
authorization of			
appropriations-----------	PL 79-264	Sec 7	Vol. II
drug-interdiction			
assistance			
authorization of			
appropriations------	PL 99-145	Sec 1422	704
foreign aid program			
administration of-----	EO 12163	Sec 1-3	623
Inspector General----------	PL 95-452	Sec 8	Vol. II
intelligence			
responsibilities---------	EO 12333	Sec 1.11	1335
Ryukyu claims--------------	PL 89-296		Vol. II
Defense, Secretary of			
arms sales			
duties----------------	EO 11958		650
atomic energy			
authority transferred			
to-----------------	EO 10841	Sec 2	Vol. II
authority in European air			
defense agreements-------	PL 98-525	Sec 1007	723
ballistic missile defense			
report to Congress----	PL 99-145	Sec 226	690
chemical weapons tests			
export controls------------	PL 96-72	Sec 4(e)	Vol. II
export of technology-------	PL 93-365	Sec 709	755
humanitarian relief			
authorization to			
transport-----------	PL 98-525	Sec 1540	736
using excess			
non-lethal supplies-	10 USC 2547		666
military aid administration	PL 87-195	Sec 623	195
Soviet Union-U.S. exchange			

Page
Defense, Secretary of--Continued
of military personnel
report to Congress---- PL 99-145 Sec 1005 693
Denuclearization
(see Arms control)
Department of Defense
(see Defense, Department of)
Department of Defense
Appropriation Act, 1976------ PL 94-212 752
Department of Defense
Appropriation Authorization
Act, 1979-------------------- PL 95-485 751
Department of Defense
Appropriations Act, 1987----- PL 99-591 Sec 101(c) 684
Department of Defense
Authorization Act, 1980------ PL 96-107 Vol. II
Department of Defense
Authorization Act, 1983------ PL 97-252 748
Department of Defense
Authorization Act, 1984------ PL 98-94 741
Department of Defense
Authorization Act, 1985------ PL 98-525 712
Department of Defense
Authorization Act, 1986------ PL 99-145 687
Department of Defense
Authorization Act, 1987------ PL 99-661 661
Department of Energy Act of
1978 -- Civilian Applications PL 95-238 Vol. II
Department of State
(see State, Department of)
Department of State
Appropriation Act, 1987------ PL 99-591 Sec 101(b) 1113
Department of State
Appropriations Authorization
Act of 1973------------------ PL 93-126 1106
Department of State
Authorization Act, Fiscal
Years 1980 and 1981---------- PL 96-60 1055
Department of State
Authorization Act, Fiscal
Years 1982 and 1983---------- PL 97-241 Sec 101 1084
Department of State
Authorization Act, Fiscal
Years 1984 and 1985---------- PL 98-164 Sec 101 1027
Depositories
ADB-------------------------- PL 89-369 Sec 6 Vol. II
Bretton Woods Agreements
Act-------------------------- PL 79-171 Sec 6 Vol. II
IADB------------------------- PL 86-147 Sec 6 Vol. II
IDA-------------------------- PL 86-565 Sec 6 Vol. II
IFC-------------------------- PL 84-350 Sec 6 Vol. II
Desalting plant---------------- PL 87-195 Sec 219 61
Developing countries
health care
promoting immunization
and oral rehydration PL 99-529 Sec 101 292
Development
(see also Alliance for Progress)
(see also Foreign aid)
(see also Less developed countries)
(see also U.N.)
employee stock ownership plans
expanded us of-------- PL 99-83 Sec 713 331
International Advisory
Commission for the
Caribbean Region--------- PL 99-83 Sec 714 332
Presidential Task Force on
Project Economic Justice- PL 99-83 Sec 713 331
Trust Territory of the
Pacific Islands---------- PL 83-451 Sec 1 Vol. II
loan fund------------- PL 92-257 Vol. II
Development aid
(see Foreign aid)
Development Assistance
Committee
(see Organization for
Economic Cooperation and
Development)
Development Loan Committee----- PL 87-195 Sec 122 52
membership of-------------- EO 12163 Sec 1-505 625
Diamond stones
disposal of---------------- PL 96-175 Sec 3 Vol. II
Diego Garcia
(see Indian Ocean)
Diplomatic and consular service

			Page
(foreign in U.S.)			
foreign agents registration	PL 75-583	Sec 3	Vol. II
Diplomatic and Consular service			
(see also Ambassadors)			
(see also Consular officers)			
(see also Foreign Service buildings)			
Diplomatic and consular service			
(see also Foreign Service)			
Diplomatic and Consular service			
(see also Foreign Service)			
Diplomatic and Consular Service			
Bureau of Diplomatic Security	PL 99-399	Sec 104	1436
Diplomatic Security Program			
authorization of appropriations	PL 99-399	Sec 401	1442
Diplomatic and Consular service			
emergencies	PL 99-591	Sec 101(b)	1114
emergency expenditures	PL 84-885	Sec 4	1124
Diplomatic and Consular Service			
emergency telephone service	PL 99-93	Sec 139	1011
Diplomatic and Consular service			
employment of Soviet citizens	PL 99-93	Sec 136	1010
gifts to foreign persons	PL 84-885	Sec 20	1130
Diplomatic and consular service			
privileges and immunities			
(see Privileges and immunities)			
Diplomatic and Consular Service			
promoting security	PL 99-399	Sec 102	1434
security			
role of Secretary of State	PL 99-399	Sec 103	1435
Diplomatic relations	PL 95-426	Sec 607	1076
Diplomatic Relations Act	PL 95-393		Vol. II
Diplomatic Security Act	PL 99-399	Sec 101	1434
Diplomatic Security Program			
authorization of			
appropriations, 1986 and 1987	PL 99-399	Sec 401	1442
Diplomats			
protection of			
Secret Service use for	PL 97-418		Vol. II
Disabled persons			
Peace Corps help	PL 87-293	Sec 3(h)	921
Disarmament			
(see Arms control)			
Disaster relief			
(see also Foreign aid, disaster assistance)			
Africa	PL 87-195	Sec 495K	132
appropriations	PL 99-10	Title I	523
appropriations, 1987	PL 99-591	Title II	494
foreign aid	PL 87-195	Sec 491-495H	125
borrowing authority	PL 87-195	Sec 492(b)	126
foreign currencies from agricultural commodity sales	PL 83-480	Sec 104(d)	776
Lebanon	PL 87-195	Sec 495J	132
Nicaragua	PL 87-195	Sec 494	126
Pakistan	PL 87-195	Sec 494	126
Trust Territory of the Pacific Islands	PL 83-451	Sec 3	Vol. II
Discrimination			
against U.S. personnel			
foreign aid restrictions	PL 87-195	Sec 666	228
military aid restrictions	PL 87-195	Sec 505(g)	144
military sales restrictions	PL 90-629	Sec 5	246
reports to Congress	PL 87-195	Sec 505(g)	144
	PL 90-629	Sec 5	246
Disputes			
(see Arbitration)			
(see OAS)			
(see U.N.)			
Dividends			
IFC	PL 84-350	Sec 7	Vol. II
Drug control	PL 97-113	Sec 502(a)	378
Africa	PL 99-570	Sec 2016	615
AID drug education programs	PL 99-570	Sec 2028	618
aid suspended	PL 87-195	Sec 481	112
	PL 87-195	Sec 481(h)	120
appropriations, 1987			
conditions on	PL 99-591	Sec 101(k)	686

Page

Drug control--Continued
  authorization of appropriations---------- PL 87-195 Sec 482 123
  Bolivia
    conditions for assistance---------- PL 99-570 Sec 2012 612
  Coast Guard
    drug-interdiction assistance---------- PL 99-145 Sec 1421 703
  Colombia------------------- PL 96-533 Sec 402(c) 400
  crop substitution projects
    assistance from MDBs-- PL 99-570 Sec 2018 615
  Cuba----------------------- PL 99-83 Sec 617 322
  declared a national security problem--------- PL 99-570 Sec 2019 616
  Department of Defense
    drug-interdiction assistance---------- PL 99-145 Sec 1422 704
  development of safe herbicides--------------- PL 99-570 Sec 2006 611
  drug enforcement agents abroad
    using diplomatic passports----------- PL 99-570 Sec 2010 612
  E-2 aircraft
    testing use of-------- PL 99-145 Sec 1424 705
  education programs abroad
    report to Congress---- PL 99-570 Sec 2029 618
  foreign
    governments----------- PL 99-570 Sec 2013 613
  foreign governments
    providing aircraft---- PL 99-570 Sec 2003 611
  foreign governments efforts
    prohibition on aid---- PL 99-167 Sec 124 739
  foreign governments trafficking in
    report to Congress---- PL 87-195 Sec 481(e)(6) 119
  increased international efforts----------------- PL 99-570 Sec 2020 616
  interdiction
    procedures------------ PL 99-570 Sec 2015 614
  interdiction of vessels and vehicles
    report to Congress---- PL 99-661 Sec 1373 682
  International Conference on Drug Abuse and Illicit Trafficking-------------- PL 99-570 Sec 2021 616
  International Narcotics---- PL 99-570 Sec 2001 611
  international programs
    report to Congress---- PL 99-570 Sec 2007 612
  Iran, Afghanistan, and Laos PL 99-570 Sec 2026 618
  Jamaica-------------------- PL 99-83 Sec 610 319
    PL 99-591 Sec 536 508
  Latin America
    establishing a regional organization-------- PL 99-83 Sec 615 321
  Mexico
    efforts in controlling PL 99-570 Sec 2030 618
  Mexico-U.S. Intergovernmental Commission
    creation of----------- PL 99-570 Sec 2024 617
  narcoterrorism
    responding to--------- PL 99-570 Sec 2014 614
  narcoterrorism and drug trafficking
    reward for information on----------------- PL 84-885 Sec 36 1139
  Pakistan------------------- PL 99-570 Sec 2025 617
  Peru----------------------- PL 99-83 Sec 612 321
  production of
    development programs-- PL 87-195 Sec 126 57
  sharing information on drug traffickers------------- PL 99-570 Sec 2011 612
    PL 99-93 Sec 132 1008
  State Deparment------------ PL 95-426 Sec 115 1066
  traffickers
    accessing foreign bank accounts------------ PL 99-83 Sec 619 323
  U.S. International Narcotics Control Commission--------------- PL 99-93 Sec 814 1025
  U.S. participation in foreign countries-------- PL 87-195 Sec 481(c) 116
  United Nations Fund for Drug Abuse Control
    crop substitution projects------------ PL 87-195 Sec 482(a)(3) 124

			Page
Drug control--Continued			
updating extradition treaties	PL 99-93	Sec 133	1009
USIA drug education programs	PL 99-570	Sec 2027	618
using aircraft			
pilot and aircraft maintenance training	PL 99-570	Sec 2004	611
providing defensive weapons	PL 99-83	Sec 607	319
Drug trade			
effect on ADB loans	PL 89-369	Sec 19	Vol. II
effect on duty-free treatment	PL 93-618	Sec 502	Vol. II
effect on IADB loans	PL 86-147	Sec 22	Vol. II
effect on IDA loans	PL 86-565	Sec 13	Vol. II
reports to Congress	PL 93-618	Sec 606	Vol. II
Dumping			
(see Antidumping)			
E			
East Timor			
relief in	PL 96-533	Sec 408	400
East-West Center			
appropriation, 1987	PL 99-591	Sec 101(b)	1583
location	PL 86-472	Sec 702	1582
programs	PL 86-472	Sec 703	1582
purpose	PL 86-472	Sec 702	1582
reports to Congress	PL 86-472	Sec 704	1583
East-West Foreign Trade Board	EO 11846	Sec 2(e)	Vol. II
	PL 93-618	Sec 410-411	Vol. II
established	EO 11846	Sec 7	Vol. II
Eastern Europe			
research on	PL 98-164	Sec 801	1574
Eastern Pacific Tuna Licensing Act of 1984	PL 98-445		Vol. II
Economic aid			
(see Foreign aid)			
Economic Commission for Africa			
using U.S. contribution to UN	PL 98-164	Sec 114	1031
Economic Cooperation Act of 1948			
Irish counterpart funds	PL 83-665	Sec 417	536
Economic development			
financial institution aid	PL 95-118		Vol. II
Economic integration			
(see GATT)			
Economic Support Fund			
administration of justice assistance in support of	PL 87-195	Sec 534	155
Afghanistan	PL 99-83	Sec 904	355
Africa	PL 99-83	Sec 801	346
appropriations, 1987	PL 99-591	Title II	495
authority	PL 87-195	Sec 531	152
authorization of appropriations	PL 87-195	Sec 532	153
commodity import program			
minimum allowance for	PL 97-113	Sec 203	377
Cyprus	PL 99-83	Sec 203	308
Egypt	PL 99-83	Sec 202	307
	PL 95-92	Sec 9	442
emergency assistance	PL 87-195	Sec 533	154
Export-Import Bank			
tied-aid credit program	PL 98-181	Sec 641-647	Vol. II
funds available for minority enterprises	PL 99-83	Sec 551	313
International Fund for Ireland and Northern Ireland	PL 99-349	Chapter V	520
Israel	PL 99-83	Sec 202	307
Economic support fund			
Jordan	PL 99-88	Sec 402	364
Economic Support Fund			
Middle East	PL 99-83	Sec 202	307
nuclear facilities			
restrictions on funding	PL 99-83	Sec 207	309
Philippines	PL 99-349	Chapter V	521
Southern Africa	PL 99-83	Sec 802	347
Tunisia 350	PL 99-83	Sec 805	350
Turkey			
FY 1979 supplemental	PL 96-92	Sec 27	423
Zaire	PL 99-83	Sec 804	349
Portugal	PL 99-83	Sec 204	309
Education			
foreign aid	PL 87-195	Sec 105	31

			Page
Education--Continued			
U.N. University Endowment Fund			
U.S. contributions to	PL 94-141	Sec 205	1102
Education and cultural exchange			
U. S. Scholarship Program for Developing Countries	PL 99-93	Sec 601	1562
Educational and cultural exchange			
(see also East-West Center)			
(see also Expositions)			
(see also Japan-U.S. relations)			
(see also Science and technology)			
(see also USIA)			
administration	PL 87-256	Sec 104	1547
	EO 11034		1557
advisory commission	PL 87-256	Sec 106	1551
	EO 11034	Sec 7	1559
arts			
committee on	PL 87-256	Sec 106	1551
authorization of appropriations	PL 87-256	Sec 105	1550
Beirut Agreement of 1949			
U.S. implementation	EO 11311		1590
Central American Undergraduate Scholarship Program	PL 99-93	Sec 612	1567
exhibitions			
importing materials for	PL 89-259		1591
	EO 12047		1592
federal employee participation	PL 87-256	Sec 108A	1553
foreign currencies	PL 87-195	Sec 612	175
foreign currencies from agricultural commodity sales	PL 83-480	Sec 104(b)(2)	774
foreign currencies from arms sales	PL 87-195	Sec 505	142
foreign participants			
compensation	PL 84-885	Sec 12	1127
Foreign Scholarship, Board of	PL 99-93	Sec 608	1566
Foreign Scholarships, Board of	PL 87-256	Sec 106	1551
	EO 11034	Sec 7	1559
Fulbright program			
authorization, 1984-85	PL 98-164	Sec 206	1511
Humphrey program			
importing materials			
authority over	EO 12047		1592
judicial determination	PL 89-259		1591
USIA role	EO 11311		1590
India fund for	PL 98-164	Sec 901	1579
international agreements	PL 87-256	Sec 103	1546
international commissions	PL 87-256	Sec 104	1547
Japan-U.S.	PL 94-118		1584
libraries overseas			
authorization, 1984	PL 98-164	Sec 206	1511
Pan American Games	PL 94-350	Sec 110	1096
personnel			
Foreign Service benefits	EO 11034	Sec 5	1559
Private Sector Program			
authorization, 1984	PL 98-164	Sec 206	1511
programs authorized	PL 87-256	Sec 102	1543
prohibitions on			
waiver of	EO 11034	Sec 8	1560
purpose of	PL 87-256	Sec 101	1543
strengthening U.S. programs	PL 95-105	Sec 107	1083
USIA	EO 12048		1536
Visitor program	PL 98-164	Sec 206	1511
Educational and cultural exchanges			
authorization of appropriations	PL 99-93	Sec 204	1505
Educational facilities			
(see Schools)			
Educational, Scientific, and Cultural Cooperation, Commission on	PL 98-164	Sec 106	1029
EEC			
trade agreements	PL 93-618	Sec 126	Vol. II
EEC-U.S. relations			
fishery agreements	PL 98-623	Title I	Vol. II
Egypt			
airport security equipment			

			Page
Egypt--Continued			
and commodities			
assistance	PL 99-399	Sec 508	1449
economic conditions			
impact on foreign debt	PL 99-83	Sec 1205	358
Economic Support Fund	PL 99-83	Sec 202	307
Sinai Field Mission			
facilities transfer	PL 96-35	Sec 6	426
Egypt-Israel relations			
peace process	PL 99-83	Sec 1210	359
Egypt-U.S. relations			
aid, 1987	PL 99-591	Title II	495
arms sales	PL 99-83	Sec 101	300
Camp David Accords			
continued			
participation of Egypt	PL 99-591	Title II	496
Economic Support Fund	PL 95-92	Sec 9	442
foreign aid cut-off			
repealed	PL 87-195	Sec 620(p)	186
military aid	PL 90-629	Sec 31(b)(1)	266
peace negotiations	PL 95-384	Sec 28	436
El Salvador			
IMF assistance to private sector	PL 79-171	Sec 38	Vol. II
El Salvador-U.S. relations			
aid 1987	PL 99-591	Title II	496
aid, 1987			
conditions for	PL 99-591	Sec 545	512
departure of Salvadorans in U.S.			
extension of	PL 98-164	Sec 1012	1042
disaster assistance, 1987	PL 99-591	Title II	494
foreign aid	PL 99-83	Sec 702	324
suspension of	PL 99-83	Sec 702(g)	326
military aid, 1984			
conditions for	PL 98-151	Sec 101(b)(2)	371
military aid, 1986			
murder of U.S. citizens			
special investigation	PL 99-591	Title II	496
police training			
foreign aid for	PL 87-195	Sec 660(d)	226
refugee relief	PL 87-195	Sec 495I	131
	PL 97-113	Sec 731	396
	PL 98-164	Sec 111	1030
report to Congress	PL 97-113	Sec 729	395
U.S. aid			
conditions on	PL 97-113	Sec 727-733	392
Elections (U.S.)			
foreign agents' campaign contributions	PL 89-486	fn	Vol. II
	PL 75-583	Sec 2	Vol. II
Embargoes			
(see also Export controls)			
food			
protection for	PL 97-98	Sec 1204-1205	900
South Africa			
violations by other countries	PL 99-440	Title V	Vol. II
Embassies			
(see Foreign Service Buildings Act of 1926)			
Emergencies (national)			
(see National emergency)			
Emergency Food Assistance Fund, President's	PL 98-473	Sec 303	811
Emergency Security Assistance Act of 1973	PL 93-199		550
Emigration			
(see Immigration, foreign)			
Employee-Management relations			
(see Foreign Service)			
Employee-Management Relations Commissions			
(see Foreign Service)			
Endangered species			
Alaska natives' use of	PL 93-205	Sec 10(e)	Vol. II
convention on	PL 93-205	Sec 8	Vol. II
defined	PL 93-205	Sec 3(6)	Vol. II
economic hardship	PL 93-205	Sec 10(b)	Vol. II
exemption policy of U.S. Government	PL 93-205	Sec 10	Vol. II
foreign aid	PL 87-195	Sec 119	48
foreign currencies used to protect	PL 93-205	Sec 8	Vol. II
international cooperation	PL 93-205	Sec 8	Vol. II
State Department personnel	PL 93-205	Sec 8	Vol. II
marine mammals			

Page

- Endangered species--Continued
  - appropriation authorization------- PL 92-522 Sec 207 Vol. II
  - commission duties----- PL 92-522 Sec 202 Vol. II
  - commission established PL 92-522 Sec 201 Vol. II
  - Congressional findings PL 92-522 Sec 2 Vol. II
  - fishing restrictions-- PL 92-522 Sec 101-102 Vol. II
  - import restrictions--- PL 92-522 Sec 101-102 Vol. II
  - international protection---------- PL 92-522 Sec 108 Vol. II
  - reports to Congress--- PL 92-522 Sec 204 Vol. II
- permits issued by Secretary of Interior-------------- PL 93-205 Sec 10 Vol. II
- plants------------------- PL 93-205 Sec 12 Vol. II
- prohibited acts------------ PL 93-205 Sec 9 Vol. II
- seals, North Pacific------- PL 92-522 Sec 108(b) Vol. II
- species held in captivity-- PL 93-205 Sec 9(b) Vol. II
- trade in------------------ PL 93-205 Sec 9(a) Vol. II
  - designated ports------ PL 93-205 Sec 9(f) Vol. II
  - reports--------------- PL 93-205 Sec 9(e) Vol. II
- whales
  - authorization of appropriations for Act----------------- PL 81-676 Sec 14 Vol. II
  - enforcement of regulations--------- PL 81-676 Sec 12 Vol. II
  - equipment for catching PL 81-676 Sec 6 Vol. II
  - gunners and crews----- PL 81-676 Sec 6 Vol. II
  - interagency cooperation--------- PL 81-676 Sec 10 Vol. II
  - licenses-------------- PL 81-676 Sec 6 Vol. II
  - penalties------------- PL 81-676 Sec 7-8 Vol. II
  - promulgating regulations--------- PL 81-676 Sec 13 Vol. II
  - records--------------- PL 81-676 Sec 7 Vol. II
  - scientific investigations------ PL 81-676 Sec 11 Vol. II
  - searches and arrests-- PL 81-676 Sec 9 Vol. II
  - warrants, issuance of- PL 81-676 Sec 9 Vol. II
- Endangered Species Act of 1973- PL 93-205 Vol. II
  - purpose of----------------- PL 93-205 Sec 2 Vol. II
- Energy (solar)
  - foreign buildings----------- PL 95-426 Sec 105 1064
- Energy
  - (see also International Energy Program)
  - aid to less-developed countries---------------- PL 95-242 Sec 501-503 Vol. II
  - alternate
    - conference on--------- PL 95-426 Sec 609 1077
  - coordination of activities- EO 12083 Vol. II
  - domestic renewable energy industry----------------- PL 94-163 Sec 256 Vol. II
  - emergency preparedness----- PL 94-163 Sec 271-272 Vol. II
  - export of
    - reports to Congress--- PL 94-163 Sec 103(f) Vol. II
    - restrictions---------- PL 94-163 Sec 103 Vol. II
  - IADB
    - Reports to Congress--- PL 96-259 Sec 102 Vol. II
  - international energy supply emergency
    - defined--------------- PL 94-152 Sec 3 Vol. II
  - international voluntary agreements--------------- PL 94-163 Sec 252 Vol. II
    - Attorney General approval of--------- PL 94-163 Sec 252(d) Vol. II
    - meetings-------------- PL 94-163 Sec 252(c) Vol. II
    - reports to Congress--- PL 94-163 Sec 252(i) Vol. II
    - rules governing------- PL 94-163 Sec 252(e) Vol. II
    - submission of--------- PL 94-163 Sec 252(d) Vol. II
  - natural gas
    - international agreements on------- PL 98-164 Sec 1009 1041
  - Presidential actions
    - Congressional review of------------------ PL 94-163 Sec 551 Vol. II
  - Presidential standby authority over----------- PL 94-163 Sec 2 Vol. II
  - renewable------------------ PL 94-163 Sec 256 Vol. II
  - Renewable
    - MDBs------------------ PL 96-259 Sec 601-602 Vol. II
  - U.S. management of--------- PL 94-163 Sec 2 Vol. II
  - voluntary agreements------- PL 94-152 Sec 3 Vol. II
- Energy Coordinating Committee-- EO 12083 Vol. II
- Energy Emergency Preparedness Act of 1982------------------ PL 97-229 Vol. II
- Energy Policy and Conservation Act--------------------------- PL 94-163 Vol. II
  - enforcement of-------------- PL 94-163 Sec 525 Vol. II

			Page
Energy Policy and Conservation Act--Continued			
relationship to			
to International Energy Agr	PL 94-163	Sec 255	Vol. II
Energy Research and Development Administration			
replacing AEC--------------	PL 83-703	Note	Vol. II
Energy-Expo 82----------------	PL 96-169		Vol. II
Energy, Department of			
foreign aid---------------	PL 87-195	Sec 106(c)	35
intelligence responsibilities---------	EO 12333	Sec 1.13	1338
Environment			
(see also Endangered species)			
(see also Pollution)			
Alaskan pipeline effects---	PL 93-153	Sec 301	Vol. II
coastal			
defined--------------	PL 93-627	Sec 3(6)	Vol. II
conservation			
deepwater ports-----------	PL 93-627	Sec 2(a)	Vol. II
international exchanges----	PL 98-164	Sec 703(b)	1429
less developed countries---	PL 87-195	Sec 117	44
marine			
defined--------------	PL 93-627	Sec 3(13)	Vol. II
Secretary of State---------	EO 11742		1171
State Department bureau on-	PL 93-126	Sec 9	1106
U.N. Environment Fund			
U.S. contributions to-	PL 93-188		Vol. II
wildlife, international			
conservation of-------	PL 98-164	Sec 704	1429
Equitorial Guinea-U.S. relations			
foreign aid---------------	PL 96-533	Sec 314	399
Espionage, foreign			
activities in the U.S.			
report to Congress----	PL 99-661	Sec 1364	679
Ethiopia-U.S. relations			
famine			
response by Ethiopia--	PL 99-83	Sec 812	351
foreign aid			
prohibition on-------	PL 99-83	Sec 812	351
EURATOM			
U.S. cooperation with------	EO 12506		Vol. II
EURATOM Cooperation Act of 1958	PL 85-846		Vol. II
EURATOM Resolution------------	S. Con. Res. 35-116		Vol. II
Europe			
U.S. military in----------	PL 93-365	Sec 302	753
Europe-U.S. relations			
(see also Security and Cooperation in Europe, Commission on)			
air defense of U.S. military bases-----------	PL 98-525	Sec 105	712
European Communities			
trade			
GATT violations-------	PL 99-198	Sec 1164	847
European Communities, Commission of the			
privileges and immunities--	PL 92-499		Vol. II
European Economic Community			
(see EEC)			
European Space Agency			
privileges and immunities-	PL 79-291	Sec 11	Vol. II
European-U.S. relations			
EURATOM-------------------	PL 85-846		Vol. II
U.S. approval---------	S. Con. Res. 85-116		Vol. II
Examinations			
Foreign Service			
(see Foreign Service, Board of Examiners)			
Foreign Service admission--	PL 96-465	Sec 211	1188
Exchange			
(see Educational and cultural exchange)			
Exchange-of-persons program----	PL 97-241	Sec 305	1515
Executive agencies			
State Department personnel assigned to--------------	PL 93-126	Sec 11	1107
Executive agreements			
(see Executive-legislative relations)			
Executive-legislative relations			
(see also War powers)			
arms sales----------------	PL 90-629	Sec 36(b)	270
energy actions------------	PL 94-163	Sec 551	Vol. II
information sharing--------	PL 95-426	Sec 122	1067
international agreements			
coordination of-------	22 CFR 181		1163
transmittal of--------	PL 92-403		1161

			Page
Executive-legislative relations--Continued			
transmittal to Congress------------	PL 93-618	Sec 162	Vol. II
MDBs------------------------	PL 95-118	Sec 1201	Vol. II
national emergency---------	PL 95-223	Sec 204	Vol. II
Exhibitions			
(see Educational and cultural exchange)			
(see USIA)			
Export Administration Act of 1979------------------------	PL 96-72		Vol. II
appropriations authorization------------	PL 96-72	Sec 18	Vol. II
authorization of appropriations-----------	PL 99-633		Vol. II
delegation of functions----	EO 12214		Vol. II
expiration of-------------	PL 96-72	Sec 20	Vol. II
Export Administration Amendments Act of 1985-------	PL 99-64		Vol. II
Export controls			
administration of----------	EO 12002		Vol. II
administrative and regulatory authority-----	PL 96-72	Sec 15	Vol. II
administrative procedure and judicial review------	PL 96-72	Sec 13	Vol. II
agricultural commodities---	PL 97-444	Sec 238	Vol. II
protection for--------	PL 97-98	Sec 1204-1205	900
Alaskan oil----------------	PL 99-64	Sec 126	Vol. II
arms sales-----------------	PL 90-629		237
barter agreements----------	PL 96-72	Sec 7(h)	Vol. II
boycotts (foreign)			
U.S. person participation in----	PL 96-72	Sec 8	Vol. II
confidentiality requirement	PL 96-72	Sec 12(c)	Vol. II
control list---------------	PL 96-72	Sec 4(b)	Vol. II
coordinating committee			
facilities modernization-------	PL 98-164	Sec 107	1030
delegation of authority----	PL 96-72	Sec 4(e)	Vol. II
delegation of functions----	EO 12214		Vol. II
endangered species---------	PL 93-205	Sec 9(d)	Vol. II
enforcement of			
general authority for-	PL 96-72	Sec 12	Vol. II
expanded authority of the President----------------	PL 96-72	Sec 6(o)	Vol. II
Export Control Review Board	EO 12002	Sec 3-4	Vol. II
findings of Congress-------	PL 96-72	Sec 2	Vol. II
food-----------------------	PL 96-72	Sec 6(g)	Vol. II
foreign policy considerations-----------	PL 96-72	Sec 6	Vol. II
control list----------	PL 96-72	Sec 6(l)	Vol. II
existing contracts and licenses------------	PL 96-72	Sec 6(m)	Vol. II
report to Congress----	PL 96-72	Sec 6(e)	Vol. II
hardship relief------------	PL 96-72	Sec 9	Vol. II
horses---------------------	PL 99-64	Sec 3	Vol. II
licenses-------------------	PL 96-72	Sec 4	Vol. II
processing applications--------	PL 96-72	Sec 10	Vol. II
requirements----------	PL 96-72	Sec 5(e)	Vol. II
medical supplies-----------	PL 96-72	Sec 6(g)	Vol. II
militarily critical technologies-------------	PL 96-72	Sec 5(d)	Vol. II
multilateral---------------	PL 96-72	Sec 5(i)	Vol. II
national security considerations-----------	PL 96-72	Sec 5	Vol. II
control list----------	PL 96-72	Sec 5(c)	Vol. II
nonproliferation controls--	PL 96-72	Sec 17(d)	Vol. II
oil			
domestically produced-	PL 96-72	Sec 7(d)	Vol. II
penalties for violating----	PL 96-72	Sec 11	Vol. II
Poland			
application of law----	PL 97-145	Sec 7	Vol. II
policy declaration---------	PL 96-72	Sec 3	Vol. II
President's Export Council-	EO 12131		Vol. II
report to Congress---------	PL 96-72	Sec 6(f)	Vol. II
restricted items			
foreign availability of-----------------	PL 96-72	Sec 5(f)	Vol. II
Secretary of Defense-------	PL 96-72	Sec 4(e)	Vol. II
short supply---------------	PL 96-72	Sec 7	Vol. II
technical advisory committees---------------	PL 96-72	Sec 5(h)	Vol. II
termination of emergency authority----------------	EO 12525		Vol. II
terrorism			
countries supporting--	PL 96-72	Sec 6(j)	Vol. II
U.S. international obligations--------------	PL 96-72	Sec 6(i)	Vol. II

			Page
Export Controls, Coordinating Committee on	PL 98-164	Sec 107	1030
Export Expansion Advisory Committee			
functions	EO 11420	Sec 2	Vol. II
interpretation	EO 11420		Vol. II
membership	EO 11420	Sec 1	Vol. II
Export Trading Company Act of 1982	PL 97-290		Vol. II
Export-Import Bank			
Advisory Committee	PL 79-173	Sec 3(d)	Vol. II
arms sales			
credit prohibited for	PL 90-629	Sec 32	267
Board of Directors	PL 79-173	Sec 3(c)	Vol. II
capital stock			
level of	PL 79-173	Sec 14	Vol. II
subscriptions of	PL 79-173	Sec 4	Vol. II
Commodity Credit Corporation	PL 79-173	Sec 2(b)(7)	Vol. II
Communist countries	PL 79-173	Sec 7	Vol. II
conflicts of interest	PL 79-173	Sec 3(e)	Vol. II
credit competition	PL 95-630	Sec 1908	Vol. II
economic impact in U.S.	PL 79-173	Sec 2(b)(1)	Vol. II
financial institutions as agents of	PL 79-173	Sec 2(c)(2)	Vol. II
financing			
limitation on	PL 90-390	Sec 1(b)	Vol. II
financing by			
limitations on	PL 87-195	Sec 632	202
financing defense articles or services			
prohibition against	PL 90-390	Sec 5	Vol. II
Foreign Credit Insurance Association	PL 79-173	Sec 2(b)(1)(F)	Vol. II
functioning after fiscal year expires	PL 79-173	Sec 8	Vol. II
limitations on	PL 79-173	Sec 7	Vol. II
losses	PL 90-390	Sec 2	Vol. II
covered by Secretary of Treasury	PL 90-390	Sec 2-3	Vol. II
reimbursement of	PL 90-390	Sec 2	Vol. II
negotiations on export financing			
report to Congress	PL 97-35	Sec 381	Vol. II
obligations	PL 79-173	Sec 6	Vol. II
officers	PL 79-173	Sec 3	Vol. II
organization	PL 79-173	Sec 3	Vol. II
payment of Reconstruction Finance Corporation	PL 79-173	Sec 4,5	Vol. II
predecessor corporation	PL 79-173	Sec 12	Vol. II
Presidential determinations on credit prohibitions	PL 79-173	Sec 2(b)(2-6)	Vol. II
program limitation, 1987	PL 99-591	Title IV	501
purposes	PL 79-173	Sec 2(b)(1)	Vol. II
repayment to	PL 90-390	Sec 1(a)	Vol. II
reports to Congress	PL 79-173	Sec 9	Vol. II
restrictions on credit	PL 79-173	Sec 2(b)(2-5)	Vol. II
services			
export of	PL 79-173	Sec 2(b)(1)(D)	Vol. II
small businesses	PL 79-173	Sec 2(b)(1)(E)	Vol. II
report on	PL 79-173	Sec 9(c)	Vol. II
South Africa	PL 79-173	Sec 2(b)(8)	Vol. II
special facilities			
Brazil and Mexico	PL 79-173	Sec 13	Vol. II
State, Secretary of			
authority delegated to	EO 12166		Vol. II
supported by full faith and credit of U.S.	PL 90-390	Sec 2	Vol. II
tied-aid credit program	PL 98-181	Sec 641-647	Vol. II
transactions supported	PL 90-390	Sec 1(a)	Vol. II
Export-Import Bank Act Amendments of 1978	PL 95-630		Vol. II
Export-Import Bank Act of 1945	PL 79-173		Vol. II
interpretation	PL 90-390	Sec 4	Vol. II
Exports			
(see also Antidumping)			
(see also Trade)			
agricultural commodities			
credits	PL 99-198	Sec 1125	839
expanding U.S. markets	PL 99-198	Sec 1127	840
foreign exchange risks	PL 99-198	Sec 1134	845
programs impacting on	PL 99-198	Sec 1162	847
promotion of	PL 95-501		877
	PL 97-253	Sec 135	911
subsidies	PL 99-198	Sec 1123	838
U.S. policy	PL 99-198	Sec 1121	837
agricultural commodity sales			
dairy products	PL 99-198	Sec 1163	847
banks role in	PL 97-290	Sec 203	Vol. II

			Page
Exports--Continued			
fish			
promotion of----------	PL 96-561	Sec 211	Vol. II
incentives program---------	PL 81-439	Sec 107F	819
MDBs			
opportunities for U.S.	PL 96-259	Sec 401	Vol. II
military technology--------	PL 93-365	Sec 709	755
offsets, impact of			
report to Congress----	50 USC 2099		Vol. II
promotion and disincentives			
promotion of--------------	PL 97-290		Vol. II
promotion programs---------	PL 99-64	Sec 201	Vol. II
authorization of			
appropriations------	PL 99-64	Sec 202	Vol. II
South Africa			
prohibitions on-------	PL 99-440	Title III	Vol. II
trade certificates of			
review------------------	PL 97-290	Sec 301	Vol. II
trade injuries			
tariff readjustment---	PL 87-794		Vol. II
trading companies----------	PL 97-290		Vol. II
wheat or feed grains			
incentives-----------	PL 81-439	Sec 107F	819
Expositions			
(see also Educational and cultural exchange)			
authorization of			
appropriations for-------	PL 91-269	Sec 8	1611
Japan (Tsukura), 1985			
U.S. participation----	PL 98-164	Sec 212	1513
Louisiana-----------------	PL 97-254		1612
U.S. participation in------	PL 91-269	Sec 3	1609
U.S. recognition of--------	PL 91-269	Sec 2	1608
	PL 91-269	Sec 5	1611
Expositions, international			
energy--------------------	PL 96-169		Vol. II
Expropriation			
(see also Nationalizations)			
defined-------------------	PL 87-195	Sec 238	87

F

Family planning			
(see Population growth)			
Famine			
Ethiopia			
failure to address----	PL 99-83	Sec 812	351
Famine relief			
Africa--------------------	PL 99-10	Title I	523
authorization of			
appropriations, 1985	PL 99-8		366
report to Congress----	PL 99-8	Sec 6	367
FAO			
food reserves-------------	PL 93-189	Sec 39	464
FBI			
intelligence			
responsibilities--------	EO 12333	Sec 1.14	1338
Federal Advisory Committee Act			
trade agreements-----------	PL 93-618	Sec 135	Vol. II
Federal Coal Export Commission-	PL 99-83	Sec 1304	362
Federal employees (U.S.)			
former employees			
prepublication review			
of writings by------	PL 98-164	Sec 1010	1042
Federal Property Administrative Services Act of 1949			
(see Property)			
Federal Reserve banks			
depositories for IMF-------	PL 79-171	Sec 6	Vol. II
depositories for World Bank	PL 79-171	Sec 6	Vol. II
Federal-State jurisdiction (U.S.)			
criminal code--------------	PL 92-539	Sec 2	Vol. II
protection over foreign			
officials---------------	PL 92-539	Sec 2	Vol. II
Federated States of Micronesia-U.S. relations			
conduct of foreign affairs-	PL 99-239	Title One	Vol. II
foreign aid---------------	PL 99-239	Title Two	Vol. II
Fellowships			
(see Educational and cultural exchange)			
Fertilizer			
increasing production			
abroad------------------	H. Res. 1399		Vol. II
international development			
center for--------------	PL 87-195	Sec 301(f)	103
Films			
(see USIA)			

			Page
Finland			
debt payments to U.S.	PL 87-256	Sec 105	1550
	PL 87-256	Sec 111	1555
Fish			
defined	PL 94-265	Sec 3(6)	Vol. II
Fisheries			
(see also International commissions)			
appropriations			
authorization	PL 94-265	Sec 406	Vol. II
catacean	PL 95-426	Sec 602	1073
Conservation	PL 71-361	Sec 323	Vol. II
conservation zone	PL 94-265	Sec 101	Vol. II
continental shelf	PL 93-242	Sec 15	Vol. II
continental shelf resources			
defined	PL 94-265	Sec 3(4)	Vol. II
definitions	PL 94-265	Sec 3	Vol. II
export promotion	PL 96-561	Sec 211	Vol. II
foreign fishing	PL 94-265	Sec 201	Vol. II
permits	PL 94-265	Sec 204	Vol. II
Foreign Fishing Observer Fund	PL 96-339	Sec 2	Vol. II
governing international fishery agreements			
defined	PL 94-265	Sec 206	Vol. II
import prohibitions	PL 94-265	Sec 205	Vol. II
international agreements	PL 94-265	Sec 202	Vol. II
Canada-U.S.	PL 99-5		Vol. II
International agreements			
Congressional approval	PL 95-6		Vol. II
international agreements			
Congressional oversight	PL 94-265	Sec 203	Vol. II
Iceland and EEC	PL 98-623	Title I	Vol. II
Japan and Spain	PL 97-389	Title IV	Vol. II
Portugal	PL 96-561	Sec 145	Vol. II
	PL 96-561	Sec 145	Vol. II
transitional			
provisions	PL 94-265	Sec 206	Vol. II
international commissions			
appropriations for	PL 99-591	Sec 101(b)	1116
management (U.S.)	PL 94-265	Title I	Vol. II
marine mammals			
(see Endangered species, marine mammals)			
North Pacific			
administration	PL 83-579	Sec 15	Vol. II
advisory committee	PL 83-579	Sec 4	Vol. II
authorization of			
appropriations	PL 83-579	Sec 12	Vol. II
Canada	PL 83-579	Sec 13	Vol. II
enforcement of			
prohibitions	PL 83-579	Sec 9	Vol. II
Federal facilities	PL 83-579	Sec 8	Vol. II
International			
Commission	PL 83-579		Vol. II
Japan	PL 83-579	Sec 13	Vol. II
penalties	PL 83-579	Sec 11	Vol. II
punishable offenses	PL 83-579	Sec 10	Vol. II
observer program of foreign			
fishing	PL 96-339	Sec 2	Vol. II
policy (U.S.)	PL 94-265	Sec 2	Vol. II
purposes	PL 94-265	Sec 2	Vol. II
reciprocal agreement with Canada			
Congressional approval	PL 95-6	Sec 5	Vol. II
resource preservation	PL 95-426	Sec 602	1073
salmon, North Atlantic	PL 97-389	Title III	Vol. II
salmon, Pacific	PL 99-5		Vol. II
Sea Law Treaty	PL 94-265	Sec 401	Vol. II
seabed	PL 93-242	Sec 15	Vol. II
seals			
(see Endangered species)			
seizure of U.S. vessel			
application for			
compensation	PL 96-561	Sec 240	Vol. II
seizure of U.S. vessels	PL 83-680		Vol. II
fines reimbursed	PL 83-680	Sec 3	Vol. II
foreign aid cut-off	PL 87-195	Sec 620(o)	186
loans to owners	PL 83-680	Sec 10	Vol. II
no retaliation	PL 83-680	Sec 4-5	Vol. II
release of	PL 83-680	Sec 2	Vol. II
U.S. Government guarantees for			
losses	PL 83-680	Sec 7	Vol. II
trade officers	PL 96-561	Sec 211	Vol. II
tuna			

Page

Fisheries--Continued
(see also er-American Tropical Tuna na Commission)
Eastern Pacific Ocean Tuna Fishing Agreement----------- PL 98-445 Vol. II
enforcement agencies-- PL 81-764 Sec 10 Vol. II
enforcing regulations- PL 81-764 Sec 7 Vol. II
inspecting reports---- PL 81-764 Sec 7-8 Vol. II
interagency coordination-------- PL 81-764 Sec 9 Vol. II
promulgating regulations--------- PL 81-764 Sec 6 Vol. II
punishable offenses--- PL 81-764 Sec 8 Vol. II
scientific investigations of--- PL 81-764 Sec 11 Vol. II
search and arrest warrants------------ PL 81-764 Sec 10 Vol. II
U.S. advisory committee on-------- PL 81-764 Sec 4 Vol. II
U.S. regulation------- PL 81-764 Vol. II
tuna, Atlantic
administration of----- PL 94-70 Sec 6 Vol. II
enforcement----------- PL 94-70 Sec 8 Vol. II
reports to Congress--- PL 96-339 Sec 3 Vol. II
Secretary of State as liason-------------- PL 94-70 Sec 5 Vol. II
U.S. advisory committee----------- PL 94-70 Sec 4 Vol. II
U.S. Government cooperation--------- PL 94-70 Sec 9 Vol. II
violations------------ PL 94-70 Sec 7 Vol. II
whales
(see Endangered species)
Fisherman's Protective Fund---- PL 83-680 Sec 9 Vol. II
Fishermen's Protective Act of 1967------------------------ PL 83-680 Vol. II
Fishery Conservation and Management Act of 1976------- PL 94-265 Vol. II
Fishery Conservation Zone Transition Act--------------- PL 95-6 Vol. II
Food (perishable)
international transport of- PL 97-325 913
Food
(see also Agricultural commodity sales)
(see also Agriculture)
(see also FAO)
(see also Fisheries)
(see also Food aid program)
export controls on--------- PL 96-72 Sec 6(g) Vol. II
international reserve------ PL 95-426 Sec 604 1074
sense of the House of Representatives---------- H. Res. 1399 Vol. II
wheat reserve-------------- PL 96-494 883
established----------- EO 12266 897
world hunger
congressional finding on------------------ PL 97-113 Sec 712 384
world security reserves---- PL 97-113 Sec 711 384
Food aid----------------------- PL 87-195 Sec 103 24
agricultural research------ PL 87-195 Sec 103A 27
PL 87-195 Sec 296 95
international cooperation---------- PL 87-195 Sec 297 97
assistance programs and policy------------------- PL 99-198 Sec 1113 835
Board for International Food and Agricultural Development-------------- PL 87-195 Sec 298 99
dairy surplus-------------- PL 81-439 819
distribution of
using PVOs------------ PL 83-480 Sec 202(c) 791
world food program---- PL 83-480 Sec 201(b) 789
exporters (U.S.)----------- PL 95-501 Sec 201 877
harvest losses------------- PL 96-533 Sec 317 400
IDA criteria--------------- PL 83-480 Sec 111 786
International Fertilizer Development Center
U.S. participation---- PL 87-195 Sec 301(f) 103
long-term agricultural commodity agreements
report to Congress---- PL 99-83 Sec 1008 357
Portugal------------------- PL 94-329 Sec 409 448
President's Emergency Food Assistance Fund---------- PL 98-473 Sec 303 811
private voluntary organizations------------ PL 96-533 Sec 316 399

			Page
Food aid--Continued			
production assessment reports to Congress---	PL 83-480	Sec 408	805
reports to Congress--------	PL 87-195	Sec 300	100
Special Assistant to the President for Agricultural Trade and Food Aid-----------------	PL 99-198	Sec 1113	835
U.S. policy----------------	PL 83-480	Sec 2	768
wheat surplus--------------	PL 81-439		819
World Food Conference recommendations U.S. contributions----	PL 83-480	Sec 3	768
Food aid program			
assistance to poor countries----------------	H. Res. 1399		Vol. II
Food and Agricultural Organization (see FAO)			
Food for Development Program---	PL 83-480	Sec 301-307	794
established----------------	PL 83-480	Sec 301	794
Food for Peace			
State Department-----------	EO 11252	Sec 2	869
Food for Peace Act of 1966-----	PL 89-808		871
Food for Progress Act of 1985--	PL 99-198	Sec 1110	832
Food production			
foreign aid----------------	PL 93-559	Sec 55	459
Food sales (see agricultural commodity sales)			
Food Security Act of 1985------	PL 99-198		831
Food Security Wheat Reserve----	EO 12266		897
Food Security Wheat Reserve Act of 1980---------------------	PL 96-494	Title III	893
Food supplies (see also Food aid program)			
assistance to poor countries----------------	H. Res. 1399		Vol. II
domestic production levels-	PL 93-189	Sec 39	464
international reserves-----	PL 95-113	Sec 1102	813
	PL 95-105	Sec 510	1090
U.N. conference on---------	PL 93-189	Sec 39	464
Foreign agents registration			
activities recorded--------	PL 75-583	Sec 5	Vol. II
Attorney General-----------	PL 75-583	Sec 2	Vol. II
campaign contributions-----	PL 75-583	Sec 2	Vol. II
	PL 89-486	fn	Vol. II
compensating agents--------	PL 75-583	Sec 2	Vol. II
enforcement----------------	PL 75-583	Sec 8	Vol. II
foreign governments defined---------------	PL 75-583	Sec 1	Vol. II
foreign principal			
foreign propaganda on file-	PL 75-583	Sec 4	Vol. II
liability of officers------	PL 75-583	Sec 7	Vol. II
penalties for violations---	PL 75-583	Sec 8	Vol. II
political propaganda defined---------------	PL 75-583	Sec 1	Vol. II
public inspection of statements---------------	PL 75-583	Sec 6	Vol. II
registration statements			
correcting deficiencies--------	PL 75-583	Sec 8	Vol. II
deadline for filing---	PL 75-583	Sec 2	Vol. II
exemptions------------	PL 75-583	Sec 3	Vol. II
information required--	PL 75-583	Sec 2	Vol. II
supplements to--------	PL 75-583	Sec 2	Vol. II
reports to Congress--------	PL 75-583	Sec 11	Vol. II
U.S. officials-------------	PL 89-486	Sec 8	Vol. II
Foreign Agents Registration Act of 1938, as amended----------	PL 75-583		Vol. II
Foreign aid (see also AID) (see also Food aid) (see also OPIC)			
administration of----------	PL 87-195	Sec 621-640c	193
	EO 12163		620
Advisory Committee on Voluntary Foreign Aid----	PL 87-195	Sec 635	209
African Development Foundation---------------	PL 96-533	Sec 502	401
agriculture program--------	PL 87-195	Sec 103	24
alien employees------------	PL 87-195	Sec 635	209
allocation changes---------	PL 87-195	Sec 653	224
anti-terrorism program appropriations, 1987--	PL 99-591	Title II	499
antiterrorism program------	PL 87-195	Sec 571-574	160
appropriations, 1987-------	PL 99-591	Title I	488
limitations on--------	PL 99-591	Title II	493
audits---------------------	PL 87-195	Sec 624	195

		Page
Foreign aid--Continued	PL 87-195 Sec 635	209
authorization of appropriations, 1984	PL 98-151 Sec 101(b)(2)	369
authorization reduction FY 1979	PL 95-424 Sec 601	431
children Asia	PL 87-195 Sec 241	94
Chile restriction	PL 94-161 Sec 320	453
commodities coordinating disposition of	PL 81-439 Sec 416(b)	824
consolidation of accounts	PL 87-195 Sec 610	174
cost estimates	PL 87-195 Sec 611	174
cost-sharing with foreign countries	PL 87-195 Sec 110	39
counterpart funds	PL 87-195 Sec 609	173
	PL 83-665 Sec 402	535
	PL 83-665 Sec 417	536
cut-offs	PL 87-195 Sec 620	180
Cyprus relief	PL 87-195 Sec 495	127
debt burdens selected countries	PL 97-113 Sec 723	389
delegation of functions State Department	45 FR 11655	631
democratic institutions	PL 87-195 Sec 281	94
Development Coordination Committee	PL 87-195 Sec 640B	217
	EO 12163 Sec 1-506	625
disaster assistance	PL 87-195 Sec 491	125
Africa	PL 87-195 Sec 495K	132
borrowing authority	PL 87-195 Sec 492(b)	126
coordination for	PL 87-195 Sec 493	126
discrimination against U.S. personnel	PL 87-195 Sec 666	228
drug production aid prohibition	PL 87-195 Sec 481(h)	120
economic policies of recipients report to Congress	PL 99-591 Sec 534	507
education	PL 87-195 Sec 105	31
endangered species	PL 87-195 Sec 119	48
energy programs	PL 87-195 Sec 106(a)	33
environment	PL 87-195 Sec 117	44
ESF	PL 87-195 Sec 532	153
evaluation of program	PL 87-195 Sec 125	56
Export-Import Bank tied aid credit program	PL 98-181 Sec 641-647	Vol. II
foreign currencies	PL 87-195 Sec 636	211
U.S. security	PL 87-195 Sec 614	178
funds limit on obligations	PL 87-195 Note	23
transfer between programs	PL 87-195 Sec 109	39
	PL 87-195 Sec 610	174
	PL 87-195 Sec 632	202
witholding of	PL 87-195 Sec 307	107
health services	PL 87-195 Sec 104	27
human rights	PL 87-195 Sec 116	41
	PL 96-533 Sec 710	406
Assistant Secretary of State established	PL 87-195 Sec 624(f)	196
Inter-American Commission	PL 87-195 Sec 302(a)(2)	105
incidental expenses	PL 87-195 Sec 636	211
infant feeding practices	PL 97-113 Sec 301(b)	378
inspection of	EO 12066	648
Inspector General	EO 12066	648
international organizations	PL 87-195 Sec 301	101
report to Congress	PL 87-195 Sec 306	106
Italy relief	PL 87-195 Sec 495B	127
Latin America (see also Inter-American Foundation)	PL 86-735	531
agriculture	PL 87-195 Sec 222A	64
U.S. policy	PL 86-735 Sec 1	531
Latin America and the Caribbean reports to Congress	PL 99-83 Sec 709	330
least developed countries emphasis on	PL 87-195 Sec 124	55
Lebanon	PL 98-43	374
Lebanon relief	PL 87-195 Sec 495C	128
loans	PL 87-195 Sec 122	52
accelerated repayment	PL 87-195 Sec 127	57
allocation	PL 99-591 Title II	494
defaults on	PL 93-559 Sec 56	460
reducing bilateral	PL 87-195 Sec 209	59

		Page
Foreign aid--Continued		
management innovations		
systems analysis	PL 87-195 Sec 621A	194
Middle East	PL 85-7 Sec 1	Vol. II
international		
contributions	PL 94-161 Sec 322	454
minority business participation	PL 95-88 Sec 133	439
Minority Resource Center	PL 98-151 Sec 101(b)(2)	371
minority set-aside	PL 99-83 Sec 315	310
	PL 98-151 Sec 101(b)(2)	371
narcotics (illicit) production	PL 87-195 Sec 126	57
natural resources	PL 87-195 Sec 118	45
nuclear enrichment transfers		
suspension of	PL 87-195 Sec 669	229
nuclear reprocessing transfers		
termination of aid	PL 87-195 Sec 670	231
Olympic games boycott	PL 96-533 Sec 718	408
personnel	PL 87-195 Sec 624-631	195
(see also Peace Corps)		
assignments	PL 87-195 Sec 627-630	200
consultants	PL 87-195 Sec 626	199
officers	PL 87-195 Sec 624	195
official expenses	PL 87-195 Sec 636	211
police training prohibited	PL 87-195 Sec 660	225
policy	PL 87-195 Sec 101-102	16
political repression abroad	PL 93-189 Sec 32	462
poor		
target to	PL 87-195 Sec 128	58
population planning	PL 87-195 Sec 104	27
private organizations participation	PL 87-195 Sec 123	53
Private Sector Revolving Fund	PL 87-195 Sec 108	36
procurement abroad	PL 87-195 Sec 604	167
procurement from small businesses	PL 94-329 Sec 602	451
program changes		
Congressional notification	PL 87-195 Sec 634A	208
provided through PVOs	PL 99-83 Sec 710	331
reappraisal of	PL 90-554	480
recipient support for U.S. foreign policy		
report to Congress	PL 99-591 Sec 528	506
refugees		
African	PL 87-195 Sec 495F	129
reports to Congress	PL 87-195 Sec 634	205
	PL 97-113 Sec 722	389
reprogramming of funds	PL 87-195 Sec 634A	208
Romanian relief	PL 87-195 Sec 495D	128
rural development	PL 87-195 Sec 103	24
Sahel Development Program	PL 87-195 Sec 120-121	51
science and technology		
appropriations, 1987	PL 99-591 Title II	493
Secretary of State	PL 87-195 Sec 622	194
seizure of U.S. fishing vessels	PL 83-680 Sec 5	Vol. II
self-help development aid	PL 95-88 Sec 131	438
special missions abroad	PL 87-195 Sec 631	202
surplus property		
required use of	PL 87-195 Sec 608	172
transfer to voluntary agencies	PL 87-195 Sec 607	170
targeting for poor	PL 87-195 Sec 128	58
technology development in developing countries	PL 87-195 Sec 107	36
termination of	PL 87-195 Sec 617	179
terrorism		
suspension to countries participating	PL 87-195 Sec 620A	189
trade and development	PL 87-195 Sec 661	227
transport of supplies by Defense Department		
report to Congress	PL 98-525 Sec 1540	736
transportation expenses	PL 87-195 Sec 636	211
Turkey relief	PL 87-195 Sec 495B	129
U.N. voluntary contributions	PL 87-195 Sec 302(a)	103
utilizing NGOs		
study by AID	PL 99-83 Sec 311	310
women in development	PL 87-195 Sec 113	40
Foreign aid program		
implementation of	EO 11223	643
Foreign assistance		
(see Foreign aid)		

			Page
Foreign Assistance Act of 1961	PL 87-195		15
Foreign Assistance Act of 1962	PL 87-565		487
Foreign Assistance Act of 1963	PL 88-205		486
Foreign Assistance Act of 1964	PL 88-633		485
Foreign Assistance Act of 1965	PL 89-171		484
Foreign Assistance Act of 1966	PL 89-583		483
Foreign Assistance Act of 1967	PL 90-137		482
Foreign Assistance Act of 1968	PL 90-554		480
Foreign Assistance Act of 1969, as amended	PL 91-175		473
Foreign Assistance Act of 1971	PL 92-226		466
Foreign Assistance Act of 1973	PL 93-189		461
Foreign Assistance Act of 1974	PL 93-559		455
Foreign Assistance and Related Programs Appropriations Act, 1987	PL 99-591	Sec 101(f)	488
Foreign buildings			
solar energy	PL 95-426	Sec 105	1064
Foreign claims			
Bulgaria	PL 81-455	Sec 301-318	Vol. II
	PL 81-455	Sec 201-216	Vol. II
China (People's Republic of)			
authorization to make payments	PL 81-455	Sec 8(f)	Vol. II
certification of	PL 81-455	Sec 507	Vol. II
corporate claims	PL 81-455	Sec 505	Vol. II
determination of	PL 81-455	Sec 503	Vol. II
double recovery avoided	PL 81-455	Sec 506	Vol. II
ownership of claims	PL 81-455	Sec 504-505	Vol. II
Cuba			
certification of	PL 81-455	Sec 507	Vol. II
corporate claims	PL 81-455	Sec 505	Vol. II
determination of	PL 81-455	Sec 503	Vol. II
double recovery avoided	PL 81-455	Sec 506	Vol. II
ownership of claims	PL 81-455	Sec 504-505	Vol. II
Czechoslovakia	PL 81-455	Sec 401-415	Vol. II
Germany (East)	PL 81-455	Title VI	Vol. II
Hungary	PL 81-455	Sec 201-216	Vol. II
Italy	PL 81-455	Sec 301-318	Vol. II
Micronesia			
authorization of appropriations	PL 92-39	Sec 202	Vol. II
penalties for excess compensation	PL 92-39	Sec 106	Vol. II
Micronesian Claims Commission	PL 92-39	Sec 103-104	Vol. II
finality of decisions	PL 92-39	Sec 201	Vol. II
hearings	PL 92-39	Sec 104	Vol. II
Micronesian Claims Fund	PL 92-39	Sec 102	Vol. II
notification of filing deadlines	PL 81-455	Sec 4	Vol. II
Romania	PL 81-455	Sec 201-216	Vol. II
Ryukyu			
World War II damage	PL 89-296		Vol. II
settlement by State Department	PL 84-885	Sec 2	1122
Soviet Union	PL 81-455	Sec 301-318	Vol. II
Vietnam	PL 81-455	Title VII	Vol. II
corporate claims	PL 81-455	Sec 705	Vol. II
Yugoslavia	PL 81-455	Sec 4	Vol. II
Foreign Claims Settlement Commission	PL 81-455	Sec 3 fn	Vol. II
(see also Foreign claims)			
depositions for	PL 81-455	Sec 4	Vol. II
evidence before	PL 81-455	Sec 4	Vol. II
finality of decisions	PL 81-455	Sec 4	Vol. II
foreign aid cut-off	PL 87-195	Sec 620(e)	182
hearings	PL 81-455	Sec 4	Vol. II
Iran			
claims against	PL 99-93	Sec 501	Vol. II
Micronesia	PL 92-39	Sec 103-105	Vol. II
Foreign currencies			
(see Currencies, foreign)			
Foreign Exchange Market			
U.S. intervention in	PL 99-93	Sec 810	1022
Foreign gifts and decorations			
(see Gifts, foreign)			
Foreign Gifts and Decorations Act of 1966			
(see Gifts, foreign)			
Foreign governments			
(see Governments, foreign)			
Foreign Investment Study Act of 1974	PL 93-479		Vol. II
Foreign Military Sales Act			
(see Arms Export Control Act)			

Page

Foreign Military Sales Act Amendments of 1971----------- PL 91-672 470
Foreign ministers
(see Ambassadors)
Foreign missions
liability insurance-------- PL 84-885 Sec 204A 1149
location in Washington, D.C.--------------------- PL 84-885 Sec 206 1151
office of------------------ PL 84-885 Sec 203 1148
property------------------- PL 84-885 Sec 205 1150
protective services
extraordinary---------- PL 84-885 Sec 214 1158
extraordinary-------- EO 12478 Vol. II
Soviet Union
number of members----- PL 99-569 Sec 702 Vol. II
U.S. policy---------------- PL 84-885 Sec 201 1146
Foreign Missions Act----------- PL 84-885 Sec 201-213 1146
Foreign Missions, Office of
liability insurance-------- PL 95-393 Sec 6 Vol. II
Foreign officials in U.S.
protection of-------------- PL 92-539 Vol. II
criminal code---------- PL 92-539 Vol. II
Foreign Operations Administration
Director of
authority transferred to USIA------------- EO 10477 Sec 3 1539
Foreign policy
export controls------------ PL 96-72 Sec 6 Vol. II
Foreign policy study comm.
(see Comm. on the Organization of the Govt for the Conduct...)
Foreign Relations Authorization Act of 1972------------------ PL 92-352 1109
Foreign Relations Authorization Act, Fiscal Year 1976-------- PL 94-141 1101
Foreign Relations Authorization Act, Fiscal Year 1977-------- PL 94-350 1094
Foreign Relations Authorization Act, Fiscal Year 1978-------- PL 95-105 Sec 1 1082
Foreign Relations Authorization Act, Fiscal Year 1979-------- PL 95-426 1062
Foreign Relations Authorization Act, Fiscal Years 1986 and 1987------------------------- PL 99-93 1001
Foreign Service
(see also State, Department of, personnel)
allowances----------------- PL 87-293 Sec 15(a) 939
appointments to------------ PL 96-465 Sec 301 1188
by President---------- PL 96-465 Sec 302 1189
by Secretary---------- PL 96-465 Sec 303 1190
career---------------- PL 96-465 Sec 306 1192
limited--------------- PL 96-465 Sec 309 1192
assignments---------------- PL 96-465 Sec 502 1200
"home" duty----------- PL 96-465 Sec 903 1257
Foreign Service Institute----------- PL 96-465 Sec 704 1210
Government agencies--- PL 96-465 Sec 503 1201
international organizations------- PL 96-465 Sec 503 1201
NATO------------------ PL 83-665 Sec 408 535
U.N. delegation------- PL 79-264 Sec 2 Vol. II
awards--------------------- PL 96-465 Sec 613 1208
Board of
established----------- EO 12293 Sec 9 1304
Board of Examiners--------- PL 96-465 Sec 211 1188
established----------- EO 12293 Sec 6 1303
USIA------------------ EO 11434 Sec 2 1541
Board of the Foreign Service------------------ PL 96-465 Sec 210 1187
buildings
(see Foreign Service buildings)
career development--------- PL 96-465 Sec 703 1209
chief of mission
appointment of-------- PL 96-465 Sec 304 1190
equal competition for- PL 96-465 Sec 502(d) 1201
responsiblities------- PL 96-465 Sec 207 1184
classifications
by Secretary of State- PL 96-465 Sec 501 1200
compatibility with other agencies----------------- PL 96-465 Sec 204 1183
congressional oversight of- PL 96-465 Sec 2402 1298
conversion from Foreign Service------------------ PL 96-465 Sec 2104 1284
security officers----- PL 96-465 Sec 2104(c) 1284
danger pay----------------- PL 98-164 Sec 131 1035

		Page
Foreign Service--Continued		
	PL 98-533 Sec 304	1377
death gratuity	PL 96-465 Sec 413	1200
delegation of functions	EO 12293 Sec 1,5	1303
diplomatic and consular officers	PL 96-465 Sec 312	1193
direction of	PL 81-73 Sec 3	1301
Director General	PL 96-465 Sec 208	1184
	PL 81-73 Sec 3	1301
disability (see Foreign Service, retirement)		
education facilities for family members	PL 84-885 Sec 29	1135
educational and cultural exchange programs	PL 87-256 Sec 104	1547
efficiency records		
availability	PL 96-465 Sec 604	1204
employment opportunities for family members	PL 84-885 Sec 27	1134
entry level	PL 96-465 Sec 307	1192
families		
death gratuity	PL 96-465 Sec 413	1200
educational facilities	PL 84-885 Sec 29	1135
employment opportunities	PL 84-885 Sec 27	1134
	PL 96-465 Sec 311	1193
former spouses retirement benefits	PL 96-465 Sec 814	1229
former spouses survivor benefits	PL 96-465 Sec 2109	1287
functions of	PL 96-465 Sec 104	1180
household furnishings loaned	PL 96-465 Sec 902	1257
imprisoned foreign nationals		
compensation	PL 96-465 Sec 410	1198
information officers (see Foreign Service Information Officers)		
Inspector General	PL 96-465 Sec 209	1185
international terrorism		
security against	PL 98-533 Sec 301	1376
junior officers		
compensation for	PL 95-105 Sec 412	1087
labor-management relations		
application	PL 96-465 Sec 1003	1261
employee rights	PL 96-465 Sec 1004	1262
Foreign Service Grievance Board	PL 96-465 Sec 1105-7	1277
General Counsel	PL 96-465 Sec 1008	1264
grievances	PL 96-465 Sec 1101-10	1275
judicial review	PL 96-465 Sec 1009	1264
labor organization standards	PL 96-465 Sec 1017	1273
Labor Relations Board	PL 96-465 Sec 1006-7	1263
management rights	PL 96-465 Sec 1005	1262
policy	PL 96-465 Sec 1001	1259
representation rights of employees	PL 96-465 Sec 1012-13	1178
resolution of disputes	PL 96-465 Sec 1014	1269
unfair labor practices	PL 96-465 Sec 1015-16	1269
language requirements	PL 96-465 Sec 702	1209
lateral entry for American businessmen and farmers	PL 99-93 Sec 121	1006
legal services	PL 84-885 Sec 26	1134
medical services		
abroad	PL 96-465 Sec 904	1257
eligibility	PL 96-465 Sec 904	1257
inoculations	PL 96-465 Sec 904	1257
malpractice suits	PL 84-885 Sec 30	1135
physical examinations	PL 96-465 Sec 904	1257
travel for	PL 96-465 Sec 904	1257
treatment expenses	PL 96-465 Sec 904	1257
members of	PL 96-465 Sec 103	1180
Meresman Case	PL 96-465 Sec 2103(f)	1284
minority group and women members	PL 99-93 Sec 152	1015
objectives	PL 96-465 Sec 101	1178
personnel system		
use by other agencies	PL 96-465 Sec 202-203	1183
post facilities	PL 84-885 Sec 31	1137
promotions	PL 96-465 Sec 601	1202
grievance boards	PL 96-465 Sec 606	1205
selection boards	PL 96-465 Sec 605	1204
recall of members	PL 96-465 Sec 308	1192
reemployment	PL 96-465 Sec 310	1193
refugee relief	PL 87-510 Sec 5	1411

			Page
Foreign Service--Continued			
reserve officers (see Foreign Service Reserve Officers)			
retirement			
conforming to Civil Service	EO 12293	Sec 3	1303
creditable service	PL 96-465	Sec 816	1235
definitions	PL 96-465	Sec 804	1213
disability	PL 96-465	Sec 808	1225
due to expiration of time in class	PL 96-465	Sec 607	1205
due to performance	PL 96-465	Sec 608	1206
extra service credit	PL 96-465	Sec 817	1239
former Presidential appointees	PL 96-465	Sec 813	1229
former spouses	PL 96-465	Sec 814	1229
mandatory	PL 96-465	Sec 812	1229
participants	PL 96-465	Sec 803	1212
physical examinations	PL 96-465	Sec 808	1225
schedule	PL 94-350	Sec 500	1307
retirement annuities			
computation of	PL 96-465	Sec 806	1218
cost-of-living adjustments	PL 96-465	Sec 826	1244
death in service	PL 96-465	Sec 809	1225
payment of	PL 96-465	Sec 809	1227
recall to service	PL 96-465	Sec 823	1241
recomputation of	PL 96-465	Sec 823	1241
reemployment	PL 96-465	Sec 824	1242
retirement fund	PL 96-465	Sec 802	1212
annuity elections for survivors	PL 94-350	Sec 523	1307
appropriations for	PL 96-465	Sec 818	1239
appropriations, 1987	PL 99-591	Title II	494
conformity with civil service systems	PL 96-465	Sec 827	1246
contributions	PL 96-465	Sec 805	1215
extra contributions	PL 96-465	Sec 825	1243
free from legal process	PL 96-465	Sec 820	1239
future benefits	PL 96-465	Sec 821	1241
investment of	PL 96-465	Sec 819	1239
liability obligations	PL 96-465	Sec 822	1241
report	PL 96-465	Sec 822	1241
unfunded liability	PL 96-465	Sec 822	1241
retirement, involuntary benefits	PL 96-465	Sec 608	1206
salaries	PL 96-465	Sec 401-409	1193
after reemployment	PL 96-465	Sec 824	1242
chiefs of mission	PL 96-465	Sec 401	1193
compensatory time	PL 95-426	Sec 411	1069
consular agents	PL 96-465	Sec 409	1198
conversion to Foreign Service Schedule	PL 96-465	Sec 2102	1282
conversion to Senior Foreign Service	PL 96-465	Sec 2103	1283
danger pay	PL 96-465	Sec 2311	1295
foreign nationals	PL 96-465	Sec 408	1197
officers	PL 96-465	Sec 403	1194
special differential	PL 96-465	Sec 412	1199
transition period	PL 96-465	Sec 2101	1282
U.S. personnel at U.N.	PL 79-264	Sec 2	Vol. II
Secretary of State	PL 96-465	Sec 201	1182
security officers			
conversion from Foreign Service	PL 96-465	Sec 2104(c)	1284
selection-out			
special annuity	PL 95-105	Sec 411	1086
Senior Foreign Service			
appointment to	PL 96-465	Sec 305	1191
salaries	PL 96-465	Sec 402	1194
separation for cause	PL 96-465	Sec 610	1207
special agents			
general authority	PL 84-885	Sec 37	1142
spouses			
increasing employment	PL 99-93	Sec 120	1006
language training for	PL 95-105	Sec 414	1088
survivor benefits			
former spouses	PL 96-465	Sec 2109	1287
termination of appointments	PL 96-465	Sec 611-612	1208
travel			
expenses	PL 96-465	Sec 901	1254
extra pay	PL 84-885	Sec 32	1137
USIA authority over	EO 10477	Sec 2	1538
vehicle use	PL 84-885	Sec 28	1135
voting rights in Federal elections	PL 96-465	Sec 906	1258
Foreign Service Act of 1980	PL 96-465		1174

			Page
Foreign Service Act of 1980--Continued			
standards for			
ACDA------------------	PL 87-297	Sec 48	982
educational and cultural exchange---	EO 11034	Sec 5	1559
Foreign Service Board----------	PL 87-297	Sec 42	978
relating to USIA-----------	EO 11434	Sec 2	1541
Foreign Service boards---------	PL 96-465	Sec 602-603	1203
Foreign Service buildings			
additional appropriations--	PL 75-543		1397
appropriations, 1987-------	PL 99-591	Sec 101(b)	1114
authorization of appropriations-----------	PL 69-186	Sec 4	1389
	PL 79-547		1396
consular facilities in Mexico			
improvement of--------	PL 98-164	Sec 103	1029
consulates to remain open--	PL 97-241	Sec 103	1046
	PL 96-60	Sec 108	1058
contracts			
award of--------------	PL 69-186	Sec 11	1394
terms of--------------	PL 69-186	Sec 3	1389
destruction of property----	PL 69-186	Sec 9	1394
Diplomatic Construction Program------------------	PL 99-399	Sec 402	1444
foreign currencies			
use of----------------	PL 69-186	Sec 4(i)	1393
foreign currencies from agricultural commodity sales--------------------	PL 83-480	Sec 104(b)(4)	775
fund----------------------	PL 69-186	Sec 4	1389
	PL 69-186	Sec 9	1394
gifts of property or services-----------------	PL 69-186	Sec 9	1394
Government agencies--------	PL 69-186	Sec 1	1388
insurance------------------	PL 69-186	Sec 5	1393
leaseholds			
length of------------	PL 69-186	Sec 6	1393
purpose of legislation-----	PL 69-186	Sec 1	1388
rent credited--------------	PL 69-186	Sec 1	1388
reports to Congress--------	PL 69-186	Sec 9	1394
residences-----------------	PL 69-186	Sec 3	1389
Secretary of State---------	PL 69-186	Sec 1	1388
Soviet Union locations-----	PL 69-186	Sec 4(i)	1393
surplus property			
disposal of-----------	PL 79-547		1396
USIA's facilities----------	PL 69-186	Sec 4	1389
Foreign Service Buildings Act of 1926----------------------	PL 69-186		1388
Foreign Service Information Officers			
merger with Foreign Service corps--------------------	PL 98-164	Sec 130(c)	1035
retirement and disability system------------------	EO 11434	Sec 3	1541
Foreign Service Institute			
assignment to-------------	PL 96-465	Sec 704	1210
language training----------	PL 96-465	Sec 702	1209
family members--------	PL 96-465	Sec 704	1210
purpose--------------------	PL 96-465	Sec 701	1208
training-------------------	PL 96-465	Sec 704-705	1210
training facilities--------	PL 99-93	Sec 123	1006
Trust Territories of the Pacific Islands			
students from---------	PL 96-465	Sec 701(c)	1209
Foreign Service Reserve Officers---------------------	PL 89-134	Sec 5	951
assignments			
foreign aid program---	PL 87-195	Sec 625	197
Foreign Service Retirement Amendments of 1976-----------	PL 94-350	Sec 500	1307
Foreign Service Retirement and Disability System			
(see Foreign Service, retirement)			
Foreign Sovereign Immunities Act of 1976-----------------	PL 94-583		Vol. II
Foreign trade			
(see Trade)			
Formosa Resolution			
repealed------------------	PL 93-475	Sec 3	1104
France-U.S. relations			
arms control			
limiting conventional arms transfers------	PL 99-83	Sec 129	302
Friendship and Sympathy with the people of El Salvador----	PL 99-623		Vol. II
FSI			
(see Foreign Service Institute)			

Page
FSIO
    (see Foreign Service Information Officers)
Fuel supplies
    use in foreign aid program- PL 87-195 Sec 647 222
Fugitives
    (see Hijackings)
    (see Refugees)
Fulbright Educational Exchange Program---------------------- PL 87-256 Sec 112(a)(1) 1556
    authorization, 1984-85----- PL 98-164 Sec 206 1511
Fulbright-Hays Act
    (see Mutual Educational and Cultural Exchange Act of 1961)
Further Continuing Appropriations Act, 1983----- PL 97-377 Sec 101(c) 601

G

Gabon
    Albert Schweitzer Hospital- PL 93-189 Sec 33 462
GAO
    ACDA audit---------------- PL 87-297 Sec 46 981
    Diplomatic and Consular Service audit----------- PL 84-885 Sec 20 1130
    foreign aid--------------- PL 87-195 Sec 624 195
        PL 87-195 Sec 635 209
GATT
    (see also Trade)
    authorization of appropriations for------- PL 93-618 Sec 121 Vol. II
    barring import of fish products---------------- PL 83-680 Sec 8 Vol. II
    Communist members---------- PL 93-618 Sec 502 Vol. II
Gavin, John------------------- PL 99-93 Sec 135 1009
General Accounting Office
    (see GAO)
General Agreement on Tariffs and Trade
    (see GATT)
General Assembly Resolution 33/79
    implementation of---------- PL 98-164 Sec 114 1031
General Government Matters Appropriation Act, 1962------ PL 87-125 540
Generalized System of Preferences Renewal Act of 1984------------------------- PL 98-573 Sec 501 Vol. II
George Marshall
    statue of----------------- PL 95-426 Sec 104 1063
Germany (East)-U.S. relations
    foreign claims------------ PL 81-455 Title VI Vol. II
Germany
    Berlin
        access to------------ H. Con. Res. 87-570 Vol. II
Germany-U.S. relations
    air defense agreements----- PL 99-93 Sec 132 305
    air defense of U.S. military bases----------- PL 98-525 Sec 105 712
    atomic energy cooperation-- PL 83-703 Sec 125 Vol. II
    Patriot missile system----- PL 98-525 Sec 105 712
    teenage exchange program--- PL 98-164 Sec 211 1513
    West Berlin
        foreign aid----------- PL 87-195 Sec 614 178
Gifts (foreign)
    approval for use of-------- S. Res. 90-314 1408
    defined-------------------- PL 89-673 Sec 2 1400
        PL 95-105 Sec 515 1401
    deposited------------------ PL 89-673 Sec 6 1400
    inducement prohibited------ PL 95-105 Sec 515 1401
    release to donee----------- PL 89-673 Sec 6 1400
    reports to Congress-------- PL 95-105 Sec 515 1401
    rules
        authority for prescribing--------- EO 11320 1407
    Senate procedures---------- PL 95-105 Sec 515 1401
    value---------------------- PL 95-105 Sec 515 1401
Gifts (general)
    acceptance by Secretary of State-------------------- PL 84-885 Sec 25 1133
    disposition of------------- PL 84-885 Sec 25 1133
    to Foreign Service buildings---------------- PL 69-186 Sec 9 1394
Gifts (U.S.)
    foreign aid---------------- PL 87-195 Sec 451 108
Global security---------------- PL 97-113 Sec 710 383
Glomar Java Sea
    ascertaining fate of survivors---------------- PL 98-525 Sec 1541 736

			Page
Gold			
role in international monetary system			
reports to Congress---	PL 96-389	Sec 10	Vol. II
Gold Reserve Act of 1934			
fund created by------------	PL 79-171	Sec 7	Vol. II
	PL 79-171	Sec 10	Vol. II
Gorgas Memorial Institute			
authorization of appropriations-----------	PL 93-559	Sec 47	456
Government Corporation Control Act			
compliance with			
Inter-American Foundation----------	PL 91-175	Sec 401(t)	477
OPIC------------------	PL 87-195	Sec 239(c)	89
Government procurement			
trade agreement on----------	PL 96-39	Sec 301-309	Vol. II
Governments (foreign)			
airport security-----------	PL 99-83	Sec 551	313
suspension of foreign aid-----------------	PL 99-83	Sec 552	317
arming of vessels by U.S. citizens-----------------	18 USC 961		Vol. II
drug control efforts			
prohibition on aid----	PL 99-167	Sec 124	739
foreign aid personnel assigned to--------------	PL 87-195	Sec 627	200
humanitarian relief--------	PL 98-525	Sec 1540	736
personnel			
Peace Corps contribution--------	PL 87-293	Sec 18	938
Greece-U.S. relations-----------	PL 87-195	Sec 620C	190
arms sales-----------------	PL 99-83	Sec 101	300
arms sales credits			
repayment--------------	PL 96-92	Sec 17(b)	421
Cyprus conflict------------	PL 94-104	Sec 2	552
military aid cut-off			
repealed--------------	PL 87-195	Sec 620(v)	187
Greek Independence Day - Proclamation-----------------	PL 99-532		Vol. II
Grenada-U.S. relations			
U.S. armed forces			
commendation of-------	PL 98-181	Sec 2004	Vol. II
Grievances			
(see Foreign Service, employee-management relations)			
Guam			
government of--------------	PL 83-451	Sec 4	Vol. II
Guatemala-U.S. relations			
Belize independence			
recognition of--------	PL 99-83	Sec 703(g)	328
foreign aid			
conditions for--------	PL 99-83	Sec 703	326
suspension of---------	PL 99-83	Sec 703(d)	327
Guernica-----------------------	PL 95-426	Sec 605	1075

H

Haiti			
foreign aid (U.S.), 1986---	PL 99-349	Chapter V	521
Haiti-U.S. relations			
aid			
conditions for--------	PL 99-83	Sec 705	329
provide through PVOs--	PL 99-83	Sec 705	329
assistance in recovering stolen assets------------	PL 99-529	Sec 204	296
foreign aid, 1984			
conditions for--------	PL 98-151	Sec 101(b)(2)	372
foreign aid, 1987----------	PL 99-529	Sec 202	294
	PL 99-591	Title II	493
military aid, 1987			
conditions on----------	PL 99-529	Sec 203	295
military aid, 1987 authorization------------	PL 99-529	Sec 203	295
refugees------------------	PL 98-151	Sec 101(b)(2)	372
	PL 97-113	Sec 721	388
	PL 97-241	Sec 502	1053
	PL 96-422	Sec 501	1420
	EO 12341		1422
Halibut			
(see Fisheries)			
Health care			
Peace Corps volunteers-----	PL 87-293	Sec 5(e)	923
promoting immunization and oral rehydration---------	PL 99-529	Sec 101	292
swine influenza aid--------	PL 94-302	Sec 301	1646
Helsinki Human Rights Day - Proclamation-----------------	PL 99-374		1643

			Page
Herbicides			
dioxin			
international commissions use of--	PL 98-164	Sec 135	1036
HEW, Secretary of			
educational and cultural exchange functions-------	EO 11034	Sec 4	1558
refugee relief authority over--------	EO 11077	Sec 2-3	1415
Hickenlooper Amendment---------	PL 87-195	Sec 620(e)(1)	182
High Seas Fisheries of the North Pacific Ocean, International Conv. for the implementation of------------	PL 83-579		Vol. II
Hijackings			
penalty-------------------	PL 93-366	Sec 105	Vol. II
TWA Flight 847			
sense of Congress-----	PL 99-83	Sec 558	318
Honduras			
Nicaragua relations--------	PL 97-377	Sec 793	601
Honduras-U.S. relations			
police training			
foreign aid for-------	PL 87-195	Sec 660(d)	226
refugees------------------	PL 99-83	Sec 704	328
Hospital, American Children's Zablocki Outpatient Facility----------------	PL 98-256		605
Hospitals			
sponsored by U.S.----------	PL 87-195	Sec 214	60
Hostage release			
(see also Iran-U.S. relations)			
claims			
non-prosecution of----	EO 12283		Vol. II
Hostage Relief Act of 1980-----	PL 96-449		1364
Hostages (U.S.)---------------	PL 96-449		1364
(see also Iran-U.S. relations)			
Civil Relief Act of 1940			
application extension-	PL 96-449	Sec 105	1367
compensation for			
President's commission on------------------	EO 12285		Vol. II
delegation of functions----	EO 12268		1372
education benefits---------	PL 96-449	Sec 104	1366
Iran			
Red Cross visits------	PL 96-449	Sec 301	1371
medical care---------------	PL 96-449	Sec 103	1365
pay and allowances---------	PL 96-449	Sec 102	1365
return date----------------	EO 12313		Vol. II
taxes----------------------	PL 96-449	Sec 201	1367
Housing			
guaranty programs			
appropriations, 1987--	PL 99-591	Title II	495
less-developed countries---	PL 87-195	Sec 221-223	62
Human rights			
agricultural commodity sales-------------------	PL 83-480	Sec 112	787
Assistant Secretary of State for Human Rights and Humanitarian Affairs-	PL 87-195	Sec 624(f)	196
	PL 95-105	Sec 109	1084
Belgrade Conference--------	PL 95-105	Sec 502	1088
Cambodia and Uganda--------	PL 95-426	Sec 610	1077
Chile----------------------	PL 93-189	Sec 35	463
Export-Import Bank---------	PL 79-173	Sec 2(b)(1)	Vol. II
foreign aid conditioned on-	PL 87-195	Sec 116	41
Guatemala------------------	PL 99-83	Sec 703(h)	328
Inter-American Commission on----------------------	PL 87-195	Sec 302(a)(2)	105
Interagency Group on-------	PL 96-533	Sec 710	406
Korea----------------------	PL 94-329	Sec 412	448
MDBs-----------------------	PL 95-118	Sec 705	Vol. II
	PL 95-118	Sec 701	Vol. II
Mexico			
prisoners (U.S.)------	PL 94-329	Sec 408	447
OPIC-----------------------	PL 87-195	Sec 239(i)	90
reaffirmation of congressional support----	PL 97-113	Sec 713	384
reports to Congress--------	PL 87-195	Sec 502B	136
security assistance conditioned on-----------	PL 87-195	Sec 502B	136
torture			
U.S. opposition to----	PL 98-447		Vol. II
Uganda---------------------	PL 95-435	Sec 5	Vol. II
Humanitarian assistance			
Nicaragua democratic resistance---------------	PL 99-591	Sec 208	561
Humanitarian relief			

			Page
Humanitarian relief--Continued			
Afghan refugees			
extension of authorization-------	PL 99-661	Sec 331	672
exemptions to foreign agents engaged in---------	PL 75-583	Sec 3	Vol. II
Nicaraguan democratic resistance---------------	PL 99-88		576
transport of supplies by Defense Department			
report to Congress----	PL 98-525	Sec 1540	736
using non-lethal excess supplies-----------------	10 USC 2547		666
Humphrey Fellowship Program----	PL 87-256	Sec 112(a)(2)	1556
authorization, 1984-85-----	PL 98-164	Sec 206	1511
Hungary			
National Freedom Fighters Day-----------------------	PL 99-488		Vol. II
Hungary-U.S. relations			
claims			
liquidation of property------------	PL 81-455	Sec 201-216	Vol. II
claims against-------------	PL 81-455	Sec 301-318	Vol. II
trade restrictions			
waiver-----------------	EO 12051		Vol. II
U.S.-Hungarian Claims Agreement of 1973---------	PL 81-455	Sec 310	Vol. II
Hunger			
congressional finding on---	PL 97-113	Sec 712	384
Hunger prevention			
(see Food aid)			
I			
IADB			
amending articles of agreement-----------------	PL 86-147	Sec 20	Vol. II
appropriations, 1987-------	PL 99-591	Title I	490
audit----------------------	PL 86-147	Sec 14	Vol. II
capital stock--------------	PL 86-147	Sec 15-19	Vol. II
subscriptions paid----	PL 86-147	Sec 7	Vol. II
courts			
jurisdiction----------	PL 86-147	Sec 8	Vol. II
venue-----------------	PL 86-147	Sec 8	Vol. II
energy exploration			
report to Congress----	PL 96-259	Sec 102	Vol. II
Fund for Special Operations	PL 86-147	Sec 15-19	Vol. II
U.S. contribution-----	PL 86-147	Sec 30	Vol. II
limitations on the President----------------	PL 86-147	Sec 5	Vol. II
member banks---------------	PL 86-147	Sec 6	Vol. II
National Advisory Council on International Monetary and Financial Problems---	PL 86-147	Sec 12	Vol. II
privileges and immunities--	PL 86-147	Sec 9	Vol. II
securities-----------------	PL 86-147	Sec 10-11	Vol. II
Securities and Exchange Commission			
reports---------------	PL 86-147	Sec 11	Vol. II
Social Progress Trust Fund Agreement (1961)----------	PL 93-189	Sec 36	463
U.S. membership			
acceptance of---------	PL 86-147	Sec 2	Vol. II
voting instructions			
capital stock increase	PL 86-147	Sec 26	Vol. II
drug trade------------	PL 86-147	Sec 22	Vol. II
Fund for Special Operations-----------	PL 86-147	Sec 29	Vol. II
nationalization of U.S. property-------	PL 86-147	Sec 21	Vol. II
repudiation of U.S. contracts-----------	PL 86-147	Sec 21	Vol. II
technology------------	PL 86-147	Sec 28	Vol. II
IAEA			
appropriations, 1987-------	PL 99-591	Title I	491
congressional approval of statute change-----------	PL 85-177	Sec 8	Vol. II
reports to Congress---------	PL 85-177	Sec 3	Vol. II
safeguard assistance-------	PL 87-195	Sec 302	103
U.S. contribution----------	PL 87-195	Sec 301	101
U.S. participation in------	PL 85-177		Vol. II
U.S. representative to-----	PL 85-177	Sec 2	Vol. II
IBRD			
(see World Bank)			
Iceland-U.S. relations			
fishery agreements---------	PL 98-623	Title I	Vol. II
IDA			
(see also World Bank)			
appointments---------------	PL 86-565	Sec 3	Vol. II
appropriations, 1987-------	PL 99-591	Title I	489

			Page
IDA--Continued			
capital stock--------------	PL 86-565	Sec 10-11	Vol. II
payment of			
subscriptions-------	PL 86-565	Sec 7	Vol. II
courts			
jurisdiction----------	PL 86-565	Sec 8	Vol. II
venue-----------------	PL 86-565	Sec 8	Vol. II
loans			
voting against--------	PL 86-565	Sec 12-13	Vol. II
member banks---------------	PL 86-565	Sec 6	Vol. II
National Advisory Council on International Monetary and Financial Problems---	PL 86-565	Sec 4	Vol. II
privileges and immunities--	PL 86-565	Sec 9	Vol. II
prohibitions---------------	PL 86-565	Sec 5	Vol. II
resources increase			
authorization---------	PL 86-565	Sec 14, 16	Vol. II
Special Facility for Sub-Saharan Africa			
authorization of			
appropriations------	PL 86-565	Sec 19	Vol. II
U.S. membership			
acceptance of---------	PL 86-565	Sec 2	Vol. II
IDCA---------------------------	EO 12163	Sec 1-101	620
authority			
additional delegations and limitations-----	EO 12163	Sec 1-601	626
delegation of authority----	44 FR 57521		635
	44 FR 65485		639
delegation of functions to--	EO 12163	Sec 1-102	620
PL 480			
administration of-----	EO 12220	Sec 1-2	865
Reorganization Plan No. 2 of 1979-----------------	RP No. 2		640
Ideology			
recognition policy---------	S. Res. 91-205		1426
IFAD			
authorization of			
appropriations-----------	PL 87-195	Sec 103(g)(2)	27
IFC			
capital stock			
authorization for			
increase of---------	PL 84-350	Sec 11	Vol. II
subscriptions paid----	PL 84-350	Sec 7	Vol. II
courts			
jurisdiction----------	PL 84-350	Sec 8	Vol. II
venue-----------------	PL 84-350	Sec 8	Vol. II
dividends------------------	PL 84-350	Sec 7	Vol. II
limitations on the			
President----------------	PL 84-350	Sec 5	Vol. II
member banks---------------	PL 84-350	Sec 6	Vol. II
National Advisory Council on International Monetary and Financial Problems---	PL 84-350	Sec 4	Vol. II
privileges and immunities--	PL 84-350	Sec 8	Vol. II
U.S. membership			
acceptance of---------	PL 84-350	Sec 2	Vol. II
World Bank relations with--	PL 79-171	Sec 21	Vol. II
	PL 84-350	Sec 10	Vol. II
IMF			
(see also Special Drawing Rights)			
acceptance of membership			
U.S.-------------------	PL 79-171	Sec 2	Vol. II
agreement establishing			
amendments------------	PL 79-171	Sec 24	Vol. II
agricultural export			
subsidies----------------	PL 79-171	Sec 44	Vol. II
apartheid			
congressional			
instructions--------	PL 79-171	Sec 43(b)	Vol. II
appropriations, 1984			
supplemental-------------	PL 98-181	Title XI	Vol. II
articles establishing			
interpretation of-----	PL 79-171	Sec 13	Vol. II
balance-of-payments			
financing----------------	PL 96-389	Sec 4(a)	Vol. II
reports to Congress---	PL 79-171	Sec 34	Vol. II
bank bailout---------------	PL 79-171	Sec 46	Vol. II
borrowing from oil exporting countries			
reports to Congress---	PL 79-171	Sec 34	Vol. II
capital stock			
U.S. share increase---	PL 79-171	Sec 27	Vol. II
Communist members----------	PL 93-618	Sec 502	Vol. II
communist participation			
congressional			
instructions--------	PL 79-171	Sec 43(a)	Vol. II
Council created			
U.S. objections-------	PL 79-171	Sec 27	Vol. II

			Page
IMF--Continued			
debt rescheduling			
impact on U.S.---------	PL 79-171	Sec 29	Vol. II
dollar-Special Drawing Rights subscription account			
report to Congress----	PL 79-171	Sec 35	Vol. II
economic adjustment programs			
U.S. support for------	PL 79-171	Sec 33	Vol. II
economic adjustment programs for participants	PL 79-171	Sec 45	Vol. II
exchange rate stability----	PL 79-171	Sec 40	Vol. II
interest rates-------------	PL 79-171	Sec 48	Vol. II
international cooperation--	PL 79-171	Sec 47	Vol. II
loans to-------------------	PL 79-171	Sec 17	Vol. II
loans to El Salvador and Nicaragua			
assistance to private sector--------------	PL 79-171	Sec 38	Vol. II
PLO membership			
U.S. response---------	PL 79-171	Sec 37	Vol. II
quota increase-------------	PL 79-171	Sec 41	Vol. II
recycling surpluses from oil exporting countries--	PL 96-389	Sec 4(a)	Vol. II
request for information----	PL 79-171	Sec 8	Vol. II
Special Drawing Rights allocation			
congressional consultation--------	PL 90-349	Sec 5(b)	Vol. II
Taiwan as member-----------	PL 79-171	Sec 36	Vol. II
trade promotion------------	PL 79-171	Sec 49	Vol. II
U.S. quota-----------------	PL 79-171	Sec 20, 22	Vol. II
increase authorization	PL 79-171	Sec 32	Vol. II
Immigration (foreign)			
freedom to emigrate--------	PL 93-618	Sec 402	Vol. II
waiving trade restrictions--------	EO 11854		Vol. II
illegal aliens			
interdiction of-------	EO 12324		1424
Latin America			
Ryukyuan migrants-----	PL 86-735	Sec 4	533
Immigration (U.S.)			
alien employees of U.S. Government---------------	PL 87-195	Sec 635(f)	210
deportation			
foreign agents--------	PL 75-583	Sec 8	Vol. II
exclusionary policies			
waiver of-------------	PL 84-885	Sec 21	1130
nonimmigrants--------------	PL 79-291	Sec 7(c) fn	Vol. II
powers and duties of the Secretary of State-------	PL 82-414	Sec 104(a)	1159
privileges and immunities--	PL 79-291	Sec 7-9	Vol. II
Immigration and Nationality Act of 1952----------------------	PL 82-414		1159
national emergency provisions---------------	66 Stat. 193		1383
Immunities			
(see Privileges and immunities)			
Import duties			
(see Antidumping)			
(see Tariffs)			
(see Trade agreements)			
(see Trade Expansion Act of 1962)			
(see Trade)			
Import licenses			
(see also Import regulations)			
auction of-----------------	PL 96-39	Sec 1102	Vol. II
Import regulations			
educational and cultural materials----------------	PL 89-259 EO 12047		1591 1592
endangered species---------	PL 93-205	Sec 9(d)	Vol. II
strategic materials--------	PL 92-156	Sec 503	Vol. II
Imports			
copper			
impact on U.S. industry------------	PL 98-573	Sec 247	Vol. II
duty-free treatment			
countries listed------	EO 11888	Sec 9	Vol. II
eligible articles-----	EO 11888 PL 93-618	 Sec 503	Vol. II Vol. II
eligible countries----	EO 11888		Vol. II
termination of--------	PL 93-618	Sec 504	Vol. II
educational and cultural materials			

			Page
Imports--Continued			
(see Educational and cultural exchange)			
fish			
tuna	PL 81-764	Sec 8	Vol. II
fish products			
barred when U.S. vessels seized	PL 83-680	Sec 8	Vol. II
penalties	PL 83-680	Sec 8	Vol. II
foreign market value	PL 71-361	Sec 773	Vol. II
Generalized System of Preferences			
implemented	EO 11888		Vol. II
hog and pork products			
Canadian	PL 98-573	Sec 250	Vol. II
restriction agreements			
consultations required of President	PL 71-361	Sec 761	Vol. II
South Africa			
prohibitions on	PL 99-440	Title III	Vol. II
India-U.S. relations			
cultural exchange fund	PL 98-164	Sec 901	1579
nuclear material export	EO 12218		Vol. II
nuclear materials			
export of	PL 98-164	Sec 1007	1039
Indian Ocean			
military forces deployed	PL 94-329	Sec 407	447
Indochina War			
Congressional authorization required	PL 93-126	Sec 13	1107
International Commission of Control and Supervision	PL 93-559	Sec 48	457
limitation on funds for	PL 93-189	Sec 31	461
MIAs			
Congressional committee created	H. Res. 94-335		Vol. II
trade retaliation	PL 93-618	Sec 403	Vol. II
U.N. actions	PL 94-141	Sec 503	1103
POWs			
international inspection teams	H. Res. 94-335	Sec 2	Vol. II
prohibiting funds for	PL 93-126	Sec 13	1107
termination of	PL 93-189	Sec 30	461
Tonkin Gulf Resolution	PL 88-408		Vol. II
repealed	PL 91-672	Sec 12	472
Vietnam Agreement (1973)	PL 93-189	Sec 34	462
Indochina-U.S. relations			
military aid			
prohibition	PL 94-212	Sec 738	752
Indus Basin Development			
U.S. contributions	PL 87-195	Sec 301-303	101
Infant feeding practices			
international code on	PL 97-241	Sec 504	1053
report to Congress	PL 97-113	Sec 301(b)	378
Information			
freedom of transfer	PL 95-426	Sec 603	1074
Information offices (foreign)	PL 95-105	Sec 504	1089
Inspector General Act of 1978	PL 95-452		Vol. II
Inspector General, Office of			
authority	PL 95-452	Sec 6	Vol. II
functions transferred to	PL 95-452	Sec 9	Vol. II
reports to Congress	PL 95-452	Sec 5	Vol. II
Institute for Scientific and Technological Cooperation	PL 96-53	Sec 401	411
	EO 12163	Sec 1-4	624
Intelligence (foreign)	EO 12333		1328
activities			
conduct of	EO 12333	Sec 2.1	1338
assassination prohibition	EO 12333	Sec 2.11	1342
Defense, Department of	EO 12333	Sec 1.11	1335
electronic surveillance			
authorization to use	50 USC 1802		1315
civil liability	50 USC 1810		1327
criminal sanctions	50 USC 1809		1327
definition	50 USC 1801(f)		1313
report to Congress	50 USC 1808		1326
use of information acquired	50 USC 1806		1323
Energy, Department of	EO 12333	Sec 1.13	1338
FBI	EO 12333	Sec 1.14	1338
National Foreign Intelligence Advisory Groups	EO 12333	Sec 1.3	1329
Oversight Board	EO 12334		1347
oversight of by Congress	EO 12333	Sec 3.1	1342
President's Foreign Intelligence Advisory Board	EO 12537		1345
senior officials	EO 12333	Sec 1.7	1333
State, Department of	EO 12333	Sec 1.9	1334

Page

- Intelligence (foreign)--Continued
  - Treasury, Department of---- EO 12333 Sec 1.10 1334
  - Intelligence surveillance
    - definitions----------- 50 USC 1801 1312
- Intelligence, Permanent Select Committee on----------------- H. Rule XLVIII Vol. II
- Intelligence, Select Committee on
  - establishment of----------- S. Res 94-400 Vol. II
- Intelsat Agreement------------- PL 99-93 Sec 146 1012
- Inter-American Commission on Human Rights
  - Chile---------------------- PL 93-189 Sec 35 463
- Inter-American Development Bank (see IADB)
- Inter-American Development Bank Act-------------------------- PL 86-147 Vol. II
- Inter-American Foundation
  - appropriations, 1987------- PL 99-591 Title II 497
  - board of directors--------- PL 91-175 Sec 401 475
  - capital stock-------------- PL 91-175 Sec 401 476
  - legal capacity as corporation-------------- PL 91-175 Sec 401 476
  - purpose of----------------- PL 91-175 Sec 401 476
  - Social Progress Trust Fund- PL 93-189 Sec 36 463
  - State Department personnel- PL 91-175 Sec 401 477
  - taxation of---------------- PL 91-175 Sec 401 477
- Inter-American Institute for Cooperation on Agriculture
  - U.S. contribution to, 1982-83------------------ PL 97-241 Sec 105 1048
- Inter-American Investment Cooperation Act-------------- PL 98-473 Title II Vol. II
- Inter-American Social Development Institute (see Inter-American Foundation)
- Inter-American system (see Rio Treaty of 1947)
- Inter-American Tropical Tuna Commission
  - U.S. participation in------ PL 81-764 Vol. II
- Interagency Arctic Research Policy Committee------------- EO 12501 Vol. II
  - PL 98-373 Sec 107 Vol. II
- Intergovernmental Committee for European Migration
  - U.S. membership in--------- PL 87-510 Sec 2 1409
- Interior, Secretary of
  - endangered species
    - regulation of--------- PL 93-205 Sec 10(f)(5) Vol. II
    - whales---------------- PL 81-676 Vol. II
  - fisheries
    - tuna------------------ PL 81-764 Sec 6 Vol. II
  - Micronesian claims--------- PL 92-39 Sec 101-102 Vol. II
  - Trust Territory of the Pacific Islands---------- PL 83-451 Vol. II
- Internal Security Act
  - passports
    - Communist organizations------- 64 Stat. 987 1382
- International Advisory Commission for the Caribbean Region------------------------ PL 99-83 Sec 714 332
- International agreements (see also individual agreements) (see Executive-legislative relations)
  - congressional transmittal-- PL 92-403 1161
  - expenses in arbitrating---- PL 84-885 Sec 38 1143
  - prior consultation--------- PL 92-403 1161
  - reporting to Congress------ 22 CFR 181 1163
    - criteria-------------- 22 CFR 181.2 1164
  - Yalta executive agreements
    - U.S. policy toward
      - application--------- PL 99-93 Sec 804 1018
- International Anti-Terrorism Committee
  - establishment of----------- PL 99-83 Sec 506 313
- International Antiterrorism Committee
  - proposal for--------------- PL 99-399 Sec 701 1451
- International Atomic Energy Agency (see IAEA)
- International Atomic Energy Agency Participation Act of 1957------------------------ PL 85-177 Vol. II

Page

International Bank for Reconstruction and Development
    (see World Bank)
International Carriage of Perishable Foodstuffs Act---- PL 97-325 913
International Center Act------- PL 90-553 1398
International Civil Aviation Organization
    enforcement of standards--- PL 99-83 Sec 554 318
    U.S. participation in------ PL 84-885 Sec 6 1126
International Claims Settlement Act of 1949----------------- PL 81-455 Vol. II
International Coffee Agreement Act of 1980------------------ PL 96-599 Vol. II
International Coffee Agreement 1976------------------------- EO 12297 Vol. II
International Commission for the Scientific Investigation of Tuna
    U.S. participation in------ PL 81-764 Vol. II
International commissions
    Foreign Service Officers assigned to------------- PL 96-465 Sec 503 1201
    herbicides containing dioxin
        use of---------------- PL 98-164 Sec 135 1036
International Committee of the Red Cross
    contribution to------------ PL 99-93 Sec 109 1004
International communication policy--------------------- PL 95-426 Sec 601 1073
International Communication Agency
    (see USIA)
    authorization of appropriations, FY 1979-- PL 95-426 Sec 201 1520
International Communication Agency Authorization Act, Fiscal Years 1980 and 1981--- PL 96-60 Sec 201 1518
International Communications
    see (Communications, International)
International Communications and Information Policy, Office of-------------------- PL 84-885 Sec 35 1138
International Conference on Drug Abuse and Illicit Trafficking------------------ PL 99-570 Sec 2021 616
International Convention for the Conservation of Atlantic Tunas
    U.S. participation--------- PL 94-70 Vol. II
International Cotton Advisory Committee
    U.S. membership------------ PL 94-350 Sec 113 1097
International Cultural Exchange and Trade Fair Participation Act of 1956
    repealed------------------- PL 87-256 Sec 111 1555
International Development and Food Assistance Act of 1975-- PL 94-161 453
International Development and Food Assistance Act of 1977-- PL 95-88 Sec 1 438
International Development and Food Assistance Act of 1978-- PL 95-424 428
International Development Association
    (see IDA)
International Development Association Act-------------- PL 86-565 Vol. II
International Development Cooperation Act of 1979------ PL 96-53 Sec 1 410
International Development Cooperation Agency
    (see IDCA)
International educational and cultural exchange
    (see Educational and cultural exchange)
International Emergency Economic Powers Act---------- PL 95-223 Vol. II
International Energy Agency
    information exchange
        submission of U.S. information--------- PL 94-163 Sec 254(a) Vol. II
International Energy Exposition PL 96-169 Vol. II
International Energy Program
    advisory committees
        creation of----------- PL 94-163 Sec 253 Vol. II

			Page
International Energy Program--Continued			
extension of---------------	PL 96-133		Vol. II
fulfilling U.S. obligations	PL 94-163	Sec 251(a)	Vol. II
information exchange with International Energy Agency-------------------	PL 94-163	Sec 254	Vol. II
voluntary agreements (see also Energy, international)------	PL 94-163	Sec 252	Vol. II
International Environmental Protection Act of 1983-------	PL 98-164	Sec 701	1429
International Finance Corporation (see IFC)			
International Finance Corporation Act--------------	PL 84-350		Vol. II
International financial institutions (see MDBs)			
International Financial Institutions Act-------------	PL 95-118		Vol. II
International Food and Agricultural Development Board for------------------	PL 87-195	Sec 298	99
International Fund for Agricultural Development (see IFAD)			
International Fund for Northern Ireland and Ireland			
U.S. contribution to-------	PL 99-591	Title II	496
International games for the handicapped------------------	PL 99-93	Sec 207	1505
International Investment and Trade in Services Act--------	PL 94-472		Vol. II
International Investment Survey Act of 1976------------------	PL 94-472		Vol. II
administration of----------	EO 11961		Vol. II
International Joint Commission-	PL 94-350	Sec 115	1097
appropriations, 1987-------	PL 99-591	Sec 101(b)	1116
entertainment expenses-----	PL 84-885	Sec 19	1130
International Jute Organization			
U.S. membership in---------	PL 99-93	Sec 145	1012
International law (see Arbitration) (see OAS) (see U.N.)			
International Lead and Zinc Study Group			
U.S. membership------------	PL 94-350	Sec 113	1097
International Lending Supervision Act of 1983------	PL 98-181	Title IX	Vol. II
International Maritime and Port Security Act-----------------	PL 99-399	Sec 901	1463
International Monetary Fund (see IMF)			
International monetary system			
role of gold			
reports to Congress---	PL 96-389	Sec 10	Vol. II
International Narcotics Control Act of 1986------------------	PL 99-570	Sec 2001	611
International Natural Rubber Agreement Appropriation Authorization Act------------	PL 96-271		Vol. II
International North Pacific Fisheries Commission---------	PL 83-579		Vol. II
U.S. membership on---------	PL 83-579	Sec 3	Vol. II
International Office of the Wine and Vine			
U.S. participation in------	PL 98-545		Vol. II
International organizations (see also respective institutions)			
appropriations, 1987-------	PL 99-591	Title I	491
defined--------------------	PL 79-291	Sec 1	Vol. II
designated by President----	PL 79-291	Sec 1	Vol. II
foreign aid personnel assigned to--------------	PL 87-195	Sec 628	200
OAS			
appropriations, 1987--	PL 99-591	Title I	491
personnel			
Peace Corps contribution--------	PL 87-293	Sec 14	938
policies of member states			
report to Congress----	PL 98-164	Sec 117	1033
privileges and immunities--	PL 79-291	Sec 2	Vol. II
(see also U.N.)			
immigration-----------	PL 79-291	Sec 7-9	Vol. II
taxes-----------------	PL 79-291	Sec 3-6	Vol. II
responsibilities of U.S. representatives to-------	PL 99-93	Sec 140	1011

			Page
International organizations--Continued			
transfer of U.S. Government employees to	PL 91-175	Sec 503	478
U.S. contributions to	PL 99-591	Title I	491
limitation on	PL 92-544		Vol. II
U.S. voluntary contributions	PL 99-83	Sec 402	311
report to Congress	PL 87-195	Sec 306	106
UNDP			
appropriations, 1987	PL 99-591	Title I	491
International organizations and programs approriations, 1987	PL 99-591	Title I	491
International Organizations Immunities Act (see Privileges and immunities, international org.)			
International Private Investment Advisory Council on Foreign Aid	PL 87-195	Sec 601	163
International Rubber Study Group			
U.S. membership	PL 94-350	Sec 113	1097
International Scientific and Technological Cooperation, Council on	PL 96-53	Sec 407	414
International Security and Development Assistance Authorizations Act of 1983	PL 98-151	Sec 101(b)(2)	369
International Security and Development Cooperation Act of 1980	PL 96-533		397
International Security and Development Cooperation Act of 1981	PL 97-113		376
International Security and Development Cooperation Act of 1985	PL 99-83		300
International Security Assistance Act of 1978	PL 95-384		432
International Security Assistance Act of 1979	PL 96-92		421
International Security Assistance and Arms Export Control Act of 1976	PL 94-329		445
International Seed Testing Association			
U.S. membership	PL 94-350	Sec 113	1097
International Sugar Agreement 1977, Implementation	PL 96-236		Vol. II
International Telecommunications Satellite Organization	PL 99-93	Sec 146	1012
International Trade and Investment Act	PL 98-573	Sec 301	Vol. II
International Trade Commission (see also Trade)	PL 93-618	Sec 603	Vol. II
advice to President	PL 93-618	Sec 131	Vol. II
antidumping	PL 93-618	Sec 201	Vol. II
authorization of appropriations	PL 71-361	Sec 330(e)	Vol. II
cooperation with other agencies	PL 71-361	Sec 334	Vol. II
duty-free articles	PL 93-618	Sec 503	Vol. II
East-West trade	PL 93-618	Sec 406	Vol. II
import relief	PL 93-618	Sec 203	Vol. II
organization	PL 71-361	Sec 330	Vol. II
reports to Congress	PL 93-618	Sec 608	Vol. II
representation in court	PL 71-361	Sec 333	Vol. II
unfair import practices			
cease and desist order	PL 71-361	Sec 337	Vol. II
investigation of	PL 71-361	Sec 337	Vol. II
International trade Commission voting	PL 71-361	Sec 330(d)	Vol. II
International Trade in Endangered Species of Wild Fauna and Flora, Convention	PL 93-205	Sec 3(4)	Vol. II
International Whaling Commission			
U.S. participation in	PL 81-676	Sec 3	Vol. II
Internationally protected persons			
crimes against	PL 94-467		Vol. II
Interparliamentary groups (see also Congress, interparliamentary groups)			
additional authorization, 1984-85	PL 98-164	Sec 109(c)	1030

			Page
Interparliamentary groups--Continued			
Canada-U.S.			
Interparliamentary Group-	PL 86-42		Vol. II
Congressional participation in-	PL 86-628	Sec 105	Vol. II
Interparliamentary Union			
American group-	PL 74-170		Vol. II
bureau on arbitration-	PL 74-170	Sec 1	Vol. II
reports to Congress-	PL 74-170	Sec 2	Vol. II
Mexico-U.S.			
Interparliamentary Group-	PL 86-420		Vol. II
North Atlantic Assembly-	PL 84-689		Vol. II
Intervention on the High Seas Act-	PL 93-248		Vol. II
Interventions (military)			
Communism			
Cuba-	PL 87-733		Vol. II
Investment			
defined-	PL 87-195	Sec 238	87
foreign resistance to			
foreign aid cut-off-	PL 87-195	Sec 620(l)	185
guaranties			
disputes-	PL 87-195	Sec 635	209
small business-	PL 87-195	Sec 602	166
Investment abroad (private)			
administration of-	EO 11961		Vol. II
advisory council on-	PL 87-195	Sec 601	163
information gathering-	PL 94-472		Vol. II
Investment in U.S.			
Committee on Foreign Investment in U.S.			
established-	EO 11858	Sec 1	Vol. II
members-	EO 11858	Sec 1(a)	Vol. II
responsibilites-	EO 11858	Sec 1(b)	Vol. II
information gathering-	PL 94-472		Vol. II
study of-	PL 93-479	Sec 2	Vol. II
Iran-U.S. relations			
claims by U.S. nationals-	PL 99-93	Title V	Vol. II
escrow accounts			
established-	EO 12276		Vol. II
foreign aid prohibited-	PL 99-591	Sec 527	506
hostage claims			
non-prosecution of-	EO 12283		Vol. II
hostages-	PL 96-449	Sec 301	1371
Iranian Government assets			
transfer of-	EO 12281		Vol. II
litigation			
suspension of-	EO 12294		Vol. II
property blocked-	EO 12170		Vol. II
property of the former Shah			
transfer of-	EO 12284		Vol. II
transactions prohibited-	EO 12211		Vol. II
transactions with Iran			
revocation of prohibitions-	EO 12282		Vol. II
Iraq-U.S. relations			
aid prohibition-	PL 99-591	Sec 512	504
Ireland and Northern Ireland			
Economic Support Fund-	PL 99-349	Chapter V	520
Ireland-U.S. relations			
agriculture			
exchanging information	PL 99-198	Sec 1420	853
counterpart funds-	PL 83-665	Sec 417	536
promoting reconciliation-	PL 99-415		297
Israel			
Arms Control Export Act			
utilizing loans under-	PL 99-591	Sec 529	507
economic conditions			
impact on foreign debt	PL 99-83	Sec 1205	358
Economic Support Fund-	PL 99-83	Sec 202	307
expulsion from U.N.			
U.S. reaction-	PL 98-164	Sec 115	1032
Israel-Egypt relations			
peace process-	PL 99-83	Sec 1210	359
Israel-U.S. relations			
air base construction-	PL 87-195	Sec 561	159
arms sales-	PL 90-629	Sec 31(a)	265
	PL 99-83	Sec 101	300
	PL 91-672	Sec 5	470
desalting plant-	PL 87-195	Sec 219	61
Lavi aircraft			
appropriations, 1987-	PL 99-591	Title III	500
FMS loans for-	PL 90-629	Sec 31(a)	265
military aid-	PL 93-199		550
	PL 91-441	Sec 501	757
peace negotiations-	PL 95-384	Sec 28	436
refugee resettlement assistance-	PL 96-60	Sec 103	1057
refugee resettlement assistance, 1982-83-	PL 97-241	Sec 107	1048

			Page
Israel-U.S. relations--Continued			
trade agreements	PL 99-47		Vol. II
	PL 98-573	Sec 401	Vol. II
Italy-U.S. relations			
air defense of U.S. military bases	PL 98-525	Sec 105	712
claims	PL 81-455	Sec 301-318	Vol. II
disaster aid authorization	PL 87-195	Sec 495B	127

J

Jails (foreign)			
Americans detained in	PL 95-105	Sec 108	1084
Jamaica-U.S. relations			
ESF			
aid contingent on drug control	PL 99-83	Sec 610	319
Japan-U.S. relations			
commission on	EO 12421		Vol. II
contributions to common defense	PL 98-94	Sec 1102	741
exposition, 1985			
U.S. participation	PL 98-164	Sec 212	1513
fisheries	PL 83-579	Sec 14	Vol. II
friendship act			
commission established	PL 94-118	Sec 4	1586
purpose of	PL 94-118	Sec 2	1584
reports to Congress	PL 94-118	Sec 5(b)	1586
U.S. contribution to fund	PL 94-118	Note	1589
Japanese defense objectives	PL 99-93	Sec 812	1023
Micronesian claims	PL 92-39	Sec 102	Vol. II
personal vehicles of U.S. military personnel	PL 98-525	Sec 653	717
Ryukyu claims	PL 89-296		Vol. II
trade agreements	PL 93-618	Sec 126	Vol. II
Japan-United States Friendship Act	PL 94-118		1584
Japan-United States Friendship Commission			
appropriations, 1987	PL 94-118	Note	1589
Japan-United States Friendship Trust Fund	PL 94-118	Note	1589
Johnson Act	PL 80-772		Vol. II
Joint Commission on Rural Reconstruction in China			
U.S. membership in	PL 83-665	Sec 536	539
Jordan Supplemental Economic Assistance Authorization Act of 1985	PL 99-88	Sec 401	364
Jordan-U.S. relations			
aid, 1987	PL 99-591	Title II	496
arms sales	PL 99-83	Sec 130	303
joint resolution on	PL 99-162		606
foreign aid	PL 96-533	Sec 712	407
foreign assistance	PL 99-88	Sec 402	364
Middle East peace	PL 99-83	Sec 130	303
Journalism			
international freedom of	PL 95-426	Sec 603	1074
UNESCO control of	PL 97-241	Sec 108-109	1048
Jurisdiction (courts)			
trade injuries			
adjustment assistance	PL 87-794	Sec 320	Vol. II
Justice, Department of			
foreign claims	PL 81-455	Sec 4	Vol. II

K

Kampuchea-U.S. relations			
Khmer Rouge			
aid prohibition	PL 98-164	Sec 1005	1038
Kaplan, Jan	PL 98-164	Sec 1006	1038
Kollek, Teddy	PL 99-93	Sec 811	1022
Korea (Republic of)-U.S. relations			
armed forces modernization	PL 95-384	Sec 23	433
cooperation in U.S. investigations	PL 95-92	Sec 28	444
defense articles transferred	PL 91-652	Sec 3-4	468
democratization	PL 99-83	Sec 908	357
human rights	PL 94-329	Sec 412	448
reduction of troops in	PL 95-105	Sec 512	1091
troop withdrawal	PL 95-384	Sec 23	433
Korean airliner			
condemnation of Soviet Union	PL 98-98		Vol. II

			Page
L			
Labor, Secretary of			
(see also Trade injuries)			
Caribbean Basin Initiative			
impact study----------	PL 98-67	Sec 216	Vol. II
trade injuries			
adjustment assistance-	PL 93-618	Sec 280-282	Vol. II
Language requirements			
foreign aid personnel------	PL 87-195	Sec 625	197
Language training			
Foreign Service------------	PL 96-465	Sec 702	1209
Peace Corps----------------	PL 87-293	Sec 24	943
Laos			
Agreement and Protocol on (1973)-------------------	PL 93-189	Sec 34	462
Laos-U.S. relations			
(see Indochina War)			
Latin America			
(see also Alliance for Progress)			
(see also IADB)			
(see also Rio Treaty of 1947)			
Communist subversion of----	PL 87-733		Vol. II
development			
(see Alliance for Progress)			
education			
(see Education)			
foreign debt			
report to Congress----	PL 99-83	Sec 719	335
immigration----------------	PL 86-735	Sec 4	533
OAS			
(see OAS)			
U.S. relations with			
foreign aid-----------	PL 87-195	Sec 222A	64
	PL 86-735		531
Latin American Development Act of 1960----------------------	PL 86-735		531
Lavi aircraft			
appropriations, 1987-------	PL 99-591	Title III	500
FMS loans for--------------	PL 90-629	Sec 31(a)	265
	PL 99-83	Sec 101(c)	300
LDCs			
(see Less developed countries)			
Leasing			
arms-----------------------	PL 90-629	Sec 61	287
Lebanon Emergency Assistance Act of 1983------------------	PL 98-43		374
Lebanon-U.S. relations---------	PL 94-329	Sec 410	448
air carriers			
suspension of flights-	50 FR 31835		Vol. II
ESF------------------------	PL 98-43	Sec 2	374
foreign aid----------------	PL 87-195	Sec 495C	128
	PL 87-195	Sec 495J	132
	PL 98-43		374
military aid (U.S.)--------	PL 98-43	Sec 3	375
multinational force			
agreement on----------	Lebanon		Vol. II
U.S. participation----	PL 98-119		Vol. II
refugee aid----------------	PL 98-164	Sec 111	1030
resolution of crisis-------	PL 97-113	Sec 715	385
U.S. Armed Forces in-------	PL 98-43	Sec 4	375
Legal process			
retirement fund			
Foreign Service-------	PL 96-465	Sec 820	1239
Legations			
(see Foreign Service Buildings Act of 1926)			
Legislative Reorganization Acts (1946 & 1970)			
foreign affairs oversight--	PL 92-226	Sec 407	467
Lending institutions			
(see MDBs)			
Less developed countries			
(see also Africa)			
(see also Latin America)			
agricultural commodity imports			
(see Agricultural commodity sales)			
agricultural exports			
assistance from U.S.--	PL 93-618	Sec 506	Vol. II
arms control			
limiting conventional weapons-------------	PL 99-83	Sec 129	302
arms sales to (U.S.)-------	PL 90-629	Sec 1	237

Page

Less developed countries--Continued
- PL 90-629 Sec 35 267
  - sophisticated weapons- PL 90-629 Sec 4 245
- duty-free treatment
  - eligible articles----- PL 93-618 Sec 503 Vol. II
  - eligible countries---- PL 93-618 Sec 502 Vol. II
  - termination of-------- PL 93-618 Sec 504 Vol. II
- economic development
  - financial institution aid----------------- PL 95-118 Vol. II
- trade
  - (see also Trade)
- trade with U.S.
  - Generalized System of Preferences--------- EO 11888 Vol. II
- U.S. surplus vessels------- PL 97-360 555

Liability insurance
- foreign missions
  - required-------------- PL 95-393 Sec 6 Vol. II

Liberia-U.S. relations
- foreign aid
  - conditions for-------- PL 99-83 Sec 807 350

Library of Congress
- foreign propaganda on file- PL 75-583 Sec 4 Vol. II

Libya-U.S. relations
- aid prohibition------------ PL 99-591 Sec 512 504
- blocking of property and interests---------------- EO 12544 Vol. II
- foreign aid prohibited----- PL 99-591 Sec 527 506
- imports and exports
  - prohibition on-------- PL 99-83 Sec 504 312
- petroleum products
  - import prohibition---- EO 12538 Vol. II
- terrorism------------------ PL 97-113 Sec 718 387
- trade prohibition---------- EO 12543 Vol. II

Lithuanian Independence Day - Proclamation----------------- PL 99-256 Vol. II

Litvinov Assignment------------ PL 81-455 Sec 301 Vol. II

Lobbying
- prohibiting use of funds for--------------------- PL 93-126 Sec 14 1108
- USIA grantees
  - prohibited------------ PL 98-164 Sec 209 1512

Locust
- Africa--------------------- PL 95-424 Sec 120 429

Lodge Commission
- negotiations to implement-- PL 92-226 Sec 410 467
- U.N. expenses-------------- PL 79-264 Sec 8 fn Vol. II

Logan Act---------------------- PL 80-772 Vol. II

Louisiana World Exposition Act- PL 97-254 1612

Loyalty
- (see also Nationality)
- ACDA personnel------------- PL 87-297 Sec 45 979
- oath of allegiance
  - passports------------- 32 Stat. 386 1381
  - Peace Corps volunteers PL 87-293 Sec 5(j) 926
- Peace Corps---------------- PL 87-293 Sec 5(j) 926
- security investigations---- PL 87-293 Sec 5(j) 926
- USIA specialists----------- PL 80-402 Sec 303 1486

M

Maccabee programing------------ PL 99-93 Sec 306 1627

Magnuson Fishery Conservation and Management Act of 1976--- PL 94-265 Vol. II

Mails (U.S.)
- foreign propaganda--------- PL 75-583 Sec 4 Vol. II
  - PL 75-583 Sec 8 Vol. II

Mariana Islands (Northern)-U.S. relations-------------------- EO 12572 Vol. II

Marihuana
- eradication of------------- PL 87-195 Sec 481(d) 116

Marine Mammal Commission
- authorization of appropriations----------- PL 92-522 Note Vol. II

Marine Mammal Protection Act of 1972------------------------- PL 92-522 Vol. II
- authorization of appropriations----------- PL 92-522 Note Vol. II

Marine mammals
- (see Endangered species, marine mammals)

Marine Pollution Act----------- PL 96-478 Vol. II

Marine resources, living
- Antarctic
  - management of--------- PL 98-623 Title III Vol. II

MARPOL Protocol
- implementation of---------- PL 96-478 Vol. II

Marshall Islands-U.S. relations
- agreements with------------ PL 99-239 Sec 103 Vol. II

			Page
Marshall Islands-U.S. relations--Continued			
conduct of foreign affairs	PL 99-239	Title One	Vol. II
foreign aid	PL 99-239	Title Two	Vol. II
military aid	PL 99-239	Title Three	Vol. II
Materials and minerals			
national policy on	PL 98-373	Sec 204	Vol. II
Materials research			
advanced program and policy for	PL 98-373	Sec 205	Vol. II
MDBs			
(see also respective organizations)			
agricultural production aid	PL 95-118	Sec 901	Vol. II
development aid	PL 87-195	Sec 209	59
energy, renewable	PL 96-259	Sec 601-602	Vol. II
export opportunities for U.S.	PL 96-259	Sec 401	Vol. II
foreign direct investment report to Congress	PL 98-181	Sec 1005	Vol. II
human rights	PL 95-118	Sec 705	Vol. II
opposition to assistance for foreign surplus commodities and minerals	PL 99-472	Sec 22	Vol. II
personnel practices politicization of	PL 98-181	Sec 1006	Vol. II
targeting assistance to the needy	PL 95-118	Sec 1101	Vol. II
technology (light capital) promotion of	PL 95-118	Sec 801	Vol. II
U.S. contributions to	PL 99-591	Title I	489
U.S. negotiations with congressional consultation	PL 95-118	Sec 1201	Vol. II
U.S. participation	PL 95-118		Vol. II
Mediation			
(see also Arbitration)			
Medical services			
State Department malpractice suits	PL 84-885	Sec 30	1135
Merchant marine (U.S.)			
(see also Fisheries, seizure of U.S. vessels)			
(see also Pollution, oil)			
defense articles shipped by	PL 87-195	Sec 603	167
differential in rates foreign aid	PL 87-195	Sec 640C	218
fresh fruit shipped by	PL 87-195	Sec 603	167
transporting agricultural commodity exports	PL 99-198	Sec 1141	846
Merchant Marine Act of 1936 as amended	49 Stat. 1985		542
Meresman Case			
codification of	PL 96-465	Sec 2103(f)	1284
Mexico-U.S. relations			
deepwater ports	PL 93-627	Sec 22	Vol. II
Ex-Im Bank special facility	PL 79-173	Sec 13	Vol. II
facilitating international trade	PL 99-83	Sec 717	334
International Water and Boundary Commission	PL 99-591	Sec 101(b)	1115
interparliamentary group	PL 86-420		Vol. II
prisoners in Mexico	PL 94-329	Sec 408	447
travel advisories	PL 99-93	Sec 134	1009
Water and Boundary Commission	PL 95-105	Sec 514	1092
MFO.			
delegation of functions	EO 12361		Vol. II
U.S. contribution to	PL 97-132	Sec 4	Vol. II
U.S. participation in	PL 97-132	Sec 3	Vol. II
congressional intent	PL 97-132	Sec 7	Vol. II
reports to Congress	PL 97-132	Sec 6	Vol. II
MIAs			
(see also Indochina War)			
accounting of	PL 95-88	Sec 132(b)	439
	PL 96-525	Sec 1525	735
Laotian Agreement and Protocol	PL 93-189	Sec 34	462
Micronesia, Federated States of- U.S. relations			
agreements with	PL 99-239	Sec 102	Vol. II
military aid	PL 99-239	Title Three	Vol. II
Micronesian Claims Act of 1971			
(see also Foreign claims)	PL 92-39		Vol. II
Middle East			
(see also Israel-U.S. relations)			
aid to Egypt and Israel international efforts	PL 94-161	Sec 322	454
Communist aggression in	PL 85-7	Sec 2	Vol. II
Economic Support Fund	PL 99-83	Sec 202	307

Page

- Middle East--Continued
  - Egyptian-Israeli agreement, 1975---------------------- PL 94-110 Vol. II
  - peace efforts-------------- PL 96-533 Sec 711 406
    PL 95-384 Sec 28 436
    - military aid in support of---------- PL 96-35 Sec 2 424
  - science and technology cooperative-------------- PL 99-83 Sec 202 307
    - sense of Congress----- PL 99-83 Sec 202 307
  - U.N. peacekeeping
    - U.S. contribution to-- PL 94-37 Vol. II
  - U.N. relations with--------- PL 85-7 Sec 4,6 Vol. II
  - U.S. relations with
    - arms shipments to----- PL 91-672 Sec 5 470
    - early-warning system in Sinai------------ PL 94-110 Vol. II
    - economic aid---------- PL 85-7 Sec 1 Vol. II
    - military aid---------- PL 93-199 550
      PL 85-7 Sec 3 Vol. II
    - personnel assigned to Sinai--------------- PL 94-110 Sec 1 Vol. II
    - reports to Congress--- PL 94-110 Sec 4 Vol. II
    - Sinai Support Mission- EO 11896 Vol. II
- Migrants
  - (see Immigration, foreign)
  - (see Refugees)
- Migration and Refugee Assistance Act of 1962------- PL 87-510 1409
  - (see also Refugee relief)
- Military (foreign)
  - civic action--------------- PL 87-195 Sec 502 135
  - services from U.S. prohibited--------------- PL 80-402 Sec 301 1485
    PL 80-402 Sec 402 1487
  - U.S. citizens enlisting in- 18 USC 959 Vol. II
- Military (U.S.)
  - (see also Indochina War)
  - (see also Mutual defense)
  - airlift agreements with allies------------------ 10 USC 2213 658
  - ballistic missile defense
    - report to Congress---- PL 99-145 Sec 226 690
  - Culebra training operations PL 93-365 Sec 734 754
  - engaged in hostilities abroad
    - expedited procedures in Congress--------- PL 98-164 Sec 1013 1043
  - Grenada force
    - commendation of------- PL 98-181 Sec 2004 Vol. II
  - installations abroad
    - security against terrorist actions--- PL 99-399 Sec 1101 1469
  - Lebanon force-------------- PL 98-43 Sec 4 375
  - reports to Congress-------- PL 93-365 Sec 302 753
  - special operations forces-- PL 99-145 Sec 1453 575
  - stationed abroad
    - Europe----------------- PL 93-365 Sec 302 753
    - Europe limitation----- PL 98-94 Sec 1103 742
  - U.N. relations with-------- PL 93-148 Sec 8 Vol. II
  - use of-------------------- S. Res. 91-85 Vol. II
- Military activities
  - U.S. citizens
    - against U.S. allies--- 18 USC 960 Vol. II
    - arming vessels-------- 18 USC 962 Vol. II
    - enlisting in a foreign service------------- 18 USC 959 Vol. II
- Military aid (U.S.)
  - (see also Arms sales)
  - (see also Economic Support Fund)
  - (see also Mutual defense)
  - allocation changes--------- PL 87-195 Sec 653 224
  - appropriations, 1987------- PL 99-591 Title III 499
  - consolidation of accounts-- PL 87-195 Sec 610 174
  - counterpart funds---------- PL 93-189 Sec 40 465
  - defense articles
    - authorization of appropriations------ PL 87-195 Sec 504 141
    - loans of-------------- PL 87-195 Sec 503-504 140
    - procurement----------- PL 87-195 Sec 605 168
    - prohibition against financing----------- PL 90-390 Sec 5 Vol. II
    - transfer of----------- PL 87-195 Sec 502-502A 135
  - discrimination in providing assistance--------------- PL 87-195 Sec 505(g) 144
  - Eastern Mediterranean------ PL 87-195 Sec 620C 190
  - education and training----- PL 87-195 Sec 541-543 156
    PL 94-329 Sec 106 445
    - appropriations, 1987-- PL 99-591 Title III 500

Page

Military aid (U.S.)--Continued
        maritime skills------- PL 87-195 Sec 545 157
    education and training programs
        exchange students----- PL 87-195 Sec 544 157
    eligibility
        conditions of--------- PL 87-195 Sec 505 142
    emergency authority-------- PL 87-195 Sec 506 146
    exchanged for strategic raw materials---------------- PL 87-195 Sec 663 227
    Israel-------------------- PL 93-199 550
    Lavi aircraft-------------- PL 90-629 Sec 31(a) 265
    Middle East--------------- PL 85-7 Sec 3 Vol. II
        peace treaty support-- PL 96-35 Sec 2 424
    military assistance advisory groups
        restrictions---------- PL 87-195 Sec 515 148
    military personnel assigned abroad
    Nicaragua
        conditions for-------- PL 98-473 Sec 8066 593
            PL 98-618 Title VIII 596
    policy-------------------- PL 87-195 Sec 501 134
    programing and budgeting--- PL 87-195 Sec 501 134
    SDAF
        limitation, 1987------ PL 99-591 Title III 499
    Secretary of Defense------- PL 87-195 Sec 623 195
    stock-piling for foreign countries---------------- PL 87-195 Sec 514 147
    termination of------------- PL 87-195 Sec 505 142
    Turkey-------------------- PL 87-195 Sec 620(x) 187
        PL 99-83 Sec 101 300
        PL 94-104 Sec 2 552
Military bases abroad (see Military (U.S.), stationed abroad)
Military Construction Authorization Act, 1986------ PL 99-167 739
Military procurement (U.S.)
    Cuban or Soviet Union produced nickel
        products containing--- PL 98-525 Sec 1544 738
    imported materials
        impact on U.S.
            industrial base----- PL 98-525 Sec 1522 734
    importing materials-------- PL 96-175 Sec 2 Vol. II
    importing strategic materials---------------- PL 92-156 Sec 503 Vol. II
Military sales (see Arms sales)
Minerals
    deep seabed---------------- PL 96-283 Vol. II
        enforcement of regulations--------- PL 96-283 Title III Vol. II
        regulations for U.S.-- PL 96-283 Title I Vol. II
        revenue sharing trust fund--------------- PL 96-283 Sec 403 Vol. II
        tax for removal of---- PL 96-283 Title IV Vol. II
    foreign surplus
        U.S. opposition to assistance---------- PL 99-472 Sec 22 Vol. II
Minorities
    ESF
        minority set aside---- PL 99-83 Sec 551 313
Minority Resource Center------- PL 98-151 Sec 101(b)(2) 371
    PL 95-88 Sec 133(c) 439
Missing-in-action (see Indochina War, MIAs)
Monroe Doctrine
    U.S. policy toward Cuba---- PL 87-733 Vol. II
Most-Favored-Nation Principle
    Trade Expansion Act of 1962 PL 87-794 Sec 251 Vol. II
Most-Favored-Nation treatment
    Afghanistan
        authority to deny----- PL 99-190 Sec 118 Vol. II
Most-Favored-Nation Treatment
    defined-------------------- PL 93-618 Sec 601 Vol. II
Most-favored-nation treatment
    East-West trade------------ PL 93-618 Sec 402-411 Vol. II
    nonmarket economy countries PL 93-618 Sec 402-411 Vol. II
Mozambique-U.S. relations
    foreign aid
        conditions for-------- PL 99-83 Sec 813 352
Multilateral Development Bank Act of 1985
    applicability of defenses under subsection (f) and (j)--------------------- PL 99-190 Sec 101(j) Vol. II
Multilateral organizations (see International organizations)

			Page
Multilateral Trade Negotiations	PL 96-39		Vol. II
Multinational corporations			
OPIC guarantees------------	PL 87-195	Sec 234	75
Multinational Force and Observers (see MFO)			
Multinational Force and Observers Participation Resolution-------------------	PL 97-132		Vol. II
Multinational force in Lebanon			
U.S. participation			
agreement on----------	Lebanon		Vol. II
congressional authorization-------	PL 98-119		Vol. II
Mutual defense			
arms sales----------------	PL 90-629	Sec 4	245
foreign agents registration	PL 75-583	Sec 3	Vol. II
foreign aid effect on------	PL 87-195	Sec 650	223
Mutual Educational and Cultural Exchange Act of 1961---------	PL 87-256		1543
(see also Educational and cultural exchange)			
Mutual Security Act of 1954----	PL 83-665		535
aid to Middle East---------	PL 85-7	Sec 3	Vol. II
Mutual Security Act of 1959----	PL 86-108		534
MX missile			
additional acquisitions			
policy on-------------	PL 98-525	Sec 110	712
additional missiles			
joint resolution approving procurement---------	PL 99-17		710
	PL 99-18		711

N

Narcotics (see Drug control)			
National Academy of Peace and Conflict Resolution----------	PL 95-561		1349
National Advisory Council on Monetary and Financial Problems			
reports--------------------	PL 79-171	Sec 50	Vol. II
National Advisory Commission on Agricultural Export Transport Policy			
duties---------------------	49 Stat. 1985	Sec 901h	548
establishing---------------	49 Stat. 1985	Sec 901g	547
National Advisory Council on International Monetary and Financial Policies			
functions------------------	EO 11269		Vol. II
National Advisory Council on International Monetary and Financial Problems----------	PL 79-171	Sec 4	Vol. II
	PL 84-350	Sec 4	Vol. II
IDA------------------------	PL 86-565	Sec 4	Vol. II
reports--------------------	PL 79-171	Sec 15	Vol. II
National Aeronautics and Space Act of 1958------------------	PL 85-568		Vol. II
National Aeronautics and Space Administration Authorization Act, 1976-------------------	PL 94-39		Vol. II
National Agricultural Export Week - Proclamation----------	PL 99-341		817
National Andrei Sakharov Day - Proclamation----------------	PL 99-314		Vol. II
National Commission on Educational, Scientific, and Cultural Cooperation---------	PL 99-93	Sec 105	1004
National commitments			
defined--------------------	S. Res. 91-85		Vol. II
foreign aid----------------	PL 87-195	Sec 650	223
National Critical Materials Act of 1984---------------------	PL 98-373	Title II	Vol. II
National Critical Materials Council---------------------	PL 98-373	Sec 203	Vol. II
National Emergencies Act-------	PL 94-412		Vol. II
National emergency			
communications preparedness	EO 12472		Vol. II
declaration of-------------	PL 94-412	Title II	Vol. II
Executive-Congressional			
consultation-------------	PL 95-223	Sec 204	Vol. II
Presidential authority-----	PL 95-223	Sec 203	Vol. II
termination----------------	PL 94-412	Title I	Vol. II
trading with the enemy-----	PL 95-223	Sec 101	Vol. II
travel controls------------	66 Stat. 190		1383
National Endowment for			

Page

 Democracy
   authorization of grants to- PL 98-164 Sec 503 1569
   authorization, 1984-85----- PL 98-164 Sec 205 1510
   eligibility for grants----- PL 98-164 Sec 504 1569
   grants to------------------ PL 99-591 Sec 101(b) 1534
   grants to promote democracy in South Africa---------- PL 99-93 Sec 211(b) 1506
National Endowment for Democracy Act---------------- PL 98-164 Sec 501 1569
National Gallery of Art-------- PL 95-426 Sec 205 1521
National Hungarian Freedom Fighters Day----------------- PL 99-488 Vol. II
National P.O.W./M.I.A. Recognition Day - Proclamation----------------- PL 99-340 Vol. II
National Pearl Harbor Remembrance Day - Proclamation----------------- PL 99-534 Vol. II
National Science Foundation Act of 1950---------------------- PL 81-507 Vol. II
National security
   (see also National Security Council)
   emergency communications preparedness-------------- EO 12472 Vol. II
   exchange-of-persons activities-------------- PL 97-241 Sec 305 1515
   global problems affecting-- PL 97-113 Sec 710 383
   international agreements transmitted-------------- PL 92-403 1161
   trade concessions---------- PL 87-794 Sec 232 Vol. II
National Security Council
   purpose of----------------- EO 12333 Sec 1.2 1329
National Year of Friendship with Finland----------------- PL 99-602 Vol. II
National Year of the Americas - Proclamation----------------- PL 99-356 Vol. II
Nationality
   (see also Refugees)
   criminality
      statute of limitations 65 Stat. 107 Sec 3291 1387
Nationalization of U.S. property
   Cuba
      foreign aid cut-off--- PL 87-195 Sec 620(a) 180
   duty-free treatment denied- PL 93-618 Sec 502(b)(4) Vol. II
   effect on ADB loans-------- PL 89-369 Sec 18 Vol. II
   effect on IADB loans------- PL 86-147 Sec 21 Vol. II
   effect on IDA loans-------- PL 86-565 Sec 12 Vol. II
   foreign aid cut-off-------- PL 87-195 Sec 620(e)(1) 182
   foreign claims------------- PL 81-455 Sec 4 Vol. II
   Hickenlooper Amendment----- PL 87-195 Sec 620(e)(1) 182
Nationalizations
   (see also Foreign claims)
   OPIC insurance against----- PL 87-195 Sec 234(a) 75
   U.S. policy---------------- PL 87-195 Sec 601 163
Nationals (U.S.)
   defined-------------------- PL 81-455 Sec 502 Vol. II
NATO--------------------------- PL 99-661 Title XI 675
   acquisition agreements with U.S.--------------------- PL 96-323 Vol. II
   acquisition of defense equipment---------------- 10 USC 2407 662
   airlift agreements with---- 10 USC 2213 658
   armaments cooperation with member countries
      report to Congress---- PL 98-525 Sec 1006 723
   communications support arrangement-------------- 10 USC 2401a 661
   contributions by allies
      report to Congress---- PL 98-525 Sec 1003 721
   contributions from allies
   conventional forces
      improvement of-------- PL 98-525 Sec 1002 719
         PL 98-94 Sec 1104 743
   cooperative logistic support agreements------- PL 99-661 Sec 1102 675
   cooperative programs------- PL 98-94 Sec 1101 741
      authorization of appropriations, 1985 PL 98-525 Sec 105 712
      authorization of appropriations, 1986 PL 99-145 Sec 106 687
      limitation on obligations--------- PL 99-145 Sec 106 687
      limitations on obligations--------- PL 98-525 Sec 105 712
   cooperative programs in research and development- PL 99-145 Sec 1103 694
   cross-servicing agreements with U.S.---------------- PL 96-323 Vol. II

		Page
NATO--Continued		
defense industrial cooperation	PL 97-252 Sec 1122	748
European air defense agreements		
authority of Secretary of Defense	PL 98-525 Sec 1007	723
increased defense spending by allies	PL 98-525 Sec 1001	718
North Atlantic Assembly	PL 84-689	Vol. II
nuclear posture		
report to Congress	PL 98-94 Sec 1105	744
readiness		
report on	10 USC 133a	653
reports to Congress	PL 98-94 Sec 1101	741
research and development		
cooperative programs	PL 99-145 Sec 1103	694
SEASPARROW Cooperative Program	PL 98-525 Sec 1004	723
southern flank		
modernization of defense cabilities	PL 99-661 Sec 1101	675
standardization of equipment	10 USC 2457	664
U.S. commitment	PL 95-287	Vol. II
U.S. membership in	PL 83-665 Sec 408	535
U.S. military in Europe		
combat-to-support ratio	PL 98-94 Sec 1106	745
limitation on	PL 98-94 Sec 1103	742
Natural gas		
international agreements on	PL 98-164 Sec 1009	1041
Natural resources		
less developed countries		
foreign aid	PL 87-195 Sec 118	45
Naval vessels		
disposal of	PL 84-1028 Sec 7307	760
drug- interdiction areas		
assigning Coast Guard personnel	PL 99-145 Sec 1421	703
drug-interdiction assistance	PL 99-145 Sec 1421	703
Neutrality Act of 1939	PR 76-54	Vol. II
News media		
foreign journalists in U.S.	PL 75-583 Sec 1	Vol. II
NGOs		
channeling foreign aid through	PL 99-83 Sec 311	310
Nicaragua		
IMF assistance to private sector	PL 79-171 Sec 38	Vol. II
military or paramilitary operations		
restrictions on	PL 99-569 Sec 106	573
overthrowing government of		
prohibited	PL 97-377 Sec 793	601
U.S. policy toward	PL 99-591 Sec 203	557
Nicaragua-U.S. relations		
aid, 1987		
conditions on	PL 99-591 Sec 9045	571
conflict resolution	PL 99-83 Sec 722(c)	337
Congressional findings and policy	PL 99-83 Sec 722	336
Contadora Agreement		
aid in implementing	PL 99-83 Sec 722(h)	342
covert aid	PL 98-215 Sec 108	598
covert aid, 1984	PL 98-212 Sec 775	600
foreign aid		
disaster relief	PL 87-195 Sec 494	126
foreign aid used against government		
limitations on	PL 99-83 Sec 722(e)	341
military aid		
conditions for	PL 98-473 Sec 8066	593
	PL 98-618 Title VIII	596
prohibited	PL 96-533 Sec 119	399
mining of ports		
sense of Congress	PL 98-369 Sec 2907	597
Nicaraguan foreign and domestic policies	PL 99-83 Sec 722(b)	336
prohibiting para military activities	PL 99-83 Sec 722(d)	341
reports to Congress	PL 99-83 Sec 722(i)	342
trade and transactions		
prohibited	EO 12513	Vol. II
U.S. aid	PL 97-113 Sec 724	390
U.S. policies toward	PL 99-83 Sec 722(i)	342
use of U.S. Armed Forces	PL 99-145 Sec 1451	575
sense of Congress	PL 99-145 Sec 1451	575

Page

- Nicaraguan democratic resistance
  - application of existing laws---------- PL 99-591 Sec 209 561
  - appropriations, 1986
    - restrictions on------- PL 99-190 Sec 8050 574
  - assistance to
    - coordination of and accountability for-- PL 99-591 Sec 207 561
    - delegation of authority to implement---------- EO 12570 604
  - humanitarian aid---------- PL 99-83 Sec 722(g) 341
  - humanitarian assistance---- PL 99-591 Sec 208 561
    PL 99-88 576
    - general provisions---- PL 99-88 Sec 101-104 577
    - report to Congress---- PL 99-88 Sec 104 577
  - incentives for a negotiated settlement-------------- PL 99-591 Sec 211 562
  - limitation on source of funds for--------------- PL 99-661 Sec 1351 572
  - limitation on sources of funds------------------ PL 99-661 Sec 1351 572
  - requests for additional aid PL 99-83 Sec 722(p) 344
  - U.S. assistance----------- PL 99-591 Sec 206 561
  - U.S. government personnel
    - limitation on participation------- PL 99-591 Sec 216 569
  - U.S. policy toward--------- PL 99-591 Sec 204 558
- Nicaraguan Humanitarian Assistance Office
  - establishment of----------- EO 12530 602
- Nicholson, Arthur D., Jr.
  - murder of
    - sense of Congress----- PL 99-661 Sec 1368 680
      PL 99-93 Sec 148 1014
- Nondiscrimination
  - women--------------------- PL 87-195 Sec 305 106
- Nonproliferation of Nuclear Weapons Treaty
  - (see Nuclear weapons, Nonproliferation)
- North America
  - trade relations----------- PL 93-618 Sec 612 Vol. II
- North Atlantic Alliance
  - U.S. committment---------- PL 96-9 Vol. II
- North Atlantic Salmon Treaty
  - implementing legislation--- PL 97-389 Title III Vol. II
- North Atlantic Treaty Organization
  - (see NATO)
- North Atlantic Treaty Organization Mutual Support Act of 1979------------------ PL 96-323 Vol. II
- North Pacific Fisheries Act of 1954------------------------ PL 83-579 Vol. II
- North Vietnam-U.S. relations
  - (see also Indochina War)
  - agricultural commodity sales restricted--------- PL 83-480 Sec 411 806
  - trade--------------------- PL 93-618 Sec 403 Vol. II
- Northern Ireland and Ireland
  - promoting reconciliation--- PL 99-415 297
- Northern Ireland and Ireland, International Fund for
  - appropriations, 1986------- PL 99-349 Chapter V 520
  - appropriations, 1987------- PL 99-591 Title II 496
- Northwest Atlantic Fisheries Act of 1950
  - repealed------------------ PL 95-6 Sec 4 Vol. II
- Nuclear detonation
  - U.S. foreign policy-------- PL 97-113 Sec 737 396
- Nuclear energy
  - (see Atomic energy)
- Nuclear facilities
  - ESF restrictions----------- PL 99-83 Sec 207 309
  - report to Congress--------- PL 97-113 Sec 735 396
- Nuclear materials
  - disposal of--------------- PL 97-425 Sec 223 Vol. II
  - exporting to Argentina----- PL 98-164 Sec 1007 1039
  - exporting to India--------- PL 98-164 Sec 1007 1039
  - exporting to South Africa-- PL 98-164 Sec 1007 1039
  - storage and disposal of
    - U.S. aid to
      - non-nuclear weapons states-------------- PL 97-425 Sec 223 Vol. II
  - storage of---------------- PL 97-425 Sec 223 Vol. II
- Nuclear non-proliferation
  - EURATOM
    - U.S. cooperation with- EO 12506 Vol. II

			Page
Nuclear non-proliferation--Continued			
exports to India	EO 12218		Vol. II
functions delegated	EO 12058		Vol. II
materials			
disposal of	PL 97-425	Sec 223	Vol. II
policy	PL 95-242	Sec 2	Vol. II
report on	PL 95-242	Sec 601	Vol. II
	PL 95-238		Vol. II
reprocessing transfers			
aid termination	PL 87-195	Sec 670	231
safeguards	PL 95-242	Sec 201-203	Vol. II
technology transfers			
aid restrictions	PL 87-195	Sec 669	229
uranium			
export of	PL 96-533	Sec 110	398
Nuclear Non-Proliferation Act of 1978	PL 95-242		Vol. II
Nuclear transfers			
U.S. foreign policy	PL 97-113	Sec 737	396
Nuclear Waste Policy Act of 1982	PL 97-425		Vol. II
Nuclear weapons			
consequences of using			
reports to Congress	PL 99-145	Sec 1006	694
crisis stability and control			
study of measures to enhance	PL 99-93	Sec 706	988
development of			
impact on arms control policy	PL 87-297	Sec 36	973
reports to Congress	PL 87-297	Sec 36(b)(2)	974
improved control over use			
report	PL 97-252	Sec 1123	749
MX missile warhead			
funding restriction	PL 99-145	Sec 1426	706
program restrictions	PL 99-145	Sec 1426	706
Standard Missile (SM-2(N))			
funding restriction	PL 99-145	Sec 1426	706
tactical use of			
Europe	PL 93-365	Sec 302	753
testing			
sense of Congress	PL 99-661	Sec 1002	673
Nuclear winter			
policy implications			
report to Congress	PL 99-145	Sec 1006	694
report to Congress	PL 99-661	Sec 1371	681
US-USSR study on consequences of	PL 99-93	Sec 708	989
O			
OAS			
military forces	PL 87-195	Sec 501	134
policy toward Cuba	PL 87-733		Vol. II
privileges and immunities	PL 82-486		Vol. II
sanctions			
U.S. foreign aid	PL 86-735	Sec 2	533
U.S. contribution for, 1982-83	PL 97-241	Sec 105	1048
Oaths of allegiance			
(see Loyalty)			
OAU			
privileges and immunities	PL 79-291	Sec 12	Vol. II
Obligations			
valid	31 USC 1108		528
Oceanography			
(see Sea law)			
OECD			
(see Organization for Economic Cooperation and Development)			
Office of Emergency Planning			
trade agreements	PL 87-794	Sec 232	Vol. II
Offsets			
impact on defense preparedness			
report to Congress	50 USC 2099		Vol. II
Oil			
(see also International Energy Agency)			
(see also International Energy Program)			
domestically produced			
export controls	PL 96-72	Sec 7(d)	Vol. II
export controls			
exclusions	PL 96-72	Sec 7(f)	Vol. II
import adjustment	PL 87-794	Sec 232(e)	Vol. II
Oil and gas			
Alaskan pipeline	PL 93-153	Sec 301	Vol. II

Page

Oil and gas--Continued
Organization of Petroleum
Exporting Countries------ PL 93-618 Sec 502 Vol. II
Okinawa
chemical munitions--------- PL 91-672 Sec 13 472
Olympic games
boycott of----------------- PL 96-533 Sec 718 408
Omnibus Budget Reconciliation
Act of 1982----------------- PL 97-253 911
Omnibus Diplomatic Security and
Antiterrorism Act of 1986---- PL 99-399 1432
Omnibus Drug Supplemental
Appropriations Act of 1987--- PL 99-591 Sec 101(n) 517
OPIC
audit of financial
statements--------------- PL 87-195 Sec 239(c) 89
board of directors--------- PL 87-195 Sec 233(b) 74
bribery-------------------- PL 87-195 Sec 237(l) 85
capital stock-------------- PL 87-195 Sec 232 73
direct investment---------- PL 87-195 Sec 234(c) 77
Direct Investment Fund----- PL 87-195 Sec 235 80
established---------------- EO 11579 646
facultative reinsurance
program------------------ PL 87-195 Sec 234A 79
functions------------------ PL 87-195 Sec 234 75
guaranties of loans-------- PL 87-195 Sec 234(b) 77
PL 87-195 Sec 237 84
human rights--------------- PL 87-195 Sec 239(i) 90
impact of guarantees on
employment--------------- PL 87-195 Sec 231 70
income--------------------- PL 87-195 Sec 236 83
insurance------------------ PL 87-195 Sec 234(a) 75
Insurance Reserve and the
Guaranty Reserve--------- PL 87-195 Sec 235 80
legal capacity------------- PL 87-195 Sec 239 89
liabilities---------------- PL 87-195 Sec 235 80
multilateral organizations
participating------------ PL 87-195 Sec 234 75
multinational corporations- PL 87-195 Sec 234 75
officers------------------- PL 87-195 Sec 233(d) 75
organization--------------- PL 87-195 Sec 233 74
policy--------------------- PL 87-195 Sec 231 70
predecessor authority
transferred-------------- PL 87-195 Sec 235 80
president------------------ PL 87-195 Sec 233(c) 75
private insurance companies PL 87-195 Sec 234 75
purpose-------------------- PL 87-195 Sec 231 70
reports to Congress-------- PL 87-195 Sec 240A 91
staff---------------------- PL 87-195 Sec 233(d) 75
surveys-------------------- PL 87-195 Sec 234(d) 78
technical assistance------- PL 87-195 Sec 234(e) 78
workers rights------------- PL 87-195 Sec 231A 73
Organization for Economic
Cooperation and Development
Development Assistance
Committee---------------- PL 87-195 Sec 631 202
Organization of African Unity
(see OAU)
Organization of American States
(see OAS)
Organization of Petroleum
Exporting Countries (OPEC)
duty-free treatment denied- PL 93-618 Sec 502 Vol. II
Outer space
East-West cooperation------ PL 98-562 Vol. II
research
international
cooperation---------- PL 94-39 Sec 404 Vol. II
PL 85-568 Sec 205 Vol. II
upper atmosphere------ PL 94-39 Sec 401-403 Vol. II
Overseas Differentials and
Allowances Act--------------- PL 84-885 Sec 2 1122
Overseas Private Investment
Corporation
(see OPIC)

P

Pacific areas
policy
reports to Congress--- PL 99-239 Title III Vol. II
Pacific Salmon Commission------ PL 99-5 Vol. II
Pacific Salmon Treaty Act of
1985------------------------- PL 99-5 Vol. II
authorization of
appropriations----------- PL 99-5 Sec 12 Vol. II
Pakistan-U.S. relations
appropriations, 1987------- PL 99-591 Title II 496
disaster relief------------ PL 87-195 Sec 494 126
foreign aid---------------- PL 87-195 Sec 620E 192

Page

Pakistan-U.S. relations--Continued
conditions for-------- PL 87-195 Sec 620(e) 182
Palestine
(see also PLO)
rights units--------------- PL 95-426 Sec 614 1079
Pan American Games
exchange related activities PL 99-93 Sec 206 1505
U.S. contribution---------- PL 94-350 Sec 110 1096
Pan American Health Organization
U.S. contribution to, 1982-83------------------ PL 97-241 Sec 105 1048
Panama Canal
negotiations--------------- PL 95-105 Sec 506 1089
PL 94-350 Sec 114 1097
realignment of military installations------------ PL 95-485 Sec 817 751
Panama Canal Act of 1979------- PL 96-70 Vol. II
definitions and recommendation for legislation-------------- PL 96-70 Sec 3 Vol. II
delegation of functions---- EO 12215 Vol. II
Secretary of Defense------- EO 12215 Vol. II
Panama Canal Commission-------- EO 12215 Sec 1-3 Vol. II
PL 96-70 Sec 1101 Vol. II
Panama-U.S. relations
canal negotiations--------- PL 94-350 Sec 114 1097
defense of canal----------- PL 96-70 Sec 1108 Vol. II
property transfers--------- PL 96-70 Sec 1504 Vol. II
congressional restraints on------- PL 96-70 Sec 1344 Vol. II
reports-------------------- PL 96-70 Sec 3301 Vol. II
stationing of U.S. military forces------------------ PL 96-70 Sec 1111 Vol. II
tax expenditures
congressional restraints on------- PL 96-70 Sec 1344 Vol. II
Par Value Modification Act----- PL 92-268 Vol. II
Paraguay-U.S. relations
military aid--------------- PL 99-83 Sec 706 330
Paraquat
use as drug control-------- PL 87-195 Sec 481(d) 116
Passport Office
(see Passports)
Passports
application for------------ 40 Stat. 217 1381
Communist organizations------- 64 Stat. 987 1382
consular officers
punishable offenses--- PL 80-772 Sec 1541 1385
counterfeiting------------- PL 80-772 Sec 1543 1385
criminal misuse------------ PL 80-772 Sec 1541-46 1385
statute of limitations 65 Stat. 107 Sec 3291 1387
diplomatic----------------- PL 95-426 Sec 125 1068
duration------------------- 44 Stat. 887 Sec 2 1381
fees----------------------- 41 Stat. 739 1381
files miniaturization------ PL 94-350 Sec 106 1095
forgeries------------------ PL 80-772 Sec 1543 1385
national emergency--------- 66 Stat. 190 1383
oath of allegiance--------- 32 Stat. 386 1381
offices-------------------- PL 82-414 Sec 104(c) 1160
proof of citizenship------- PL 84-885 Sec 33 1138
restriction---------------- 44 Stat. 887 1379
Secretary of State's authority---------------- EO 11295 1379
44 Stat. 887 1379
State Department's authority---------------- PL 84-885 Sec 1 1122
Travel Document and Issuance System---------- PL 94-141 Sec 102 1101
travel restrictions-------- PL 95-426 Sec 124 1067
Patents
(see also Trademarks)
ACDA----------------------- PL 87-297 Sec 32 972
foreign aid
claims---------------- PL 87-195 Sec 606 169
trade agreements----------- PL 93-618 Sec 405 Vol. II
unfair import practices---- PL 71-361 Sec 337 Vol. II
Peace and Conflict Resolution, National Academy of
commission on-------------- PL 95-561 Sec 1511 1349
Peace Corps-------------------- EO 12137 953
(see also Foreign Service)
agricultural commodity sales------------------- PL 83-480 Sec 406 803
appointments and assignments-------------- PL 87-293 Sec 7(a) 928
non partisan---------- PL 87-293 Sec 25 943
appropriations, 1987------- PL 99-591 Title II 498
authority for-------------- PL 87-293 Sec 10 932

			Page
Peace Corps--Continued			
authorization for FY 1986 and 1987-----------------	PL 99-83		950
authorization of appropriations, 1984-----	PL 98-151	Sec 101(b)(2)	369
director------------------	PL 87-293	Sec 4	921
Director of			
transfer of functions to-----------------	PL 97-113	Sec 601(b)	947
disabled persons			
aid to----------------	PL 87-293	Sec 3(h)	921
employment with			
limitation on length of-----------------	PL 99-83	Sec 1103(b)	950
foreign currencies used----	PL 87-293	Sec 17	942
foreign governments using personnel---------------	PL 87-293	Sec 14	938
foreign nationals participating------------	PL 87-293	Sec 9	931
former volunteers			
in Civil Service------	EO 11103		958
functions delegated--------	PL 87-293	Sec 4	921
funds---------------------	PL 87-293	Sec 15(a)	939
	PL 87-293	Sec 15	939
training expenses-----	PL 87-293	Sec 15(c)	940
independent from ACTION----	PL 87-293	Sec 2A	920
interdepartmental cooperation--------------	EO 12137	Sec 1-602	955
international organizations using personnel----------	PL 87-293	Sec 14	938
language proficiency-------	PL 87-293	Sec 24	943
National Advisory Council			
termination of advisory bodies with similair functions--	PL 99-83	Sec 1104(b)	950
personnel-----------------	PL 87-293	Sec 5	922
	PL 87-293	Sec 6	927
	PL 87-293	Sec 7	928
allowance------------	PL 87-293	Sec 5(c)	923
as U.S. Government employees----------	PL 87-293	Sec 5(f)-(h)	924
benefits where children-----------	PL 87-293	Sec 5(m)-(n)	926
career counseling in the United States---	PL 87-293	Sec 5(k)	926
certificate of service	EO 11103	Sec 3	958
compensation of-------	PL 89-134	Sec 5	951
country representative	PL 87-293	Sec 7(c)	930
Foreign Service Act applicable----------	PL 87-293	Sec 7(a)	928
health care of--------	PL 87-293	Sec 5(e)	923
in judicial or administrative proceedings abroad--	PL 87-293	Sec 5(l)	926
oath upon enrollment--	PL 87-293	Sec 5(j)	926
selection------------	PL 87-293	Sec 5(a)	922
personnel system			
implementation of-----	PL 89-134	Sec 5	951
President			
functions reserved to-	EO 12137	Sec 1-3	953
Presidential Advisory Council-----------------	EO 12468		959
purpose stated------------	PL 87-293	Sec 2	920
reports------------------	PL 87-293	Sec 11	935
reports to Congress--------	PL 99-83	Sec 1103(b)	950
seal and name right--------	PL 87-293	Sec 19	942
security investigation-----	PL 87-293	Sec 22	943
service programs encouragement------------	PL 87-293	Sec 301	945
size of volunteer corps----	PL 87-293	Sec 3(b)	920
training of volunteers-----	PL 87-293	Sec 8	931
transfer of functions			
report to Congress----	PL 97-113	Sec 601(f)	948
transfer of property from ACTION-----------------	PL 97-113	Sec 601(c)	947
Trust Territory of the Pacific Islands----------	PL 83-451	Sec 2	Vol. II
Twenty-fifth anniversary			
recognition of--------	PL 99-111		952
Universal Military Training and Service Act----------	PL 87-293	Sec 23	943
women---------------------	PL 87-293	Sec 3(d)	921
Peace Corps Act----------------	PL 87-293		919
Peace Corps National Advisory Council--------------------	PL 87-293	Sec 12	935
Peace, United States Institute of			
nominations to the board of	PL 99-93	Sec 802	1018
Peace, United States Institute of, Act--------------------	PL 98-525	Sec 1702	1352

Page

Peacekeeping
  (see U.N.)
Peacekeeping operations-------- PL 87-195 Sec 551 157
  appropriations, 1987------- PL 99-591 Title II 499
  MFO---------------------- PL 97-132 Vol. II
    delegation of
      functions----------- EO 12361 Vol. II
Pearl Harbor
  day of remembrance--------- PL 99-534 Vol. II
Peru-U.S. relations
  foreign aid
    conditions for-------- PL 99-83 Sec 612 321
  human rights-------------- PL 99-83 Sec 707 330
Petroleum
  (see Oil)
  supply interruption
    preparation for------- PL 94-163 Sec 271-272 Vol. II
    report to Congress---- PL 97-229 Sec 6 Vol. II
Philippines
  foreign aid (U.S.), 1986--- PL 99-349 Chapter V 521
  military aid (U.S.), 1986-- PL 99-349 Chapter V 521
Philippines-U.S. relations
  aid, 1987----------------- PL 99-591 Title II 496
  foreign aid
    tied to U.S. security
      interests----------- PL 99-83 Sec 901 353
  taxation as U.S.
    Commonwealth------------ PL 79-291 Sec 4 Vol. II
PL 480
  (see Agricultural commodity
    sales)
  (see Agriculture, Secretary
    of)
  (see Reports to Congress)
  operation of
    review---------------- PL 95-113 Sec 1210 814
PLO
  conditions for U.S.
    recognition------------- PL 99-83 Sec 1302 359
    PL 99-591 Sec 530 507
  foreign aid,
    prohibited----------- PL 99-591 Sec 527 506
  IMF membership
    U.S. response--------- PL 79-171 Sec 37 Vol. II
  recognition of by U.S.----- PL 99-591 Sec 530 Vol. II
  U.N. programs in support of
    report to Congress---- PL 97-241 Sec 104(c) 1047
  U.S. contribution to U.N.-- PL 97-241 Sec 104 1047
  use of U.S. contribution to
    U.N.-------------------- PL 98-164 Sec 114 1031
Poland
  American Children's
    Hospital
      Zablocki Outpatient
        Facility----------- PL 98-266 605
Poland-U.S. relations
  embargo
    application of law---- PL 97-145 Sec 7 Vol. II
  humanitarian aid---------- PL 97-113 Sec 708 383
  Polish currency
    use of---------------- PL 97-113 Sec 709 383
  science and technology----- PL 97-241 Sec 110 1050
Police training
  El Salvador
    foreign aid for------- PL 87-195 Sec 660(d) 226
  foreign aid for----------- PL 87-195 Sec 660 225
  Honduras
    foreign aid for------- PL 87-195 Sec 660(d) 226
Polish American Heritage Month
  - Proclamation-------------- PL 99-453 Vol. II
Political prisoners
  U.S. aid cut-off----------- PL 93-189 Sec 32 462
Political tests
  (see Loyalty)
Pollution
  marine resources----------- PL 96-478 Vol. II
Population growth
  agricultural commodity
    sales------------------- PL 83-480 Sec 405 803
  food assistance----------- H. Res. 1399 Vol. II
  foreign aid--------------- PL 87-195 Sec 104 27
  foreign currencies--------- PL 87-195 Sec 613 177
  foreign currencies from
    agricultural commodity
    sales------------------- PL 83-480 Sec 104(h) 776
  involuntary abortions
    foreign aid
      prohibition--------- PL 99-591 Title II 492
Portugal
  Economic Support Fund------ PL 99-83 Sec 204 309

			Page
Portugal-U.S. relations			
fisheries	PL 96-561	Sec 145	Vol. II
	PL 96-561	Sec 145	Vol. II
food aid	PL 94-329	Sec 409	448
Portuguese African colonies	PL 93-559	Sec 50	457
POWs (Indochina War)			
Laotian Agreement and Protocol	PL 93-189	Sec 34	462
POWs			
(see also Indochina War)			
President			
(see also Commander-in-Chief powers)			
(see also Reports to Congress)			
advised on trade	PL 93-618	Sec 131-132	Vol. II
agricultural commodity sales	PL 83-480	Sec 101	769
	PL 83-480	Sec 103	770
Alaskan pipeline negotiations	PL 93-153	Sec 301	Vol. II
arms sales			
delegation of functions	EO 11958	Sec 1	650
atomic energy	EO 10841		Vol. II
chemical herbicides	EO 11850		992
Economic Sanctions			
Rhodesia	PL 95-12	Sec 2	Vol. II
educational and cultural exchange			
functions reserved	EO 11034	Sec 7	1559
export controls	EO 12002		Vol. II
delegation of authority	PL 96-72	Sec 4(e)	Vol. II
foreign aid programs			
administration	EO 12163		620
certification			
national interest	PL 83-680	Sec 5	Vol. II
suspension of	PL 87-195	Sec 620	180
Foreign Service	PL 81-73	Sec 3	1301
importing educational and cultural materials	PL 89-259		1591
	EO 12047		1592
military aid			
Israel	PL 93-199	Note	551
Middle East	PL 85-7	Sec 3-4	Vol. II
modifying import duties	PL 87-794	Sec 201	Vol. II
national emergency powers	PL 94-412		Vol. II
travel control	66 Stat. 190		1383
Peace Corps			
functions reserved	EO 12137	Sec 1-3	953
riot control	EO 11850		992
trade agreements	EO 11846	Sec 4	Vol. II
enforcement of U.S. rights	PL 93-618	Sec 301	Vol. II
trading with the enemy			
regulating	PL 65-91	Sec 5	Vol. II
Trust Territory of the Pacific Islands			
administration of	PL 83-451	Sec 1	Vol. II
U.N. economic sanctions	PL 79-264	Sec 5	Vol. II
U.S. Trade Representative	PL 93-618	Sec 141	Vol. II
war powers			
(see War powers)			
President's Emergency Food Assistance Act, 1984	PL 98-473	Sec 301	811
Presidential Task Force on Project Justice	PL 99-83	Sec 713	331
Price control			
(see Anti-dumping)			
Prisoners of war			
(see Indochina War)			
(see POWs)			
Private and voluntary organizations			
(see PVOs)			
Private enterprise			
(see also Nationalizations)			
(see also OPIC)			
agricultural commodity sales	PL 83-480	Sec 103(e)	771
	PL 83-480	Sec 107	781
foreign currency uses	PL 83-480	Sec 108	782
arms sales guarantees	PL 90-629	Sec 24	255
foreign aid			
Private Sector Revolving Fund	PL 87-195	Sec 108	36
USIA	PL 80-402	Sec 403	1487

Page

- Private enterprise--Continued
  - PL 80-402 Sec 1003 1500
  - Private Sector Program authorization, 1984-------- PL 98-164 Sec 206 1511
  - Private Sector Revolving Fund-- PL 87-195 Sec 108 36
    - appropriations, 1987------- PL 99-591 Title II 493
  - Privileges and immunities
    - ADB------------------------ PL 89-369 Sec 9 Vol. II
    - Bretton Woods Agreements Act---------------------- PL 79-171 Sec 11 Vol. II
    - Commission of the European Communities------------- PL 92-499 Vol. II
    - cultural imports----------- PL 89-259 1591
    - diplomats------------------ PL 95-393 Vol. II
    - foreign states------------- PL 94-583 Sec 4 Vol. II
    - IADB----------------------- PL 86-147 Sec 9 Vol. II
    - IDA------------------------ PL 86-565 Sec 9 Vol. II
    - IFC------------------------ PL 84-350 Sec 9 Vol. II
    - immigration law------------ PL 79-291 Sec 7-9 Vol. II
    - international organizations
      - designated by the President----------- PL 79-291 Sec 1 Vol. II
      - scope----------------- PL 79-291 Sec 2 Vol. II
      - search and seizure---- PL 79-291 Sec 2 Vol. II
      - taxes----------------- PL 79-291 Sec 3-6 Vol. II
    - juridical------------------ PL 79-291 Sec 2 Vol. II
    - legal suits---------------- PL 79-291 Sec 2 Vol. II
    - liability insurance-------- PL 95-393 Sec 6 Vol. II
    - OAS------------------------ PL 82-486 Vol. II
    - OAU------------------------ PL 79-291 Sec 12 Vol. II
    - U.N.----------------------- PL 80-357 Vol. II
- Propaganda
  - (see Lobbying)
- Propagandists
  - (see Foreign agents registration)
- Property
  - (see also Claims)
  - (see also Foreign Service Buildings Act of 1926)
  - (see also Gifts)
  - (see also Nationalizations)
  - ACDA disposal of----------- PL 87-297 Sec 41 975
- Property abroad (U.S.)
  - destruction of
    - foreign aid cut-off--- PL 87-195 Sec 620(j) 185
- Public Diplomacy, U.S. Advisory Commission on---------------- PL 80-402 Sec 604 1491
- Public opinion
  - (see USIA)
- Public relations
  - (see Foreign agents registration)
- Publicity
  - (see Lobbying)
- Puerto Rico
  - Caribbean Basin Initiative- PL 98-67 Sec 214 Vol. II
  - Caribbean Development Bank membership--------------- PL 93-559 Sec 52 459
- PVOs
  - agricultural commodity sales
    - using foreign currencies---------- PL 83-480 Sec 207 793
  - food aid
    - distribution of------- PL 83-480 Sec 202(c) 791
  - foreign aid---------------- PL 87-195 Sec 123 53
    - restrictions on------- PL 99-591 Title II 493

Q

- Quotas
  - (see Import duties)

R

- Radio Broadcasting to Cuba Act- PL 98-111 1636
  - implementation of---------- PL 99-93 Sec 203 1505
- Radio Broadcasting to Cuba, Board for-------------------- PL 98-111 Sec 5 1635
- Radio Free Afghanistan--------- PL 93-129 Sec 14 1625
- Radio Free Europe and Radio Liberty
  - authorization of appropriations----------- PL 80-402 Sec 703 1492
  - Baltic Division------------ PL 98-164 Sec 307 1630
  - Board for------------------ PL 93-129 Sec 11 1624
  - Board for International Broadcasting------------ PL 93-129 Sec 4 1619
    - contributions to------ PL 93-129 Sec 7 1621

		Page
Radio Free Europe and Radio Liberty--Continued		
currency gains	PL 93-129 Sec 8(b)	1623
establishment	PL 93-129 Sec 3	1617
functions	PL 93-129 Sec 4	1619
funding auth	PL 93-129 Sec 8	1622
organization	PL 93-129 Sec 3	1617
purpose of	PL 93-129 Sec 2	1617
Sec of State's role	PL 93-129 Sec 6	1621
communist countries use of facilities	PL 93-129 Sec 9	1623
contributions to	PL 93-129 Sec 5	1620
Maccabee programing	PL 99-93 Sec 306	1627
management of	PL 99-93 Sec 304	1626
personnel		
retirement benefits	PL 93-129 Sec 12	1624
President of		
salary limitation	PL 93-129 Sec 13	1624
records	PL 93-129 Sec 5	1620
Soviet jamming		
policy on	PL 98-164 Sec 308	1630
Soviet religious persecution		
broadcasting policy	PL 98-164 Sec 306	1629
Radio Liberty		
(see Radio Free Europe and Radio Liberty)		
Radio Marti		
(see Cuba, radio broadcasting to)		
Reciprocal assistance		
(see Mutual defense)		
Recognition (diplomatic)		
significance	S. Res. 91-235	1426
Reconstruction Finance Corporation		
payments by Export-Import Bank	PL 79-173 Sec 4,5	Vol. II
Red Cross		
contribution to	PL 95-105 Sec 105	1083
U.S. contribution to, 1982-83	PL 97-241 Sec 106	1048
Refugee Act of 1980	PL 96-212	1417
Refugee Education Assistance Act of 1980	PL 96-422	1420
Refugee relief	PL 99-10 Title I	523
administration	PL 87-510 Sec 4	1411
	EO 11077	1414
admission into U.S.	EO 12208	1423
Afghanistan	PL 99-145 Sec 305	690
Africa	PL 99-8 Sec 3	366
	PL 99-93 Sec 108	1004
appropriations, 1987	PL 99-591 Title II	498
Arabs	PL 87-195 Sec 301	101
authorization of appropriations	PL 87-510 Sec 2	1409
authorization of appropriations, 1984-85	PL 98-164 Sec 102(4)	1028
authorization of appropriations, 1986-87	PL 99-93 Sec 101(4)	1003
consultation	EO 12208	1423
contracts	PL 87-510 Sec 3	1410
Cubans	EO 11077 Sec 2	1415
Cubans and Haitians		
costs of	PL 97-241 Sec 502	1053
East Europe		
authorization, 1977	PL 94-350 Sec 105	1095
authorization, 1978	PL 95-105 Sec 104	1083
El Salvador	PL 98-164 Sec 111	1030
Honduras	PL 99-83 Sec 704	328
Israel	PL 99-93 Sec 108	1004
Lebanon	PL 98-164 Sec 111	1030
limitations on use of funds	PL 99-93 Sec 110	1005
loans	PL 87-510 Sec 3	1410
Southeast Asia	PL 99-93 Sec 108	1004
Soviet Jews		
resettlement in Israel	PL 97-241 Sec 107	1048
transfer of funds for	PL 87-510 Sec 4	1411
U.S. Coordinator for	PL 96-212 Sec 301	1418
U.S. Emergency Refugee and Migration Assistance Fund	PL 87-510 Sec 2(c)	1410
U.S. purpose of	PL 96-212 Sec 101	1417
United Nations High Commissioner for Refugees		
audits of U.S. funds	PL 87-510 Sec 8	1412
Refugees		
African	PL 87-195 Sec 495F	129
	PL 95-426 Sec 107	1065
Cambodian	PL 99-93 Sec 809	1021
Chile	PL 93-189 Sec 35	463
Cuba	PL 96-533 Sec 715	407

			Page
Refugees--Continued			
	PL 96-422	Sec 501	1420
	EO 12341		1422
El Salvador	PL 87-195	Sec 495I	131
	PL 97-113	Sec 731	396
Haiti	PL 97-113	Sec 721	388
	PL 96-422	Sec 501	1420
	EO 12341		1422
illegal aliens interdiction of	EO 12324		1424
Thailand	PL 99-93	Sec 809	1021
U.S.S.R.	PL 95-426	Sec 106	1065
Regulation of Whaling, International Convention for the			
U.S. implementation of	PL 81-676		Vol. II
Religious freedom	PL 88-633	Sec 501	485
Pentecostal Christian community of Chuguyevka	PL 99-93	Sec 805	1019
Reorganization Plan No. 2 of 1977			
effective date	EO 12048	Sec 1	1536
Reorganization Plan No. 2 of 1979	RP No. 2		640
Repatriation loan program			
requirements of	PL 84-885	Sec 4(d)	1125
Reports to Congress			
ACDA	PL 87-297	Sec 47	981
	PL 87-297	Sec 50	985
ACDA budget	PL 87-297	Sec 49(d)	985
ADB	PL 89-369	Sec 11(b)	Vol. II
	PL 89-369	Sec 4	Vol. II
Advisory Panel on Security of U.S. Missions Abroad	PL 98-533	Sec 301	1376
AEC	PL 83-703	Sec 251	Vol. II
Africa-U.S. relations			
arms sales	PL 90-629	Sec 33	267
African Development Foundation	PL 95-424	Sec 122	429
agricultural commodities export	PL 95-501	Sec 602	882
agricultural commodity sales	PL 83-480	Sec 408	805
excess of foreign currencies	PL 83-480	Sec 104(4)	778
foreign currency uses	PL 83-480	Sec 104(3)	777
revolving fund	PL 89-808	Sec 4(d)	874
agricultural sales	PL 95-501	Sec 603	882
aid for Latin America and the Caribbean	PL 99-83	Sec 709	330
Alaskan pipeline	PL 93-153	Sec 301	Vol. II
antiterrorism program	PL 87-195	Sec 574	162
apartheid			
ending in South Africa	PL 99-440	Title V	Vol. II
armed forces, introduction into hostilities	PL 93-148	Sec 3	Vol. II
arms			
leasing of	PL 90-629	Sec 62	288
arms control			
U.S. compliance with	PL 87-297	Sec 52	986
arms sales	PL 90-629	Sec 4	245
	PL 90-629	Sec 36	268
	PL 91-672	Sec 8(d)	471
arms sales (commercial)			
agent fees	PL 90-629	Sec 39	279
arms sales			
annual estimate	PL 90-629	Sec 25	257
combat readiness, impact on	PL 90-629	Sec 21(i)	252
illegal payments	PL 94-329	Sec 607	652
military dictators	PL 90-629	Sec 1	237
quarterly estimates	PL 90-629	Sec 28	263
transfers	PL 90-629	Sec 3(d)	243
atomic energy	PL 95-242	Sec 103	Vol. II
agreements for cooperation	PL 83-703	Sec 123(d)	Vol. II
cooperation with Berlin	PL 83-703	Sec 125	Vol. II
source material	PL 83-703	Sec 61	Vol. II
special nuclear material	PL 83-703	Sec 58	Vol. II
beneficiary developing country			
designation of	PL 93-618	Sec 502	Vol. II
Board for International Broadcasting	PL 93-129	Sec 4	1619
CIA	PL 87-195	Sec 662	227
classification of	PL 87-195	Sec 634B	209
Commission on Security and Cooperation in Europe	PL 94-304	Sec 6	1640

			Page
Reports to Congress--Continued			
countervailing duties------	PL 71-361	Sec 303	Vol. II
Cuban troops in Africa-----	PL 95-426	Sec 613	1079
Cyprus---------------------	PL 87-195	Sec 620C	190
Czechoslovakia-U.S. relations			
settlement of claims--	PL 93-618	Sec 408	Vol. II
deepwater ports------------	PL 93-627	Sec 20	Vol. II
defense articles or services			
transfers by intelligence agencies------------	PL 99-569	Sec 602	290
discrimination			
aid suspension---------	PL 87-195	Sec 505(g)	144
arms sales suspension-	PL 90-629	Sec 5	246
disposal of naval vessels--	PL 84-1028	Sec 7307	760
domestic travel restrictions------------	PL 95-426	Sec 126	1068
drug trade----------------	PL 93-618	Sec 606	Vol. II
drugs---------------------	PL 87-195	Sec 481	112
duties, rates of-----------	PL 93-618	Sec 125(e)	Vol. II
duty-free treatment--------	PL 93-618	Sec 505	Vol. II
East-West Center-----------	PL 86-472	Sec 704	1583
East-West trade------------	PL 93-618	Sec 411	Vol. II
East-West Trade Statistics Monitoring Systems-------	PL 93-618	Sec 410	Vol. II
educational and cultural exchange----------------	PL 87-256	Sec 104	1547
	PL 87-256	Sec 107-108	1553
El Salvador----------------	PL 97-113	Sec 729	395
emigration, freedom of-----	PL 93-618	Sec 409	Vol. II
endangered plants----------	PL 93-205	Sec 12	Vol. II
energy			
international voluntary agreements	PL 94-163	Sec 252(i)	Vol. II
energy actions------------	PL 94-163	Sec 551	Vol. II
energy supply interruptions	PL 97-229	Sec 6	Vol. II
export controls-----------	PL 96-72	Sec 14	Vol. II
Export-Import Bank---------	PL 79-173	Sec 9	Vol. II
	PL 79-173	Sec 2(b)(1)	Vol. II
exports			
military technology---	PL 93-365	Sec 709	755
expositions			
U.S. participation in-	PL 91-269	Sec 2	1608
food assistance------------	PL 87-195	Sec 300	100
food production assessment-	PL 83-480	Sec 408	805
food shortage--------------	PL 93-559	Sec 55	459
foreign agents registration	PL 75-583	Sec 11	Vol. II
foreign aid----------------	PL 87-195	Sec 620(e)(1)	182
	PL 87-195	Sec 620(f)	183
	PL 87-195	Sec 634	205
	PL 87-195	Sec 654	224
	PL 97-113	Sec 722	389
cut-offs for defaults-	PL 87-195	Sec 620(q)	187
excess funding--------	PL 87-195	Sec 653(b)	224
international organizations-------	PL 87-195	Sec 301	101
Presidential discretion----------	PL 87-195	Sec 614	178
prior notification for obligating funds----	PL 87-195	Note	23
transfer of funds-----	PL 87-195	Sec 610(a)	174
Turkey----------------	PL 87-195	Sec 620(x)	187
waiver of prohibition-	PL 87-195	Sec 620(q)	186
foreign claims------------	PL 81-455	Sec 3	Vol. II
foreign currencies			
availability for Congressional use---	PL 83-665	Sec 502	Vol. II
foreign currencies uses----	PL 83-480	Sec 104(b)(1)	773
foreign investment in U.S.-	PL 93-479	Sec 10	Vol. II
foreign military budgets---	PL 87-195	Sec 620(s)(2)	187
Foreign Service buildings			
leases----------------	PL 69-186	Sec 9(b)	1394
sales-----------------	PL 69-186	Sec 9(b)	1394
human rights---------------	PL 87-195	Sec 502B	136
human rights in developing countries----------------	PL 87-195	Sec 116(d)	41
human rights violations			
in recipient security assistance countries	PL 87-195	Sec 502B	136
IADB			
U.S. participation in-	PL 86-147	Sec 4	Vol. II
IADB strategy-------------	PL 86-147	Sec 28(b)	Vol. II
IAEA----------------------	PL 85-177	Sec 3	Vol. II
IDA			
U.S. participation in-	PL 86-565	Sec 4	Vol. II
IFC			
IMF and IBRD			
import of fish products----	PL 83-680	Sec 8	Vol. II

Page

- Reports to Congress--Continued
  - import relief-------------- PL 93-618 Sec 203 Vol. II
  - import restrictions
    - contrary to national interests----------- PL 93-618 Sec 122(b) Vol. II
  - international agreements--- PL 92-403 1161
    - late transmittal------ PL 92-403 1161
  - International Trade Commission--------------- PL 93-618 Sec 608 Vol. II
  - interparliamentary groups-- PL 86-42 Vol. II
  - PL 86-420 Vol. II
  - Interparliamentary Union
    - American group-------- PL 74-170 Sec 2 Vol. II
  - investment (international)- PL 94-472 Sec 4(a) Vol. II
  - Japan-U.S. Friendship Commission--------------- PL 94-118 Sec 5(b) 1586
  - marihuana------------------ PL 87-195 Sec 481(d) 116
  - marine mammal protection--- PL 92-522 Sec 204 Vol. II
  - MIAs---------------------- H. Res. 94-335 Sec 5 Vol. II
  - Micronesian claims--------- PL 92-39 Sec 104 Vol. II
  - Middle East---------------- PL 85-7 Sec 3 Vol. II
  - military (U.S.)------------ PL 93-365 Sec 302 753
  - military aid (U.S.)-------- PL 87-195 Sec 506(a) 146
    - allocation changes---- PL 87-195 Sec 653(a) 224
  - military aid
    - Middle East----------- PL 85-7 Sec 3 Vol. II
  - military education and training----------------- PL 87-195 Sec 542 156
  - Most-Favored-Nation Treatment---------------- PL 93-618 Sec 407 Vol. II
  - National Academy of Peace and Conflict Resolution-- PL 95-561 Sec 1516 1351
  - nuclear facilities--------- PL 97-113 Sec 735 396
  - nuclear weapons development
    - impact of------------ PL 87-297 Sec 36(b)(2) 974
  - OPIC---------------------- PL 87-195 Sec 240A 91
  - Panama-U.S. relations
    - stationing of U.S. military forces----- PL 96-70 Sec 1111 Vol. II
  - Peace Corps---------------- PL 87-293 Sec 11 935
  - protection of foreign visitors----------------- PL 94-141 Sec 406 1102
  - refugee relief------------ PL 87-510 Sec 2(c) 1410
  - refugees from Cuba and Haiti------------------- PL 97-241 Sec 502 1053
  - satellites
    - nuclear--------------- PL 95-426 Sec 608 1076
  - science and technology----- PL 95-426 Sec 503-504 1071
  - SDAF---------------------- PL 90-629 Sec 53 287
  - Securities and Exchange Commission--------------- PL 86-147 Sec 11(b) Vol. II
  - security assistance surveys PL 90-629 Sec 26 259
  - seizure of U.S. fishing vessels------------------ PL 83-680 Sec 8 Vol. II
  - Soviet Union-U.S. relations
    - trade agreements------ PL 93-618 Sec 613 Vol. II
  - Soviet-U.S. scientific exchanges---------------- PL 97-241 Sec 126 1051
  - special nuclear material--- PL 83-703 Sec 51 Vol. II
    - foreign distribution of----------------- PL 83-703 Sec 54 Vol. II
  - stock-piling defense articles----------------- PL 87-195 Sec 514(e) 148
  - strategic petroleum reserve
    - drawdown plan--------- PL 97-229 Sec 6(b) Vol. II
  - trade agreements----------- EO 11846 Sec 2(c) Vol. II
    - negotiations---------- PL 93-618 Sec 161 Vol. II
    - reciprocal treatment-- PL 93-618 Sec 126(c) Vol. II
  - trade discrimination------- PL 95-426 Sec 606 1076
  - trade injuries
    - tariff readjustment--- PL 87-794 Sec 351 Vol. II
  - Travel Document and Issuance System---------- PL 94-141 Sec 102 1101
  - Trust Territory of the Pacific Islands
    - fiscal conditions----- PL 83-451 Sec 4 Vol. II
  - Turkey-U.S. relations
    - compliance with Foreign Assistance-- PL 87-195 Sec 620(x) 187
  - U.N. membership------------ PL 79-264 Sec 4 Vol. II
  - U.S. Advisory Commission on Information-------------- PL 80-402 Sec 603 1490
  - U.S. personnel in Sinai---- PL 94-110 Sec 4 Vol. II
  - U.S. scholarship program for developing countries- PL 99-93 Sec 611 1567
  - war powers
    - Presidential use of--- PL 93-148 Sec 4-5 Vol. II
  - World Alternate Energy Conference--------------- PL 95-426 Sec 609 1077
  - world food situation------- PL 93-189 Sec 39(a)(4) 464

			Page
Reprogramming of funds			
foreign aid	PL 87-195	Sec 634A	208
State Department	PL 84-885	Sec 34	1138
USIA	PL 80-402	Sec 705	1493
Research			
(see Science and Technology)			
RFE			
(see Radio Free Europe and Radio Liberty)			
Rhodesia			
(see Zimbabwe)			
U.S. sanctions	PL 79-264	Sec 5(c)	Vol. II
U.S. Sanctions	PL 95-12	Sec 2	Vol. II
Rio Treaty of 1947			
U.S. policy toward Cuba	PL 87-733		Vol. II
Riot control			
renouncement of	EO 11850		992
RL			
(see Radio Free Europe and Radio Liberty)			
Romania-U.S. relations			
claims	PL 81-455	Sec 301-318	Vol. II
liquidation of property	PL 81-455	Sec 201-216	Vol. II
foreign aid	PL 87-195	Sec 495D	128
OPIC	PL 87-195	Sec 239	89
trade restrictions			
waiver of	EO 11854		Vol. II
Rubber			
international organization			
U.S. participation	PL 96-271		Vol. II
Rumania			
(see Romania-U.S. relations)			
Ryukyu Claims Settlement Act			
(see also Foreign claims)	PL 89-296		Vol. II

S

Sabbatino Amendment			
act of state doctrine			
denied recognition	PL 87-195	Sec 620(e)(2)	183
Sahel Development Program			
appropriations, 1987	PL 99-591	Title II	494
implementation	PL 87-195	Sec 121	51
planning	PL 87-195	Sec 120	50
Saint Lawrence Seaway			
toll negotiations			
U.S. advisory board	PL 95-105	Sec 110	1085
Salmon			
North Atlantic	PL 97-389	Title III	Vol. II
Pacific	PL 99-5		Vol. II
Sanctions, Economic			
against South Africa	PL 99-440	Title III	Vol. II
Satellites			
nuclear powered	PL 95-426	Sec 608	1076
Saudi Arabia-U.S. relations			
arms sales			
AWACS	PL 99-83	Sec 131	304
Scharansky, Nathan (Anatoly) and Avital			
awarding Congressional gold medals	PL 99-298		Vol. II
Scholarships			
(see Educational and cultural exchange)			
Schools			
sponsored by U.S.	PL 87-195	Sec 214	60
Science and technology			
(see also Technical assistance)			
agreements, 1982-83	PL 97-241	Sec 110	1050
bilateral agreements			
authorization of appropriations, 1986-87	PL 99-93	Sec 101(5)	1003
desalting plant	PL 87-195	Sec 219	61
endangered species			
whales	PL 81-676	Sec 11	Vol. II
fisheries			
tuna	PL 81-764	Sec 11	Vol. II
foreign currencies from agricultural commodity sales	PL 83-480	Sec 104(b)(3)	775
foreign policy	PL 95-426	Sec 501-504	1070
international cooperation			
National Science Foundation	PL 81-507	Sec 13	Vol. II

			Page
Science and technology--Continued			
Middle East			
cooperative----------	PL 99-83	Sec 202	307
UN conference on----------	PL 95-426	Sec 103	1063
Scientific and Technological Cooperation, Institute for---	PL 96-53	Sec 401	411
Scientific exchange			
(see Educational and cultural exchange)			
SDAF			
established----------------	PL 90-629	Sec 51	285
limitation, 1987-----------	PL 99-591	Title III	500
report to Congress---------	PL 90-629	Sec 53	287
size of--------------------	PL 97-113	Sec 108(b)	376
use of items---------------	PL 90-629	Sec 52	286
SDRs			
(see Special Drawing Rights)			
Sea law------------------------	PL 94-265	Sec 401	Vol. II
(see also Endangered species)			
collisions			
oil pollution---------	PL 93-248	Sec 3	Vol. II
deep seabed minerals-------	PL 96-283		Vol. II
international agreement----------	PL 96-283	Title II	Vol. II
marine pollution-----------	PL 96-478		Vol. II
military training operations---------------	PL 93-365	Sec 704	754
oil pollution			
damages caused by-----	PL 93-248	Sec 3-12	Vol. II
Seals			
(see Endangered species)			
SEASPARROW Cooperative Program-	PL 98-525	Sec 1004	723
SEATO			
protocol to----------------	PL 88-408		Vol. II
Tonkin Gulf Resolution-----	PL 88-408		Vol. II
Second Decade to Combat Racism and Racial Discrimination			
using U.S. contribution to UN----------------------	PL 98-164	Sec 114	1031
Secondary schools			
(see Educational and cultural exchange)			
Secret Service			
protection of foreign diplomats---------------	PL 97-418		Vol. II
Securities and Exchange Commission			
reports--------------------	PL 89-369	Sec 11	Vol. II
annual----------------	PL 86-147	Sec 11	Vol. II
Security			
(see Mutual defense)			
(see U.N.)			
Security and Cooperation in Europe, Commission on			
appropriation authorization	PL 94-304	Sec 7	1640
appropriations, 1987-------	PL 99-591	Sec 101(b)	1642
membership-----------------	PL 94-304	Sec 3	1638
powers---------------------	PL 94-304	Sec 4	1639
reports from President-----	PL 94-304	Sec 5	1639
reports to Congress--------	PL 94-304	Sec 6	1640
responsibilities-----------	PL 94-304	Sec 2	1638
Security and Cooperation in Europe, Conference on--------	PL 95-105	Sec 502	1088
Security assistance (U.S.)			
see (Military aid (U.S.))			
Security assistance surveys----	PL 90-629	Sec 26	259
Security investigations			
(see Loyalty)			
Security of United States Missions Abroad, Advisory Panel on			
report to Congress---------	PL 98-533	Sec 301	1376
Security supporting assistance			
see (Economic Support Fund)			
Selection-out			
(see Foreign Service)			
Senate			
gifts (foreign)------------	PL 95-105	Sec 515	1401
Separation of powers			
war powers-----------------	PL 93-148	Sec 2	Vol. II
Ships			
pollution------------------	PL 96-478		Vol. II
terrorism			
protecting passengers and crews-----------	PL 99-399	Sec 902	1463
Silver			
disposal of----------------	PL 96-175	Sec 3	Vol. II

			Page
Sinai Field Mission			
facilities transfer to Egypt	PL 96-35	Sec 6	426
Sinai Interagency Board			
established	EO 11896	Sec 4	Vol. II
Sinai Support Mission			
established	EO 11896		Vol. II
Small Business Administration			
procurement for AID	PL 94-329	Sec 602	451
Smithsonian Institution			
international monetary reform	PL 92-268	Sec 5	Vol. II
Secretary of the			
endangered plants	PL 93-205	Sec 12	Vol. II
Social development			
(see Alliance for Progress)			
(see Human rights)			
(see U.N.)			
Social security (U.S.)			
international organizations	PL 79-291	Sec 5	Vol. II
Socialist Rep. of Vietnam-U.S. relations			
aid prohibition	PL 99-591	Sec 512	504
Sockeye salmon			
(see Fisheries)			
Sockeye Salmon or Pink Salmon Fishing Act of 1947			
(see also Fisheries, salmon)			
South Africa			
apartheid			
policies to end	PL 99-93	Sec 211(c)	1506
trade			
prohibitions on	PL 99-440	Title III	Vol. II
South Africa-U.S. relations			
anti-apartheid measures			
enforcement and administrative procedures	PL 99-440	Title VI	Vol. II
apartheid			
U.S. policy toward ending	PL 99-440	Title I	Vol. II
disadvantaged South Africans			
foreign aid	PL 87-195	Sec 117	44
Export-Import Bank	PL 79-173	Sec 2(b)(8)	Vol. II
forced relocations			
U.S. policy toward	PL 99-83	Sec 803	349
future U.S. policy toward	PL 99-440	Title V	Vol. II
intelligence agency cooperation			
restrictions on	PL 99-569	Sec 107	Vol. II
intelligence sharing			
Krugerrand			
import prohibition	EO 12535		Vol. II
labor practices of U.S. government	PL 99-440	Title II	Vol. II
nuclear materials			
export of	PL 98-164	Sec 1007	1039
prohibitions on imports and exports	PL 99-440	Title III	Vol. II
reports to Congress	PL 99-440	Title V	Vol. II
trade and transactions prohibited	EO 12532		Vol. II
South African nongovernmental organizations			
human rights			
foreign aid grants	PL 87-195	Sec 116(e)(2)	42
South Vietnam-U.S. relations			
(see also Indochina War)			
South Yemen-U.S. relations			
aid prohibition	PL 99-591	Sec 512	504
Southeast Asia			
(see also individual countries)			
~~(see~~ also Indochina War)			
ADB emphasis	PL 89-369	Sec 13	Vol. II
Southern Africa			
ESF	PL 99-83	Sec 802	347
U.S. policy toward	PL 99-440	Title I	Vol. II
Southern Rhodesia			
(see Zimbabwe)			
Sovereignty			
(see also Courts, jurisdiction)			
(see Courts, jurisdiction)			
(see Sea Law)			
Soviet Jewry			
appeal for the release of	PL 99-81		Vol. II

Page

- Soviet mission
  - U.N.
    - number of employees PL 99-569 Sec 702 Vol. II
- Soviet Union
  - Berlin
    - access to H. Con. Res. 87-570 Vol. II
  - Korean airliner PL 98-98 Vol. II
  - Pentecostal community of Chagayevka
    - persecution PL 99-93 Sec 805 1019
  - research on PL 98-164 Sec 801 1574
  - U.N. financial obligations PL 97-113 Sec 717 386
- Soviet Union-U.S. relations PL 95-384 Sec 24 434
  - biological and chemical weapons PL 97-113 Sec 716 385
  - claims PL 81-455 Sec 301-318 Vol. II
  - cooperation in space PL 98-562 Vol. II
  - diplomatic and consular personnel
    - equivalency in numbers PL 99-93 Sec 813 1024
  - direct communications link PL 99-85 758
  - Export-Import Bank PL 79-173 Sec 2(b) Vol. II
  - grain exports prohibited
    - Commodity Credit Corporation
      - purchases PL 96-494 Sec 206 884
  - Litvinov Assignment PL 81-455 Sec 301 Vol. II
  - military and civilian exchange program PL 99-145 Sec 1005 693
  - murder of Lt. Colonel Arthur D. Nicholson, Jr. PL 99-661 Sec 1368 680
  - murder of Major Arthur D. Nicholson, Jr. PL 99-93 Sec 148 1014
  - Nuclear winter
    - joint study on
      - consequences of PL 99-93 Sec 708 989
  - Olympic games boycott PL 96-533 Sec 718 408
  - outer space
    - cooperative ventures PL 98-562 Vol. II
  - release of Soviet Jewry PL 99-81 Vol. II
  - religious persecution
    - RFE/RL broadcasts on PL 98-164 Sec 306 1629
  - RFE/RL jamming
    - policy on PL 98-164 Sec 308 1630
  - scientific exchanges
    - risk for U.S. PL 97-241 Sec 126 1051
  - Soviet and Communist disinformation PL 99-93 Sec 147 1014
  - trade
    - U.S. exports PL 93-618 Sec 613 Vol. II
  - Wallenberg and Kaplan PL 98-164 Sec 1006 1038
- Soviet-East Europe research and training
  - authorization of appropriations PL 99-93 Sec 101(6) 1003
- Soviet-Eastern European Research and Training Act of 1983 PL 98-164 Sec 801 1574
- Soviet-Eastern European Studies Advisory Committee
  - established PL 98-164 Sec 804 1575
- Soviet-U.S. relations
  - arms control
    - limiting conventional
      - arms transfers PL 99-83 Sec 129 302
- Space
  - (see Outer space)
- Spain-U.S. relations
  - fisheries PL 97-389 Title IV Vol. II
  - painting return PL 95-426 Sec 605 1075
- Special Defense Acquisition Fund
  - (see SDAF)
- Special Drawing Account
  - U.S. participation in PL 90-349 Sec 2 Vol. II
- Special Drawing Rights
  - allocation of
    - congressional
      - consultation PL 90-349 Sec 5(b) Vol. II
  - Exchange Stabilization Fund PL 90-349 Sec 3-5 Vol. II
- Special Drawing Rights Act PL 90-349 Vol. II
- Special Facility for Sub-Saharan Africa PL 99-190 Title I Vol. II
  - IDA PL 86-565 Sec 19 Vol. II
- Special Facility for Sub-Saharan Africa
  - contribution to, 1987 PL 99-591 Title I 489
- Special Foreign Assistance Act of 1971 PL 91-652 468

Page

- Special Foreign Assistance Act of 1986---------------------- PL 99-529 292
- Special International Security Assistance Act of 1979------- PL 96-35 424
- Sri Lanka-U.S. relations
  - political settlement of internal differences----- PL 99-83 Sec 907 356
- State Department Basic Authorities Act of 1956------ PL 84-885 1121
- State Department/USIA Authorization Act, Fiscal Year 1975------------------- PL 93-475 1104
- State, Department of
  - (see also Foreign Service)
  - (see also State, Secretary of)
  - administrative services
    - capital fund---------- PL 84-885 Sec 13 1127
  - AID
    - (see AID)
  - ambassadors and ministers
    - (see Ambassadors)
  - appropriations, 1987------- PL 99-591 Sec 101(b) 1113
  - Assistant Secretaries
    - number of------------- PL 99-93 Sec 115 1005
  - atomic energy
    - restricted data
      - transmission-------- EO 11057 Vol. II
  - authorization of appropriations, 1973----- PL 93-126 1106
  - authorization of appropriations, 1975----- PL 93-475 1104
  - authorization of appropriations, 1977----- PL 94-350 Sec 101 1094
  - authorization of appropriations, 1978----- PL 95-105 Sec 101 1082
  - authorization of appropriations, 1979----- PL 95-426 Sec 101 1062
  - authorization of appropriations, 1980-81-- PL 96-60 Sec 102 1055
  - authorization of appropriations, 1982-83-- PL 97-241 Sec 102 1044
  - authorization of appropriations, 1984-1985 PL 98-164 Sec 102 1043
  - authorization of appropriations, 1986-87-- PL 99-93 Sec 101 1001
  - buildings abroad
    - (see Foreign Service buildings)
  - Bureau of
    - International Expositions--------- PL 91-269 Sec 2-3 1608
  - bureau of
    - Oceans and International Environmental and--- PL 93-126 Sec 9 1106
  - Bureau of Consular Affairs- PL 82-414 Sec 104(b) 1159
  - Bureau of Diplomatic Security----------------- PL 99-399 Sec 104 1436
  - bureau to review raw and processed materials------ PL 93-475 Sec 14 1104
  - claims-------------------- PL 84-885 Sec 2 1122
  - communications center
    - alternative site------ PL 98-164 Sec 105 1029
  - Congressional oversight---- PL 92-226 Sec 407 467
  - consular facilities in Mexico
    - improvement of-------- PL 98-164 Sec 103 1029
  - contract negotiation
    - discrimination-------- PL 94-350 Sec 121 1097
  - educational and cultural exchange
    - (see also Educational and cultural
  - emergency expenditures----- PL 84-885 Sec 4 1124
  - environmental affairs------ EO 11742 1171
  - Food for Peace Program
    - administration of----- EO 11252 869
  - foreign agents registration
    - certifying exemptions- PL 75-583 Sec 3 Vol. II
  - foreign aid
    - functions delegated to 45 FR 11655 631
    - 45 FR 51974 633
  - foreign aid program
    - administration of----- EO 12163 Sec 1-201 621
  - foreign missions
    - office of------------- PL 84-885 Sec 203 1148
  - Foreign Service
    - (see Foreign Service)
  - Inspector General---------- EO 12066 648

			Page
State, Department of--Continued			
	PL 99-93	Sec 150	1014
	PL 95-452		Vol. II
emergency expenditures audit	PL 84-885	Sec 4(c)	1125
intelligence responsibilities	EO 12333	Sec 1.9	1334
international communication and information			
office of	PL 84-885	Sec 35	1138
international communications policy			
additional positions for	PL 98-164	Sec 104	1029
international narcotics control	PL 99-591	Chapter II	518
appropriations,1987	PL 99-591	Title II	498
organization	PL 81-73	Sec 1-2	1300
personnel	PL 81-73	Sec 1-2	1300
additional positions	PL 98-164	Sec 104	1029
assignment to Executive agencies	PL 93-126	Sec 11	1107
assignment to Inter-American Foundation	PL 91-175	Sec 401	477
conservation programs abroad	PL 93-205	Sec 8	Vol. II
legal advisers	PL 81-73	Sec 2	1301
travel expenses	PL 84-885	Sec 10	1127
personnel costs and currency fluctuations			
additional appropriations	PL 84-885	Sec 24	1132
political and economic reporting			
additional positions for	PL 98-164	Sec 104	1029
procurement contracts	PL 84-885	Sec 14	1128
protection of foreign visitors	PL 94-141	Sec 406	1102
publications on foreign relations	PL 98-164	Sec 133	1035
refugees			
(see Refugees and Refugee relief)			
repatriation loan program			
requirements of	PL 84-885	Sec 4(d)	1125
reprogramming of funds	PL 84-885	Sec 34	1138
security			
capital projects and improvements	PL 99-93	Sec 104	1003
security officers			
extra pay	PL 84-885	Sec 32	1137
Soviet and international Communist behavior			
study of	PL 99-93	Sec 155	1016
special agents			
general authority	PL 84-885	Sec 37	1142
supplemental appropriations, 1986	PL 99-349	Chapter V	520
	PL 99-349	Chapter II	1119
transfer of funds from	PL 84-885	Sec 8	1126
U.S. participation in U.N.			
authorization of appropriations	PL 79-264	Sec 8	Vol. II
Under Secretary for International Narcotics	PL 95-426	Sec 115	1066
Under Secretary for Management	PL 95-426	Sec 114	1066
	PL 81-73	Sec 1	1300
USIA relations with	PL 80-402	Sec 1009	1501
State, Department of Advisory Panel on Overseas Security			
report to Congress	PL 99-399	Sec 407	1446
State, Department of Inspector General			
establishment of	PL 99-399	Sec 413	1447
State, Secretary of			
(see also Foreign Service)			
(see also State, Department of)			
Accountability Review Board	PL 99-399	Sec 302	1439
ACDA Director	PL 87-297	Sec 22	968
agricultural commodity sales	PL 83-480	Sec 406	803
approval of foreign representatives in U.S.	PL 79-291	Sec 8-9	Vol. II
arms sales	PL 90-629	Sec 2	240
duties	EO 11958		650

Page

- State, Secretary of--Continued
  - authority to delegate and regulate---------------- PL 96-465 Sec 205 1184
  - Board for International Broadcasting
    - cooperation with------ PL 93-129 Sec 6 1621
  - buildings
    - authority over-------- PL 69-186 Sec 1 1388
    - PL 69-186 Sec 10 1394
  - educational and cultural exchange programs
    - interagency
      - coordination-------- EO 11034 Sec 6 1559
  - endangered species
    - whales---------------- PL 81-676 Sec 4 Vol. II
    - PL 81-676 Sec 10 Vol. II
  - fisheries
    - tuna------------------ PL 81-764 Sec 6 Vol. II
    - tuna, Atlantic-------- PL 94-70 Sec 5 Vol. II
  - fishery agreements--------- PL 94-265 Sec 202 Vol. II
  - Food for Peace Program
    - administration of----- EO 11252 Sec 1 869
  - foreign aid
    - functions reserved---- 45 FR 11655 633
  - foreign aid administration- PL 87-195 Sec 622 194
  - Foreign Service------------ PL 81-73 Sec 3 1301
  - gifts---------------------- PL 84-885 Sec 25 1133
  - gifts (foreign)
    - approval for use of--- PL 89-673 1400
    - PL 95-105 Sec 515 1401
    - authority delegated for----------------- EO 11320 1407
  - importing educational and cultural materials------- EO 12047 1592
  - international agreements--- 22 CFR 181.4 1167
    - prior consultation---- PL 92-403 1161
  - liaison with RFE/RL-------- PL 99-93 Sec 305 1627
  - official residence--------- PL 99-93 Sec 130 1008
  - passports----------------- EO 11295 1379
  - 44 Stat. 887 1379
  - PL 480
    - administration of----- EO 12220 Sec 1-3 866
  - protection of foreign missions
    - transfer of reimbursement authority----------- EO 12478 Vol. II
  - refugee relief
    - authority over-------- EO 11077 Sec 1 1414
    - EO 11077 Sec 3 1415
  - regulations promulgated---- PL 81-73 Sec 4 1302
  - succession order----------- EO 12343 1306
  - terrorism-related assistance--------------- PL 99-83 Sec 502 311
  - terrorism-related services
    - control of------------ PL 84-885 Sec 40 1144
  - trade agreements program--- EO 11846 Sec 2(g) Vol. II
  - transmitting international agreements--------------- PL 92-403 1161
  - USIA--------------------- EO 10477 Sec 2-3 1538
- Statute of limitations
  - nationality---------------- 65 Stat. 107 Sec 3291 1387
  - passports----------------- 65 Stat. 107 Sec 3291 1387
- Steel
  - import restrictions-------- PL 93-618 Sec 607 Vol. II
  - U.S. industry
    - national policy for--- PL 98-573 Sec 803 Vol. II
- Steel Import Stabilization Act- PL 98-573 Sec 801 Vol. II
- Stock in financial institutions (see Capital stock)
- Stock-piling defense articles
  - military aid--------------- PL 87-195 Sec 514 147
- Stock-piling strategic materials
  - agricultural commodities--- PL 85-931 Sec 7 809
- Stockpile, National Defense
  - disposal from-------------- PL 96-175 Sec 3 Vol. II
- Strategic and Critical Materials Stock Piling Act (see Military procurement (U.S.))
- Strategic and Critical Materials Transaction Authorization Act of 1979---- PL 96-175 Vol. II
- Strategic Defense Initiative
  - anti-tactical ballistic missile system----------- PL 99-661 Sec 212 667
  - authorization of appropriations, 1986----- PL 99-145 Sec 221 688
  - conditions for deployment-- PL 99-145 Sec 222 688

			Page
Strategic Defense Initiative--Continued			
consultation with NATO allies	PL 99-145	Sec 224	689
deployment schedule			
report to Congress	PL 99-661	Sec 215	669
effect on ABM Treaty			
sense of Congress	PL 99-145	Sec 225	689
effect on compliance with ABM Treaty	PL 99-661	Sec 216	670
establishing a federally funded R&D center			
limitation on	PL 99-661	Sec 213	668
FY87 funding level	PL 99-661	Sec 211	667
NATO cooperation and consultation			
Congressional policy	PL 99-145	Sec 224	689
projected cost			
report to Congress	PL 99-661	Sec 214	669
reports to Congress	PL 99-145	Sec 222	688
Strategic materials	PL 98-373		Vol. II
exchanged for agricultural commodities	PL 83-480	Sec 310	799
	PL 81-439	Sec 416(d)	829
	PL 99-198	Sec 1129	843
	PL 99-198	Sec 1167	849
Strategic petroleum reserve			
drawdown plan	PL 97-229	Sec 6(b)	Vol. II
Sub-Saharan African Countries Affected by Drought and Desertification, Special Program for	PL 99-591	Title I	491
Subscriptions in financial institutions			
(see Capital stock)			
Sudan-U.S. relations			
aid, 1987			
condition for	PL 99-591	Sec 542	512
arms sales credits			
repayment	PL 96-92	Sec 17(b)	421
foreign aid			
conditions for	PL 99-83	Sec 806	350
military aid	PL 96-53	Sec 502	418
Sugar			
Cuban quota	PL 87-195	Sec 620(a)	180
imports from communist countries in Caribbean and Central America	PL 98-67	Sec 231	Vol. II
international agreement			
implementation of	EO 12224		Vol. II
	PL 96-236		Vol. II
Supporting assistance			
(see Economic Support Fund)			
SWAPO			
foreign aid,			
prohibited	PL 99-591	Sec 527	506
use of U.S. contribution to U.N.	PL 98-164	Sec 114	1031
Swine influenza			
international cooperation	PL 94-302	Sec 301	1646
Syria-U.S. relations			
aid deobligation	PL 98-151	Sec 101(b)(1)	526
	PL 98-164	Sec 1004	1037
aid prohibition	PL 99-591	Sec 512	504

T

Taiwan			
ADB membership	PL 89-369	Sec 25	Vol. II
	PL 89-369	Sec 27(c)	Vol. II
democratization of	PL 99-93	Sec 806	1020
IMF membership	PL 79-171	Sec 36	Vol. II
Taiwan Relations Act	PL 96-8		Vol. II
authorization of appropriations	PL 96-8	Sec 16	Vol. II
congressional oversight	PL 96-8	Sec 14	Vol. II
rules and regulations governing	PL 96-8	Sec 13	Vol. II
Taiwan-U.S. relations	EO 12143		Vol. II
American Institute of Taiwan	PL 96-8	Sec 6	Vol. II
defense treaty	PL 95-384	Sec 26	435
immigrant visas	PL 97-113	Sec 714	385
international agreements	PL 96-8	Sec 4	Vol. II
law application	PL 96-8	Sec 4	Vol. II
OPIC loan criteria	PL 96-8	Sec 5	Vol. II
policy declaration	PL 96-8	Sec 2	Vol. II
policy implementation	PL 96-8	Sec 3	Vol. II
Taiwan instrumentality	PL 96-8	Sec 10	Vol. II
war reserve material			
transfer of	PL 96-92	Sec 23	422

Page

Tariff Commission
  trade injuries
    tariff readjustment--- PL 87-794 Sec 351 Vol. II
Tariff schedules
  changes in---------------- EO 11888 Sec 3-9 Vol. II
Tariffs
  (see also Trade)
  U.S. schedule of rates----- PL 87-794 Sec 257 Vol. II
Taxation (U.S.)
  Inter-American Foundation-- PL 91-175 Sec 401 477
  international organizations PL 79-291 Sec 3-6 Vol. II
  of hostages (U.S.)--------- PL 96-449 Sec 201 1367
Taxation
  assistance from U.S.
   Government
    injuries from trade
     concessions--------- PL 87-794 Sec 317 Vol. II
  deep seabed hard minerals-- PL 96-283 Title IV Vol. II
  discriminatory
    duty-free treatment
     denied-------------- PL 93-618 Sec 502 Vol. II
    foreign aid cut-off--- PL 87-195 Sec 620(e) 182
Technical assistance
  (see also Peace Corps)
  agricultural development--- PL 83-480 Sec 406 803
  Colombo Plan--------------- PL 86-108 Sec 502 534
  East-West Center----------- PL 86-472 Sec 702 1582
  foreign participants in
    compensation for------ PL 84-885 Sec 12 1127
  OPIC---------------------- PL 87-195 Sec 234(e) 70
  status of specialists------ PL 80-402 Sec 302-303 1486
  USIA---------------------- PL 80-402 Sec 301-303 1485
Technology
  light capital
    promotion of by
     financial
     institutions-------- PL 95-118 Sec 801 Vol. II
Technology transfers
  control of
    report---------------- 10 USC 138(h) 655
  national security impact--- PL 95-92 Sec 24 443
Telecommunications
  National Communications
   System------------------ EO 12472 Vol. II
Telecommunications conferences
  U.S. representation from
   private sector----------- PL 97-241 Sec 120 1051
Tercentenary Celebration
  College of William and Mary
    designation----------- PL 99-393 Vol. II
Territorial seas
  (see Sea law)
Terrorism
  Achille Lauro
    punishment of
     hijackers----------- PL 99-177 Vol. II
  against internationally
   protected persons-------- PL 94-467 Vol. II
  anti-terrorism assistance
    appropriations, 1986-- PL 99-349 Chapter V 520
  arms sales (U.S.)
    prohibition----------- PL 90-629 Sec 3(f) 245
  compensating victims of---- EO 12576 1477
  condemnation of------------ PL 99-83 Sec 508 313
  counterterrorism research
   and development
    appropriations, 1986-- PL 99-349 Chapter V 520
  countries aiding
    aid prohibition------- PL 87-195 Sec 620A 189
    aviation boycott------ PL 99-83 Sec 555 318
    ban on importing their
     good and services--- PL 99-83 Sec 505 312
    duty free treatment
     denied-------------- PL 93-618 Sec 502 Vol. II
  countries supporting
    prohibition on arms
     exports------------- PL 90-629 Sec 40 280
  export controls
    countries supporting-- PL 96-72 Sec 6(j) Vol. II
  Export-Import Bank--------- PL 79-173 Sec 2(b)(1) Vol. II
  foreign aid
    antiterrorism program- PL 87-195 Sec 571-574 160
    appropriations, 1987-- PL 99-591 Title II 499
  foreign airport security--- PL 99-83 Sec 551 313
  IMF----------------------- PL 95-435 Sec 6 Vol. II
  intelligence on terrorist
   activity
    reporting by defense
     personnel----------- PL 99-661 Sec 1353 679

Page

- Terrorism--Continued
  - international
    - activities defined---- 50 USC 1801(c) 1313
    - cooperation to combat- PL 99-399 Sec 701 1451
    - organizations defined- 50 USC 1801(a)(4) 1312
  - International Act to Combat, 1984------------- PL 98-533 1373
  - International Anti-Terrorism Committee- PL 99-83 Sec 506 313
  - International Antiterrorism Committee
    - proposal for---------- PL 99-399 Sec 701 1451
  - international convention to prevent
    - encouragement of------ PL 99-399 Sec 1201 1470
  - international cooperation
    - report to Congress---- PL 99-399 Sec 705 1452
  - international nuclear
    - actions to combat----- PL 99-399 Sec 601 1449
    - reports to Congress--- PL 99-399 Sec 601 1449
  - Libya---------------------- PL 99-83 Sec 504 312
    - PL 97-113 Sec 718 387
  - maritime and port security
    - international measures for----------------- PL 99-399 Sec 902 1463
  - misusing diplomatic privileges and immunities for terrorists purposes-- PL 99-399 Sec 704 1452
  - passports and visas
    - international information sharing on------------------ PL 99-399 Sec 702 1451
    - place of birth information endangering American travelers---------- PL 99-399 Sec 703 1451
  - passports and visas report to Congress on deleting place of birth requirement-------------- PL 99-399 Sec 703 1451
  - protecting U.S. military personnel---------------- PL 99-145 Sec 1452 575
  - reward for information on-- PL 84-885 Sec 36 1139
    - PL 98-533 Sec 101 1373
    - PL 99-399 Sec 501 1449
    - protection for persons providing assistance PL 84-885 Sec 39 1143
  - ships
    - protecting passengers and crews---------- PL 99-399 Sec 902 1463
  - terrorism-related assistance
    - coordinated by Secretary of State-- PL 99-83 Sec 502 311
    - report to Congress---- PL 99-83 Sec 502 311
  - treaty to control---------- PL 99-83 Sec 507 313
  - U.S. citizens involved in-- PL 97-113 Sec 719 387
  - victims of
    - compensation---------- PL 99-399 Sec 801 1452
    - time of remembrance--- PL 99-403 Vol. II
- Textile agreements, Committee for the Implementation of---- EO 11651 1172
- Thailand-U.S. relations
  - ammunition sale------------ PL 96-92 Sec 24 422
  - piracy
    - aid to combat--------- PL 98-164 Sec 110 1030
  - rice imports--------------- PL 99-198 Sec 1165 849
- Time of Remembrance for Victims of Terrorism - Proclamation-- PL 99-403 Vol. II
- Tin
  - disposal of---------------- PL 96-175 Sec 3 Vol. II
  - international council
    - U.S. contribution----- PL 95-426 Sec 704 1080
- Tin Buffer Stock
  - U.S. contribution to------- PL 96-175 Sec 5 Vol. II
- Tokyo Round
  - trade agreements
    - congressional approval of------------------ PL 96-39 Sec 2 Vol. II
- Tonkin Gulf Resolution--------- PL 88-408 Vol. II
  - repealed------------------- PL 91-672 Sec 12 472
    - PL 88-408 Note Vol. II
- Tort claims
  - (see Claims)
- Tourists (U.S.)
  - foreign currencies
    - agricultural commodity sales--------------- PL 83-480 Sec 103(m) 772
      - PL 83-480 Sec 104(j) 777

			Page
Trade			
(see also Exports)			
(see also GATT)			
(see also Imports)			
(see also Most-Favored-Nation Treatment)			
(see also Trade agreements program)			
(see also U.S. Trade Representative)			
Agricultural Trade and Export Policy, National Commission on------------	PL 97-98	Sec 1229	906
Arms			
(see Arms sales)			
banks role in--------------	PL 97-290	Sec 203	Vol. II
barter programs			
report to Congress----	PL 99-64	Sec 203	Vol. II
beneficiary developing countries			
listed----------------	EO 11888	Sec 9	Vol. II
Caribbean Basin Initiative-	PL 98-67	Sec 211-218	Vol. II
(see also CBI)---------	PL 98-67		Vol. II
implementation of------	Proc 5133		Vol. II
certificates of review-----	PL 97-290	Sec 301	Vol. II
China			
MFN treatment----------	EO 12167		Vol. II
Cuba-----------------------	PL 71-361	Sec 350(b)	Vol. II
embargo----------------	PL 87-195	Sec 620(a)	180
discrimination by foreign countries----------------	PL 71-361	Sec 338	Vol. II
discriminatory policy (U.S.)-------------------	PL 95-426	Sec 606	1076
drugs			
effect on ADB loans---	PL 89-369	Sec 19	Vol. II
effect on IADB loans--	PL 86-147	Sec 22	Vol. II
effect on IDA loans---	PL 86-565	Sec 13	Vol. II
foreign aid-----------	PL 87-195	Sec 481-482	112
East-West------------------	PL 93-618	Sec 402-411	Vol. II
Foreign Trade Board---	PL 93-618	Sec 410-411	Vol. II
monitoring system-----	PL 93-618	Sec 410-411	Vol. II
endangered species---------	PL 93-205	Sec 9(a)	Vol. II
European Communities			
unfair practices------	PL 99-198	Sec 1164	847
foreign trade zone provisions---------------	PL 98-573	Sec 231	Vol. II
GATT			
violations by the European Communities	PL 99-198	Sec 1164	847
Generalized System of Preferences			
implemented-----------	EO 11888		Vol. II
International Trade Commission			
adjustment assistance-	PL 93-618	Sec 224	Vol. II
authorization of appropriations------	PL 71-361	Sec 330(e)	Vol. II
authorization, 1983---	PL 71-361	Sec 330(e)	Vol. II
Caribbean Basin Initiative----------	PL 98-67	Sec 215	Vol. II
import relief---------	PL 93-618	Sec 203	Vol. II
organization----------	PL 71-361	Sec 330	Vol. II
representation in court---------------	PL 71-361	Sec 333	Vol. II
trade injuries--------	PL 93-618	Sec 201	Vol. II
voting----------------	PL 71-361	Sec 330(d)	Vol. II
principles-----------------	PL 93-618	Sec 121	Vol. II
promotion of---------------	PL 97-290		Vol. II
IMF-------------------	PL 79-171	Sec 49	Vol. II
statistics on--------------	PL 87-826	Sec 301	Vol. II
technical barriers to------	PL 96-39	Sec 401	Vol. II
Trade Remedy Assistance Office-------------------	PL 71-361	Sec 339	Vol. II
U.S. Government			
reorganization of-----	PL 96-39	Sec 1109	Vol. II
U.S. policy----------------	PL 93-618	Sec 103	Vol. II
U.S. Policy----------------	PL 93-618	Sec 2	Vol. II
U.S. policy			
sense of Congress-----	PL 99-198	Sec 1121	837
U.S. service industries development program------	PL 98-573	Sec 306	Vol. II
with the enemy-------------	PL 65-91	Sec 5	Vol. II
Trade Act of 1974--------------	PL 93-618		Vol. II
(see also Trade)			
purposes-------------------	PL 93-618	Sec 2	Vol. II
Trade agreements			
Advisory Committee for Trade Negotiations-------	PL 93-618	Sec 135	Vol. II
approval of----------------	PL 96-39	Sec 2	Vol. II

Page

- Trade agreements--Continued
    - authority to modify import duties------------------ PL 87-794 Sec 201 Vol. II
    - barriers to market access
        - report by U.S. Trade Representative------ PL 93-618 Sec 181 Vol. II
    - budget authority----------- PL 96-39 Sec 1113 Vol. II
    - Canada--------------------- PL 93-618 Sec 126 Vol. II
    - civil aircraft------------- PL 96-39 Sec 303 Vol. II
    - concessions to offset duties------------------ PL 93-618 Sec 123 Vol. II
    - discriminatory foreign treatment
        - enforcement of U.S. rights------------- PL 93-618 Sec 301-306 Vol. II
    - duties increased----------- PL 93-618 Sec 125 Vol. II
    - East-West Foreign Trade Board------------------- EO 11846 Sec 7 Vol. II
    - EEC------------------------ PL 93-618 Sec 126 Vol. II
    - effective date of---------- PL 93-618 Sec 102 Vol. II
    - freedom to emigrate-------- PL 93-618 Sec 402 Vol. II
      PL 93-618 Sec 409 Vol. II
        - waiver for Hungary---- EO 12051 Vol. II
        - waiver for Romania---- EO 11854 Vol. II
    - government procurement----- PL 96-39 Sec 301-309 Vol. II
    - high technology industries- PL 98-573 Sec 308 Vol. II
    - high technology products
        - modification or continuance of treatment----------- PL 93-618 Sec 128 Vol. II
    - implementing legislation--- PL 93-618 Sec 121 Vol. II
        - Congressional procedures---------- PL 93-618 Sec 151-154 Vol. II
    - import duties-------------- PL 71-361 Sec 350 Vol. II
    - import relief-------------- EO 11846 Sec 5 Vol. II
    - industrial countries------- PL 93-618 Sec 126 Vol. II
    - interagency trade organization------------- PL 87-794 Sec 242 Vol. II
    - International Trade Commission--------------- EO 11846 Sec 4-6 Vol. II
    - Israel--------------------- PL 98-573 Sec 401 Vol. II
        - elimination or reduction of duties- PL 93-618 Sec 102 Vol. II
    - Japan---------------------- PL 93-618 Sec 126 Vol. II
    - limitations on reductions of duties---------------- PL 93-618 Sec 124 Vol. II
    - listed--------------------- PL 96-39 Sec 2(c) Vol. II
    - market disruption---------- EO 11846 Sec 5 Vol. II
    - Most-Favored-Nation Principle---------------- PL 87-794 Sec 251 Vol. II
    - Most-Favored-Nation Treatment---------------- EO 11846 Sec 8 Vol. II
        - extended------------- PL 93-618 Sec 404-405 Vol. II
    - national security considerations----------- PL 93-618 Sec 127 Vol. II
    - negotiations--------------- EO 11846 Sec 4 Vol. II
        - delegates------------ PL 93-618 Sec 161 Vol. II
        - disclosure of information--------- PL 93-618 Sec 135 Vol. II
    - Presidential authority----- PL 71-361 Sec 350 Vol. II
    - rates---------------------- PL 87-794 Sec 201 Vol. II
    - reciprocal treatment
        - major industrial countries---------- PL 93-618 Sec 126 Vol. II
    - reform of------------------ PL 98-573 Title VI Vol. II
    - reports to Congress-------- EO 11846 Sec 2(c) Vol. II
    - role of surcharges--------- PL 93-618 Sec 122 Vol. II
    - submitted to Congress------ PL 93-618 Sec 102 Vol. II
    - technical barriers--------- PL 96-39 Sec 401 Vol. II
    - termination of------------- PL 87-794 Sec 255 Vol. II
    - textile-------------------- EO 11651 1172
    - Trade Policy Committee----- EO 11846 Sec 3 Vol. II
    - trade secrets-------------- PL 93-618 Sec 135 Vol. II
    - transmittal to Congress---- PL 93-618 Sec 162 Vol. II
    - U.S. law
        - relationship to------- PL 96-39 Sec 3 Vol. II
    - U.S. Trade Representative-- EO 11846 Sec 2 Vol. II
    - withdrawal from------------ PL 93-618 Sec 125 Vol. II
- Trade Agreements Act of 1979--- PL 96-39 Vol. II
- Trade agreements program
    - administration of---------- EO 11846 Vol. II
    - defined-------------------- EO 11846 Sec 1 Vol. II
- Trade and Development Enhancement Act of 1983------ PL 98-181 Sec 641-647 Vol. II
- Trade and development program-- PL 87-195 Sec 661 227
    - appropriations, 1987------- PL 99-591 Title IV 502
- Trade and Tarriff Act of 1984-- PL 98-573 Vol. II
- Trade Commission
    - (see Trade)

			Page
Trade Credit Insurance Program commitments to, 1987	PL 99-591	Title IV	502
Trade Expansion Act of 1962	PL 87-794		Vol. II
general provisions			
purpose of	PL 87-794	Sec 102	Vol. II
Trade injuries			
adjustment assistance			
international			
agreements	PL 87-794	Sec 352	Vol. II
penalties	PL 87-794	Sec 319	Vol. II
petitions for	PL 93-618	Sec 246	Vol. II
records	PL 87-794	Sec 318	Vol. II
tariff adjustment	PL 87-794	Sec 351	Vol. II
tax benefits	PL 87-794	Sec 317	Vol. II
Adjustment Assistance Coordinating Committee	PL 93-618	Sec 281	Vol. II
adjustment assistance for firms			
petitions	PL 93-618	Sec 251	Vol. II
adjustment assistance for workers			
eligibility	PL 93-618	Sec 222-223	Vol. II
information on	PL 93-618	Sec 225	Vol. II
petitions	PL 93-618	Sec 221	Vol. II
report to President	PL 93-618	Sec 224	Vol. II
firms relocating abroad	PL 93-618	Sec 283	Vol. II
import relief			
decision to grant	PL 93-618	Sec 202	Vol. II
eligibility	PL 93-618	Sec 201	Vol. II
International Trade Commission	PL 93-618	Sec 203	Vol. II
Presidential action	PL 93-618	Sec 203	Vol. II
industrial targeting			
report to congress	PL 98-573	Sec 625	Vol. II
International Trade Commission	PL 93-618	Sec 201	Vol. II
monitoring imports	PL 93-618	Sec 282	Vol. II
U.S. Trade Representative	PL 93-618	Sec 406	Vol. II
unfair import practices	PL 71-361	Sec 337	Vol. II
Trade negotiations			
adjustments to changes	PL 93-618	Sec 107	Vol. II
Advisory Committee for Trade Negotiations	PL 93-618	Sec 134	Vol. II
authority to change rates	PL 93-618	Sec 101	Vol. II
bilateral trade agreements	PL 93-618	Sec 105	Vol. II
competition opportunities	PL 93-618	Sec 104	Vol. II
economic sectors considered	PL 93-618	Sec 104	Vol. II
foreign direct investment	PL 93-618	Sec 104A	Vol. II
foreign sources of U.S. supplies	PL 93-618	Sec 108	Vol. II
high technology products	PL 93-618	Sec 104A	Vol. II
rates			
rounding authority	PL 93-618	Sec 109	Vol. II
staging requirements	PL 93-618	Sec 109	Vol. II
trade in services	PL 93-618	Sec 104A	Vol. II
U.S. Trade Representative	EO 12188		Vol. II
with less developed countries	PL 93-618	Sec 106	Vol. II
Trade secrets			
trade agreements	PL 93-618	Sec 135	Vol. II
Trademarks			
trade agreements	PL 93-618	Sec 405	Vol. II
Trading with the Enemy Act of 1917	PL 65-91	Sec 5	Vol. II
Training			
(see Educational and cultural exchange)			
(see Foreign Service Institute)			
(see Language training)			
Travel			
air carriers			
foreign	PL 95-426	Sec 706	1080
U.S. air marshall program	PL 99-83	Sec 553	317
foreign airport security travel advisory	PL 99-83	Sec 552	317
foreign citizens in U.S.	PL 95-426	Sec 126	1068
Travel abroad			
(see also Passports)			
availability of local currencies	PL 83-665	Sec 502	536
Congressional members and staffs	PL 83-665	Sec 502	536
Travel control			
(see Immigration)			
(see Passports)			
(see Visas)			
Travel Document and Issuance System	PL 94-141	Sec 102	1101

		Page
Travel documents		
(see Passports)		
(see Visas)		
Treasury, Department of		
intelligence responsibilities---------	EO 12333 Sec 1.10	1334
reimbursed by Federal agencies using foreign currencies---------------	PL 87-125 Sec 508	540
	31 USC 5303	541
Treasury, Secretary of		
barring import of fish products-----------------	PL 83-680 Sec 8	Vol. II
Export-Import Bank losses covered-----------------	PL 90-390 Sec 2-3	Vol. II
foreign portfolio investment in U.S.-------	PL 93-479	Vol. II
regulating foreign currencies---------------	31 USC 1306 Note	540
reports to Congress--------	PL 93-479 Sec 10	Vol. II
trade agreements-----------	PL 87-794 Sec 232	Vol. II
trade statistics-----------	PL 87-826 Sec 303	Vol. II
unfair import practices----	PL 71-361 Sec 337	Vol. II
Treaty power		
(see also Executive-legislative relations)		
arms control---------------	PL 87-297 Sec 33	972
legislation implementing---	PL 93-148 Sec 8	Vol. II
Trust Territories of the Pacific Islands		
Foreign Service Institute study at--------------	PL 96-465 Sec 701(c)	1209
Trust Territory of the Pacific Islands		
(see also U.N.)		
Tuna		
(see Fisheries, tuna)		
Tuna Convention Act of 1950----	PL 81-764	Vol. II
authorization of appropriations-----------	PL 81-764 Sec 12	Vol. II
Tunisia		
ESF------------------------	PL 99-83 Sec 805	350
Turkey		
economic conditions		
impact on foreign debt	PL 99-83 Sec 1205	350
Turkey-NATO relations		
U.S. aid suspension--------	PL 87-195 Sec 620(x)	187
Turkey-U.S. relations----------	PL 87-195 Sec 620C	190
	PL 95-384 Sec 13	432
air defense of U.S. military bases-----------	PL 98-525 Sec 105	712
arms sales-----------------	PL 99-83 Sec 101	300
arms sales credits		
repayment-------------	PL 96-92 Sec 17(b)	421
Cyprus conflict------------	PL 94-104 Sec 2	552
Economic Support Fund		
FY 1979 supplemental--	PL 96-92 Sec 27	423
foreign aid		
disaster relief-------	PL 87-195 Sec 495E	129
military aid		
suspension of---------	PL 87-195 Sec 620(x)	187
	PL 94-104 Sec 2	552
opium poppy discussion-----	PL 94-104 Sec 2	552

U

U.N.		
voluntary contributions by U.S.---------------------	PL 87-195 Sec 302(a)	103
arms sales-----------------	PL 90-629 Sec 4	245
arms trade, debate on------	PL 91-672 Sec 6	470
collective security		
(see U.N., mutual defense)		
Conference on Science and Technology for Development--------------	PL 95-105 Sec 507	1089
dues for membership		
foreign aid cut-off for defaults--------	PL 87-195 Sec 620(a)	187
employees		
responsibilitie of the U.S. for------------	PL 84-885 Sec 209A	1156
returning salaries to respective governments---------	PL 99-93 Sec 151	1015
Environment Fund		
U.S. contributions to-	PL 93-188	Vol. II

Page
U.N.--Continued
    FAO
        (see FAO)
    food programs-------------- PL 83-480 Sec 205 793
    food supplies
        conference on--------- PL 93-189 Sec 39 464
    headquarters
        negotiations for
            locating----------- PL 80-357 Vol. II
    Israeli expulsion from
        U.S. reaction--------- PL 98-164 Sec 115 1032
    legal capacity------------- PL 80-357 Vol. II
    limitation on assessed
      contributions------------ PL 99-93 Sec 143(c) 1012
    Lodge Commission----------- PL 92-226 Sec 410 467
    MIAs in Indochina---------- PL 94-141 Sec 503 1103
    Middle East conflict------- PL 93-199 Sec 6 551
                                PL 85-7 Sec 6 Vol. II
        U.S. contribution----- PL 94-37 Vol. II
    mutual defense
        special agreements---- PL 79-264 Sec 6 Vol. II
        U.S. role in---------- PL 93-148 Sec 8 Vol. II
    nonaligned countries
        communique by--------- PL 97-113 Sec 720 387
    peacekeeping
        Middle East----------- PL 94-37 Vol. II
    peacekeeping forces
        U.S. contribution,
            1987---------------- PL 99-591 Sec 101(b) 1115
    PLO use of U.S.
      contribution------------- PL 97-241 Sec 104 1047
    privileges and immunities-- PL 80-357 Vol. II
    reform
        U.S. initiatives------ PL 95-105 Sec 503 1088
    refugees
        (see United Nations
          High Commissioner
          for Refugees)
    science and technology
      conference--------------- PL 95-426 Sec 103 1063
    Security Council
        military agreements--- PL 79-264 Sec 6 Vol. II
    Soviet mission
        number of members----- PL 99-569 Sec 702 Vol. II
    Soviet Union arreages------ PL 97-113 Sec 717 386
    Tonkin Gulf Resolution----- PL 88-408 Vol. II
    trust territories
        Micronesia------------ PL 92-39 Vol. II
        Pacific islands------- PL 83-451 Vol. II
    U.N. Emergency Force
        Middle East----------- PL 85-7 Sec 4 Vol. II
    U.S. contribution to
        limitations on-------- PL 98-164 Sec 113 1031
        PLO use of------------ PL 98-164 Sec 114 1031
        SWAPO us of----------- PL 98-164 Sec 114 1031
    U.S. contributions
        limitations on-------- PL 92-544 Vol. II
    U.S. participation in------ PL 80-402 Sec 3 1484
        (see also United
          Nations
          Participation Act of
          1945)
        review of------------- PL 98-164 Sec 116 1033
    voting rights reform------- PL 99-93 Sec 143(b) 1011
    Zionism
        U.S. response to------ H. Res. 94-855 Vol. II
    Zionism resolution
U.N. Charter
    (see subheadings under
      U.N.)
U.N. Commission on Narcotic
  Drugs
    completion of work--------- PL 99-570 Sec 2023 617
U.N. Emergency Force
    U.S. contributions to------ PL 93-199 Sec 6 551
U.N. Relief and Works Agency
    Middle East---------------- PL 87-195 Sec 301 101
U.S. Advisory Commission on
  Educational Exchange--------- PL 80-402 Sec 601-603 1489
                                PL 87-256 Sec 106 1551
    (see also USIA, advisory
      commissions)
U.S. Advisory Commission on
  Information------------------ PL 80-402 Sec 601-603 1489
    (see also USIA, advisory
      commissions)
U.S. Advisory Commission on
  International Educational and
  Cultural Affairs------------- PL 87-256 Sec 106 1551

			Page
U.S. Advisory Commission on International --Continued and C	EO 11034	Sec 7	1559
U.S. Coordinator for Refugee Affairs	PL 96-212	Sec 301	1418
U.S. Disarmament Administration			
transferred to ACDA	PL 87-297	Sec 47	981
(see also ACDA)			
U.S. Emergency Refugee and Migration Assistance Fund			
establishment of	PL 87-510	Sec 2(c)	1410
U.S. International Narcotics Control Commission	PL 99-93	Sec 814	1025
U.S. Missions abroad			
employment opportunities for spouses	PL 99-93	Sec 120	1006
U.S. missions abroad			
promoting freedom of the press	PL 99-93	Sec 138	1010
promotion of U.S. business interests	PL 99-93	Sec 137	1010
U.S. Missions Abroad			
Security			
Advisory Panel on	PL 98-533	Sec 301	1376
U.S. missions abroad			
security			
improving	PL 99-399	Sec 408	1446
serious injury, death, or destruction of property			
accountability review	PL 99-399	Sec 301	1438
Accountability Review Boar	PL 99-399	Sec 302	1439
U.S. Special Resources			
ADB	PL 89-369	Sec 12-17	Vol. II
where spent	PL 89-369	Sec 13	Vol. II
U.S. Trade Representative	EO 12188		Vol. II
foreign direct investment			
negotiating authority	PL 98-573	Sec 307	Vol. II
negotiations	PL 93-618	Sec 104	Vol. II
powers of	PL 93-618	Sec 141(c)(2)	Vol. II
President	PL 93-618	Sec 141	Vol. II
report to Congress	PL 93-618	Sec 181	Vol. II
trade agreements	PL 93-618	Sec 161	Vol. II
	PL 93-618	Sec 141	Vol. II
trade in services			
U.S. policy	PL 98-573	Sec 306	Vol. II
trade injuries	PL 93-618	Sec 201	Vol. II
U.S.-India Fund for Cultural, Educational, and Scientific Cooperation			
delegation of functions	EO 12517		1581
U.S.-Palau relations			
Compact of Free Association			
approval of	PL 99-658		Vol. II
Uganda			
elections in	PL 96-533	Sec 719	409
Uganda-U.S. relations			
human rights	PL 95-426	Sec 610	1077
trade prohibition	PL 95-435	Sec 5	Vol. II
Ukraine famine, Commission on			
appropriations	PL 99-180		Vol. II
UNDP			
U.S. contributions	PL 87-195	Sec 301	101
UNESCO			
control over disemination of news	PL 97-241	Sec 108	1048
restriction on U.S. contribution to	PL 97-241	Sec 109	1049
U.S. contributions	PL 94-350	Sec 103	1095
Union of Soviet Socialist Republics			
(see Soviet Union)			
United Arab Republic			
(see Egypt-U.S. relations)			
United Nations			
(see U.N.)			
United Nations Development Program			
(see UNDP)			
United Nations Educational, Scientific and Cultural Organization			
(see UNESCO)			
United Nations Environment Program			
U.S. contributions to	PL 99-83	Sec 402	311
United Nations Fund for Drug Abuse Control			
crop substitution projects	PL 87-195	Sec 482(a)(3)	124
United Nations High			

			Page
Commissioner for Refugees			
U.S. contributions---------	PL 87-510	Sec 2	1409
audits of-------------	PL 87-510	Sec 8	1412
United Nations Monetary and Financial Conference (see Bretton Woods)			
United Nations Participation Act of 1945------------------	PL 84-885	Sec 6	1126
assistance to U.N.			
funds-----------------	PL 79-264	Sec 7	Vol. II
noncombatant personnel	PL 79-264	Sec 7	Vol. II
supplies--------------	PL 79-264	Sec 7	Vol. II
authorization of appropriations-----------	PL 79-264	Sec 8	Vol. II
Congressional representatives----------	PL 79-264	Sec 2	Vol. II
economic sanctions---------	PL 79-264	Sec 5	Vol. II
Rhodesia--------------	PL 79-264	Sec 5(c)	Vol. II
housing allowances---------	PL 79-264	Sec 9	Vol. II
Lodge Commission-----------	PL 79-264	Sec 8 fn	Vol. II
military special agreements	PL 79-264	Sec 6	Vol. II
reports to Congress--------	PL 79-264	Sec 4	Vol. II
U.S. representation--------	PL 79-264	Sec 2	Vol. II
instructions----------	PL 79-264	Sec 3	Vol. II
United States Emergency Refugee and Migration Assistance Fund appropriations, 1987-------	PL 99-591	Title II	499
United States Information Agency (see USIA)			
United States Information and Educational Exchange Act of 1948------------------------	PL 80-402		1483
United States Institute of Peace (see Peace, United States Institute of)			
United States Intelligence Activities------------------	EO 12333		1328
United States Proposal for the Early-Warning System in Sinai	PL 94-110		Vol. II
United States-Canada Days of Peace and Friendship - Proclamation-----------------	PL 99-438		Vol. II
United States-European Interparliamentary Group			
authorization for, 1984-85-	PL 98-164	Sec 109(c)	1030
United States-Hungarian Claims Agreement of 1973 (see Hungary-U.S. relations)			
United States-India Fund for Cultural, Educational, and Scientific Cooperation Act---	PL 98-164	Sec 901	1579
United States-Israel Free Trade Area Implementation Act of 1985------------------------	PL 99-47		Vol. II
United States-Japan Advisory Commission------------------	EO 12421		Vol. II
Universal Military Training and Service Act			
applicability to Peace Corps--------------------	PL 87-293	Sec 23	943
Uranium			
export of------------------	PL 96-533	Sec 110	398
Uranium exports			
by U.S.-------------------	PL 96-280		Vol. II
Urgent Supplemental Appropriations Act, 1986-----	PL 99-349		520
Urgent Supplemental Appropriations, 1985 - Africa Famine Relief----------------	PL 99-10		523
Uruguay-U.S. relations			
foreign aid---------------	PL 99-83	Sec 720	335
USIA-------------------------	EO 12048		1536
(see also Foreign Service Information Officers)			
administration------------	PL 80-402	Sec 801-805	1494
	PL 80-402	Sec 1002	1499
advisory commissions			
authority------------	PL 80-402	Sec 601	1489
compensation---------	PL 80-402	Sec 602	1490
membership-----------	PL 80-402	Sec 602	1490
reports--------------	PL 80-402	Sec 603	1490
appropriations, 1987-------	PL 99-591	Sec 101(b)	1532
associate directors of-----	PL 80-402	Sec 808	1498
auditors			
increase of-----------	PL 98-164	Sec 204	1510
authorization, FY 1977-----	PL 94-350	Sec 201	1098
authorization, FY 1978-----	PL 95-105	Sec 201	1523

			Page
USIA--Continued			
authorization, FY 1982-83--	PL 97-241	Sec 302	1514
authorization, FY 1984-85--	PL 98-164	Sec 202	1509
authorization, 1986-87-----	PL 99-93	Sec 201	1504
Board of Examiners of the Foreign Service----------	EO 11434	Sec 2	1541
Board of the Foreign Service------------------	EO 11434	Sec 2	1541
books exchanged------------	PL 80-402	Sec 202	1484
Bureau for Educational and Cultural Affairs			
established-----------	PL 87-256	Sec 112	1555
Congressional oversight----	PL 92-226	Sec 407	467
Cuba broadcasts------------	PL 98-111	Sec 3	1636
demonstration centers abroad-------------------	PL 80-402	Sec 203	1485
Director of			
authority available---	EO 10477		1538
delegation of authority-----------	EO 12048		1536
duties----------------	EO 12048		1536
educational and cultural exchange---	EO 11034	Sec 1-2	1557
domestic activities			
prohibition on--------	PL 99-93	Sec 208	1505
drug education programs			
authorization of appropriations------	PL 99-570	Sec 2027	618
drug education programs abroad			
appropriations--------	PL 99-591	Sec 101(n)	1534
educational materials exchanged----------------	PL 80-402	Sec 202	1484
engineering services			
prohibition against---	PL 80-402	Sec 403	1487
exchange-of-persons--------	PL 95-426	Sec 203	1521
exchange-of-persons program	PL 97-241	Sec 305	1515
extraterritorial dissemination------------	PL 80-402	Sec 501	1488
facilities abroad----------	PL 69-186	Sec 4	1389
films----------------------	PL 94-350	Sec 205	1099
films distributed within U.S.---------------------	PL 99-93	Sec 212	1507
	PL 98-164	Sec 216	1513
	PL 97-241	Sec 306	1517
	PL 93-168	Sec 4	1526
	PL 97-146		1527
	PL 97-159		1528
	PL 97-388		1529
	PL 99-369		1530
foreign aid program			
administration of-----	EO 12163	Sec 1-504	625
Foreign Service------------	EO 10477	Sec 2	1538
funds			
sources of------------	PL 80-402	Sec 901-902	1499
transferred to other U.S. agencies-------	PL 80-402	Sec 702	1492
German-U.S. teenage exchange program---------	PL 98-164	Sec 211	1513
Government property			
use of----------------	PL 80-402	Sec 803	1496
importing educational and cultural materials-------	EO 11311		1590
information disseminated---	PL 80-402	Sec 501	1488
information withheld-------	PL 80-402	Sec 1003	1500
informational media guaranties----------------	PL 80-402	Sec 1011	1501
International Youth Year---	PL 98-164	Sec 208	1512
lobbying			
grantees prohibited from----------------	PL 98-164	Sec 209	1512
mission--------------------	PL 95-426	Sec 202	1520
monopolizing a medium			
prohibition against---	PL 80-402	Sec 502	1488
National Gallery of Art----	PL 95-426	Sec 204	1521
objectives-----------------	PL 80-402	Sec 2	1483
personnel costs and currency fluctuations			
additional appropriations------	PL 80-402	Sec 704	1492
prior authorization required-----------------	PL 80-402	Sec 701	1491
private enterprise---------	PL 80-402	Sec 403	1487
	PL 80-402	Sec 502	1488
	PL 80-402	Sec 1005	1500
private sector program-----	PL 98-164	Sec 207	1511
private sector programs----	PL 99-93	Sec 209	1506
radio facilities			
leasing authority-----	PL 80-402	Sec 801(3)	1494

			Page
USIA--Continued			
release of certain objects to U.S. museums----------	PL 99-475		1531
renamed--------------------	PL 97-241	Sec 303	1515
Reorganization Plan No. 2 of 1977			
effective date--------	EO 12048	Sec 1	1536
reprogramming of funds-----	PL 80-402	Sec 705	1493
seal----------------------	PL 80-402	Sec 807	1498
State Department relations with---------------------	PL 80-402	Sec 1009	1501
status of specialists------	PL 80-402	Sec 302-303	1486
supplemental appropriations, 1986-----	PL 99-349	Chapter II	1535
technical assistance-------	PL 80-402	Sec 301-303	1485
travel expenses------------	PL 80-402	Sec 805	1498
U.S. agencies participating	PL 80-402	Sec 401-403	1487
U.S. participation in U.N.-	PL 80-402	Sec 3	1484
USIA Authorization Act, Fiscal Year 1978--------------------	PL 95-105	Sec 201	1523
USIA Authorization Act, Fiscal Years 1982 and 1983----------	PL 97-241	Sec 301	1514
USIA Authorization Act, Fiscal Years 1984 and 1985----------	PL 98-164	Sec 201	1509
USIA Authorization Act, Fiscal Years 1986 and 1987----------	PL 99-93		1504
USSR			
(see Soviet Union)			
V			
Vatican-U.S. relations			
diplomatic relations between------------------	PL 98-164	Sec 134	1036
Vehicles			
use at overseas posts------	PL 84-885	Sec 28	1135
Venue			
(see Courts venue)			
Vessels			
developing countries use of	PL 97-360		555
disposal of----------------	PL 84-1028	Sec 7307	760
transfer of----------------	PL 97-342		762
Veterans' Preference Act of 1944-------------------------	PL 80-402	Sec 1007	1501
Victims of Terrorism Compensation Act-------------	PL 99-399	Sec 801	1452
Vienna Convention on Diplomatic Relations			
complementing legislation--	PL 95-393		Vol. II
Vietnam			
(see Indochina War)			
(see North Vietnam-U.S. relations)			
(see South Vietnam-U.S. relations)			
(see Vietnam-U.S. relations)			
Vietnam War			
(see Indochina War)			
Vietnam-U.S. relations			
aid prohibition------------	PL 95-424	Sec 602	431
	PL 95-426	Sec 705	1080
claims---------------------	PL 81-455	Title VII	Vol. II
foreign aid prohibited------------	PL 96-533	Sec 717	408
reparations prohibition----	PL 95-105	Sec 505	1089
Vine and Wine, International Office of			
U.S. participation in------	PL 98-545		Vol. II
Visas			
denied to drug traffickers-	PL 99-570	Sec 2011	612
national emergency---------	66 Stat. 193		1383
offices--------------------	PL 82-414	Sec 104(c)	1160
Visitors, International Program	PL 87-256	Sec 112(a)(3)	1556
authorization, 1984-85-----	PL 98-164	Sec 206	1511
Visual and auditory materials			
(see Educational and cultural exchange, importing materials)			
Voice of America			
broadcast principles-------	PL 80-402	Sec 503	1489
Cuba broadcasts------------	PL 98-111	Sec 4	1634
facilities			
improvement of--------	PL 98-164	Sec 203	1510
modernization of facilities	PL 99-93	Sec 202	1505
Voluntary agencies			
Advisory Committee on Voluntary Foreign Aid----	PL 87-195	Sec 607	170
foreign aid----------------	PL 87-195	Sec 607	170

			Page
Voluntary agencies--Continued	PL 87-195	Sec 635	209
transfer of surplus property to---------	PL 87-195	Sec 607	170
Volunteer programs (see Peace Corps)			
W			
Wallenberg, Raoul--------------	PL 98-164	Sec 1006	1038
War powers (see also Commander-in-Chief powers)			
consultations--------------	PL 93-148	Sec 3	Vol. II
defined--------------------	PL 93-148	Sec 2	Vol. II
interpretation of----------	PL 93-148	Sec 8	Vol. II
legislation			
priority procedures for-----------------	PL 93-148	Sec 6-7	Vol. II
multinational force in Lebanon			
U.S. participation----	PL 98-119		Vol. II
protection of U.S. citizens abroad-------------------	15 Stat. 224		1378
removal of U.S. forces			
expedited procedures in Congress---------	PL 98-164	Sec 1013	1043
reports on CIA-------------	PL 87-195	Sec 662	227
reports to Congress--------	PL 93-148	Sec 4-5	Vol. II
terminating hostilities----	PL 93-148	Sec 5	Vol. II
U.N. Security Council			
special agreements----	PL 79-264	Sec 6	Vol. II
War Powers Resolution----------	PL 93-148		Vol. II
Western Sahara-U.S. relations			
foreign aid			
conditions for--------	PL 99-83	Sec 808	351
Whales (see Endangered species)			
Whaling Convention Act of 1949-	PL 81-676		Vol. II
Whaling Treaty Act			
repealed-------------------	PL 81-676	Sec 16	Vol. II
Wheat reserve			
established----------------	PL 96-494	Sec 302	889
Wheat surplus			
overseas donations---------	PL 81-439		819
WHO			
U.S. contribution to-------	PL 95-105	Sec 103	1083
Wildlife Sanctuary for Humpback Whales-----------------------	PL 99-630		Vol. II
Wine Equity and Export Expansion Act of 1984--------	PL 98-573	Sec 901	Vol. II
Women			
development process--------	PL 87-195	Sec 113	40
integration of-------------	PL 87-195	Sec 305	106
Peace Corps----------------	PL 87-293	Sec 3(d)	921
U.N. Decade for------------	PL 87-195	Sec 113(c)	40
1985 conference on----	PL 98-164	Sec 118	1033
Woodrow Wilson International Center for Scholars----------	PL 95-426	Sec 206	1521
World Administrative Radio Conference			
U.S. delegation------------	PL 96-60	Sec 406	1060
World Alternate Energy Conference-------------------	PL 95-426	Sec 609	1077
World Bank (see also IDA)			
acceptance of membership---	PL 79-171	Sec 2	Vol. II
capital stock			
U.S. quota------------	PL 79-171	Sec 19, 23	Vol. II
general capital increase			
U.S. subscription to--	PL 79-171	Sec 39	Vol. II
IFC------------------------	PL 84-350	Sec 10	Vol. II
U.S. contribution			
appropriations, 1987--	PL 99-591	Title I	489
World Bank Articles of Agreement			
interpretation-------------	PL 79-171	Sec 12	Vol. II
World Commission on Environment and Development			
contribution to------------	PL 99-93	Sec 107	1004
World Food Conference			
Presidental implementation of policies--------------	PL 93-559	Sec 55	459
World Food Day - Proclamation--	PL 99-288		855
	PL 99-288		855
World Health Organization (see WHO)			
World Health Week - Proclamation-----------------	PL 99-268		Vol. II

		Page
World Heritage Trust Fund		
U.S. contribution to-------	PL 98-164 Sec 108	1030
World Intellectual Property Organization-----------------	PL 98-164 Sec 112	1030
Worldwide book program initiative--------------------	PL 99-93 Sec 205	1505

Y

Youth programs		
USIA-------------------------	PL 98-164 Sec 208	1512
Yugoslav Claims Agreement of 1948-------------------------	PL 81-455 Sec 2	Vol. II
	PL 81-455 Sec 4	Vol. II
Yugoslavia-U.S. relations		
OPIC-------------------------	PL 87-195 Sec 239	89
science and technology-----	PL 97-241 Sec 110	1050
science and technology agreement----------------	PL 96-60 Sec 104	1057
	PL 99-591 Sec 101(b)	1117
scientific and technological cooperation	PL 99-591 Sec 101(b)	1117

Z

Zablocki Outpatient Facility		
authorization of funding---	PL 98-266	605
Zaire		
ESF-------------------------	PL 99-83 Sec 804	349
Zaire-U.S. relations		
Shaba airlift--------------	PL 96-92 Sec 26	422
Zimbabwe-U.S. relations		
strategic materials		
importation of--------	PL 96-107 Sec 818	Vol. II
U.S. sanctions		
termination of--------	EO 12183	Vol. II
Zionism		
U.N. resolution		
U.S. response to------	H. Res. 94-855	Vol. II
	PL 99-90	Vol. II

EDGE INDEX

To use the index on the left, bend the publication over and locate the desired section by following the black markers.

FOREIGN ASSISTANCE (p. 1)

AGRICULTURAL COMMODITIES (p. 763)

THE PEACE CORPS (p. 917)

ARMS CONTROL AND DISARMAMENT (p. 961)

DEPARTMENT OF STATE (p. 993)

INFORMATION AND EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS (p. 1479)

INDEX (p. 1649)